

MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD

DEFREMERY PARK RECREATION CENTER
1651 ADELIN STREET
OAKLAND, CALIFORNIA

THURSDAY, DECEMBER 5, 2019
10:00 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
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Toxics Division(TTD)

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TTD

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Strategies Section, TTD

Ms. Nicole Light Densberger, Staff Air Pollution
Specialist, Marine Strategies Section, TTD

A P P E A R A N C E S C O N T I N U E D

STAFF:

Ms. Karen Magliano, Division Chief, Office of Community Air Protection(OCAP)

Ms. Abigail May, Attorney, Legal Office

Mr. David Phong, Air Resources Engineer, Community Assessment Section, OCAP

Mr. Nicholas Rabinowitsh, Senior Attorney, Legal Office

Mr. Craig Segall, Assistant Chief Counsel

Ms. Anna Scodel, Air Pollution Specialist, Community Planning Section, OCAP

Ms. Bonnie Soriano, Branch Chief, Freight Activity Branch, TTD

ALSO PRESENT:

Mr. Bill Aboudi, AB Trucking

Mr. Paco Arago, International Brotherhood of Electrical Workers, Local 11

Mr. Will Barrett, American Lung Association

Mr. Roman Berenshteyn, Bay Panning Coalition

Mr. Brian Beveridge, West Oakland Environmental Indicators Project

Mr. Bob Brown, Western States Petroleum Association

Mr. Chris Cannon, Port of Los Angeles

Ms. Morgan Caswell, Port of Long Beach

Ms. Brea Childs, Earthjustice

Mr. Paul Cort, Earthjustice

Ms. Pat Dodson, All Positives Possible

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Tom Dow, Carnival Corporation

Ms. Katherine Garcia, Sierra Club

Mr. David Gassman, No Coal in Oakland

Mr. Theral Golden, West Long Beach Association

Ms. Margaret Gordon, West Oakland Environmental Indicators Project

Mr. Richard Gray, 350 Bay Area

Mr. Earl Hampton, International Brotherhood of Electrical Workers

Ms. Ann Harvey

Mr. Henry Hilken, Bay Area Air Quality Management District

Mr. Mike Jacob, Pacific Merchant Shipping Association

Ms. Kathy Kerridge, Benicians for a Safer Healthy Community

Mr. Jeff Kilbreth

Ms. Lee Kindberg, MAERSK

Ms. Jennifer Kropke, International Brotherhood of Electrical Workers, National Electrical Contractors Association

Mr. Alex Lantsberg, San Francisco Electrical Construction Industry

Ms. Karin MacDonald

Ms. Lily MacIver, University of California, Berkeley

Mr. Bill Magavern, Coalition for Clean Air

Mr. Phil Martien, Bay Area Air Quality Management District

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Jesse Marquez, Coalition for a Safe Environment

Mr. Brian McDonald, Marathon

Ms. Martha Miller

Mr. Gregory Nudd, Bay Area Air Quality Management District

Mr. Naveed Payday, California Public Utilities Commission

Mr. Joseph Puleo

Ms. Sarah Rees, South Coast Air Quality Management District

Ms. Mercedes Rodriguez, Bayport Village Neighborhood Watch

Ms. Jane Sellen

Mr. Richard Sinkoff, Port of Oakland

Mr. Saul Stashower, Woodbridge Marine

Dr. Neeta Thakur

Ms. Taylor Thomas, East Yard Communities for Environmental Justice

Mr. Christian Torres, Comite Civico Del Valle

Ms. Fern Uennatornwarangoon, Environmental Defense Fund

Mr. Tom Umenhofer, Western States Petroleum Association

Mr. Danny Wan, Port of Oakland

Ms. Joy Williams, Environmental Health Coalition

Ms. LaDonna Williams, All Positives Possible

Mr. Larry Wilske, MEC Energy

Mr. David Wooley, University of California, Berkeley Goldman School Environmental Center

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. David Yow, Port of San Diego

Ms. Isabella Zizi, Stand.Earth

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1 P R O C E E D I N G S

2 CHAIR NICHOLS: Good morning, ladies and
3 gentlemen, we're ready to get started as soon as people
4 take their seats.

5 We're actually waiting for everybody from the
6 Board to take their seats. So I appreciate your being so
7 responsive, but we probably can't start without one more
8 Board member.

9 But while we're waiting, I can say a couple of
10 things to begin with, starting with we're so happy to be
11 in this beautiful building and it's been a great few
12 hours. We were mostly here for a tour of the community
13 yesterday. And we got a chance to ride in buses around
14 this neighborhood, and also around the port, and hear from
15 a number of members of the community about the issues that
16 they're facing, particularly relating to the topic that's
17 going to be on our agenda later today. If there's anybody
18 who's here -- who's here for the item on Assembly Bill
19 617, the Community Emissions Reduction Program, I want to
20 make sure you know that that item will not start until
21 4:00 o'clock this afternoon.

22 So you are most welcome to be here and to listen
23 and take part. But if you're only here for that item, you
24 may want to -- you may want to take a break and come back
25 later. We will take a break after we finish the item

1 that's before us this morning, which is the proposed
2 Control Measure for Ocean-Going Vessels at Berth.

3 All right. Good morning, ladies and gentlemen.
4 The December 5th, 2019 public meeting of the California
5 Air Resources Board will now come to order. And before we
6 begin our proceedings, it's our custom to start with the
7 Pledge of Allegiance. Since, we didn't bring a flag with
8 us, we're going to use a flag which is going to be on the
9 screen.

10 (Laughter.)

11 CHAIR NICHOLS: So please rise.

12 (Thereupon the Pledge of Allegiance was
13 recited in unison.)

14 CHAIR NICHOLS: Okay. The clerk will please call
15 the roll.

16 BOARD CLERK SAKAZAKI: Dr. Balmes?

17 BOARD MEMBER BALMES: Here.

18 BOARD CLERK SAKAZAKI: Mr. De La Torre?

19 Mr. Eisenhut?

20 BOARD MEMBER EISENHUT: Here.

21 BOARD CLERK SAKAZAKI: Supervisor Fletcher?

22 Senator Florez?

23 Assembly Member Garcia?

24 Supervisor Gioia?

25 BOARD MEMBER GIOIA: Here.

1 BOARD CLERK SAKAZAKI: Ms. Mitchel?

2 BOARD MEMBER MITCHELL: Here.

3 BOARD CLERK SAKAZAKI: Senator Monning?

4 Mrs. Riordan?

5 BOARD MEMBER RIORDAN: Here.

6 BOARD CLERK SAKAZAKI: Supervisor Serna?

7 Dr. Sherriffs?

8 BOARD MEMBER SHERRIFFS: Here.

9 BOARD CLERK SAKAZAKI: Professor Sperling?

10 Ms. Takvorian?

11 BOARD MEMBER TAKVORIAN: Here.

12 BOARD CLERK SAKAZAKI: Vice Chair Berg?

13 VICE CHAIR BERG: Here.

14 BOARD CLERK SAKAZAKI: Chair Nichols?

15 CHAIR NICHOLS: Here.

16 BOARD CLERK SAKAZAKI: Madam Chair, we have a
17 quorum.

18 CHAIR NICHOLS: Great. Just a couple of
19 announcements then before we get started. First of all,
20 there will be interpretation services provided in Spanish
21 for the first item this morning, the Proposed Control
22 Measure for Ocean-Going Vessels at Berth and also for the
23 second measure, consideration of AB 617 West Oakland
24 Emissions Reduction Program this afternoon. Headsets are
25 available outside the hearing room at the sign-up table

1 and they can be picked up at any time.

2 (Thereupon the interpreter translated.)

3 CHAIR NICHOLS: Gracias.

4 For safety reasons, please note that there's an
5 emergency exit to the rear of this room through the lobby
6 and also out here to my left.

7 In the event of a fire alarm, we're required to
8 evacuate this room immediately and go out of the building
9 until we hear the all-clear signal. And when that's
10 given, then we can return to this room and resume the
11 hearing.

12 Anyone who wishes to testify, if you think you
13 might want to testify, please fill out a request-to-speak
14 form - it's just a card - and they're also out in the
15 lobby, and turn it in to a Board assistant or to the Board
16 clerk hopefully at the very beginning of the meeting, so
17 they can organize the speaker's list.

18 We will be imposing a three-minute time limit on
19 all speakers and appreciate it if when you come forward to
20 give your testimony, you put in into your own words. It's
21 easy -- it's easier for us to follow it, if you go
22 straight to your main points and you don't need to read
23 your written statements since it will be entered into the
24 record.

25 Also, please note that the 617 item, as I

1 mentioned before, will not be heard until 4:00 o'clock
2 p.m.

3 And I think that's it for opening announcements.

4 And we can go straight to our first item of the
5 business, which is the Proposed Control Measures for
6 Ocean-Going Vessels at Berth.

7 Over the past 30 years, the California Air
8 Resources Board, local air districts, and federal air
9 pollution control programs have all made considerable
10 progress towards improving air quality in California.

11 Despite this progress, some areas of our state
12 still exceed health-based air quality standards for ozone
13 and particulate matter. And many communities surrounding
14 California's ports are selected to be a part of the AB 617
15 Community -- 617 program, because they're recognized as
16 disadvantaged due in part to impacts from freight-related
17 air pollution. So the benefits of our ports and our
18 thriving economy are not being felt equally by everybody.

19 Further emissions reductions from ocean-going
20 vessels at berth are needed to provide public health
21 benefits to the port communities that are already heavily
22 burdened by air pollution from port-related freight
23 sources, as well as to contribute to our ozone and
24 greenhouse gas reduction goals.

25 In 2017, the Board directed staff to revise the

1 existing regulations to achieve additional reductions
2 further to protect public health. This proposal was
3 developed in response to that Board direction and the need
4 for public health benefits.

5 So this is the first of these -- first
6 presentation of this item in front of the Board, and we
7 are eager to hear the staff report.

8 Mr. Corey.

9 EXECUTIVE OFFICER COREY: Yes. Thank you, Chair.

10 In 2007, the Board approved the Airborne toxic
11 Control Measure for ocean-going vessels at berth. The
12 existing regulation is reducing emissions from container,
13 refrigerated cargo, or reefers, and cruise vessels at six
14 ports across California.

15 The proposed regulation expands on this
16 successful program. The proposal includes -- it rather
17 increases the number of vessel visits achieving emission
18 reductions from the already regulated category and adds
19 new vessel categories, additional ports, and marine
20 terminals. The proposed regulation reduces emissions of
21 criteria pollutants and toxic air contaminants in
22 communities near ports, where residents are often
23 disproportionately exposed to air pollution.

24 Reducing port-related emissions are already a key
25 component of meeting federal clean air standards and

1 further reducing localized cancer risk. I'll now ask
2 Nicole Light Densberger of the Transportation and Toxics
3 Division to begin the staff presentation.

4 Nicole.

5 (Thereupon an overhead presentation was
6 Presented as follows.)

7 STAFF AIR POLLUTION SPECIALIST DENBERGER: All
8 right. Well, thank you, Mr. Corey. Good morning, Chair
9 Nichols, members of the Board.

10 So, of course, today we're here to talk to you
11 about the new Control Measure for Ocean-Going Vessels at
12 Berth. I realize that's kind of a long name, so I'm going
13 to try not to trip over it during today's presentation.

14 So the rulemaking process that we've gone through
15 to develop the framework to achieve additional emissions
16 reductions from ocean-going vessels has been complex. But
17 staff has taken this opportunity to really connect with
18 our port communities and work closely with them and the
19 maritime industry in order to develop a regulation that's
20 really health protective, but also takes into account the
21 unique operations that occur in our ports here in the
22 State.

23 Now, we want to thank everyone that's been
24 involved in this process and thanks for their cooperation
25 in helping develop this proposal.

1 --o0o--

2 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
3 during today's presentation, I'd like to share with you a
4 brief background about the relationship between
5 California's ports and terminals, and the ocean-going
6 vessels that visit them. I'd like to talk about the
7 urgent need for further emissions reductions and health
8 benefits in California's port communities. I would, of
9 course, like to discuss staff's proposal to achieve more
10 emissions reductions from ocean-going vessels at berth;
11 talk about the anticipated cost to the regulated industry
12 based on staff's proposal, and also discuss some
13 incentives to help offset some of those costs.

14 Of course, we'll talk about the emissions
15 reductions that are projected from staff's proposal and
16 the associated health benefits, and then also discuss
17 staff's recommendation and the next steps in our
18 regulatory process.

19 --o0o--

20 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
21 as you might be aware, California has some of the busiest
22 ports in the nation. We move over 40 percent of the total
23 containerized cargo that enters the United States and
24 nearly 30 percent of the nation's exports. The
25 ocean-going vessels that bring this cargo in and out of

1 California's ports are large contributors to the port
2 emissions that impact the communities that are located
3 near our ports and marine terminals statewide.

4 Now, industry, ports, and the State have
5 collaborated to achieve significant reductions in air
6 pollution through existing regulations and port-driven
7 actions, and this includes an 85 percent reduction in
8 cancer risk at the state's largest ports. But more
9 reductions are needed as our communities still have some
10 of the worst air quality in the country.

11 --o0o--

12 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
13 understanding this relationship between vessels,
14 terminals, and ports is an important factor when we're
15 talking about how to reduce emissions from ocean-going
16 vessels at berth. All three of these parties plan an
17 integral role in successfully connecting an emissions
18 control technology to a vessel when they're at berth.

19 And again, these three key players are shown here
20 on slide three. They include the ocean-going vessel
21 itself, that's the thing that transports the cargo or
22 passengers; the terminal that moves the cargo on and off
23 the vessel; and the port that manages the land and the
24 facilities that are used to perform those operations.

25 --o0o--

1 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
2 ocean-going vessels are one of the most efficient ways to
3 move cargo, but again they're also large emission sources
4 both at sea and at berth. So when a vessel is docked at
5 berth, the main engines are turned off, but the auxiliary
6 engines and boilers are run at all times to produce things
7 like electricity to run lights and heat on the vessel.

8 And doing so, because they're running their
9 engines all the time, they're emitting a constant stream
10 of criteria pollutants, toxic air contaminants, greenhouse
11 gases, all are coming from the vessel, while they're at
12 berth.

13 And for example, we're looking at during one
14 24-hour time period, one cruise ship at a berth could burn
15 enough full oil to equal the pollution from 10,000 cars.

16 --o0o--

17 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
18 as you're probably aware, CARB does have an existing
19 regulation that governs emissions from ocean-going vessels
20 at berth, which has been in implementation since 2014.
21 Now, this existing regulation requires container,
22 refrigerated cargo vessels -- you'll those called reefer
23 vessels also - and cruise vessels at the largest ports in
24 the state to reduce their emissions from their auxiliary
25 engines. Now, they can do so by plugging into shore power

1 at berth or they can use a CARB approved alternative
2 control technology to achieve equivalent emissions
3 reductions.

4 Now, regulated vessel fleets include any
5 container or reefer fleet that makes 25 or more visits to
6 a regulated port per calendar year or cruise vessel fleet
7 that makes five or more visits per calendar year.

8 Now, control requirements for this existing
9 regulation will reach full implementation beginning
10 January 1, 2020, so coming up very soon. And compliance
11 with the regulation is based on the performance of a
12 vessel fleet again through an entire calendar year.

13 --o0o--

14 STAFF AIR POLLUTION SPECIALIST DENBERGER: So
15 we'd like to first acknowledge the work and investments
16 that have been made by regulated vessel fleets, our
17 terminals, and our ports during implementation of this
18 existing regulation. Shown here on slide 6, the existing
19 regulation has resulted in significant investments in
20 shore power at our regulated ports and on over 500 vessels
21 that are visiting these ports.

22 So since implementation of the regulation began
23 in 2014, we've seen emissions reductions on over 13,000
24 vessel visits.

25 --o0o--

1 STAFF AIR POLLUTION SPECIALIST DENBERGER: So as
2 I've mentioned, there's a few different ways that vessels
3 can reduce emissions at berth. They can use shore power
4 or an alternative technology. Now shore power allows
5 vessels to turn off their auxiliary engines and plug into
6 grid-based power. It's currently the most commonly used
7 way for vessels to reduce emissions at a berth in
8 California.

9 Now shore power is generally considered this gold
10 standard of an at-berth emissions control, because we get
11 zero emissions out of the stack while the vessel is
12 connected and we also get greenhouse gas emissions
13 reductions as a result of the cleaner California
14 electricity grid.

15 Now, capture and control systems actually attach
16 to a vessel stack and they draw the emissions into a
17 cleaning system where the gases are scrubbed before the
18 clean air is released back into the atmosphere. And these
19 systems can be operated from either a barge or from the
20 shoreside.

21 Now, there are two CARB approved barge-based
22 capture and control systems that are in use at the Ports
23 of Los Angeles and Long Beach and a land-based capture and
24 control system in demonstration at the Port of Los
25 Angeles.

1 responsibility between vessel fleets, terminals, and
2 ports.

3 --o0o--

4 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
5 to develop this proposed regulation, staff has conducted
6 extensive community and industry outreach. We've
7 participated in over 200 meetings, workshops, phone
8 conversations, site visits, and even vessel tours. So
9 CARB staff has had the opportunity to meet with community
10 leaders and advocates multiple times throughout this
11 rulemaking process. And it's really given us a chance to
12 better understand the local concerns of our communities.

13 We've also had the opportunity to thoroughly
14 engage with our maritime industry. We've gotten the
15 opportunity to visit many of the vessels, ports, and
16 terminals that would be included in this regulation. And
17 again, the tour gave our staff a much better insight to
18 understand the unique layouts and operations of some of
19 these vessels, terminals, and ports.

20 --o0o--

21 STAFF AIR POLLUTION SPECIALIST DENBERGER: So
22 through this extensive interaction, staff was able to
23 craft a proposal that we believe is aggressive, yet
24 technically feasible. So key highlights of our new
25 propose -- staff's new proposal will be listed here on

1 both slides 10 and 11.

2 The existing regulation, it's important to note,
3 is structured with an annual fleet averaging, which by
4 default, leads to a lag time in compliance determination.
5 And this can create an air of regulatory uncertainty for
6 some vessels.

7 Now, staff proposed implementing a per visit
8 approach, both to streamline the control requirements and
9 compliance determination versus the existing regulation.
10 Now, a per visit approach would require each vessel visit
11 to utilize a CARB approved emission control strategy
12 during their visit to a regulated terminal.

13 Now, a per visit approach would not have to wait
14 for a year's worth of information to determine whether
15 they were compliant or not. It would also allow for
16 shared responsibilities to be placed on all parties that
17 play a role in connecting a vessel to an emissions control
18 strategy.

19 The proposed regulation also contains safeguards
20 to account for circumstances where emission reductions
21 might not be achievable, and we'll discuss this later on
22 in the presentation.

23 --o0o--

24 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
25 building on the success of the existing regulation,

1 staff's proposal would capture additional visits from
2 container reefer and cruise vessel visits, and it would
3 also add control requirements for roll on-roll off
4 vessels. You'll also hear these called ro-ro or auto
5 carrier vessels, and also tanker vessels that are visiting
6 regulated terminals.

7 Now, this would increase the number of vessel
8 visits that are reducing emissions by around 2,300 visits
9 per year once fully implemented. And this would represent
10 nearly 75 percent of the over 8,000 annual vessel visits
11 made to California each year.

12 --o0o--

13 STAFF AIR POLLUTION SPECIALIST DENBERGER: So
14 there are several key differences with the existing and
15 proposed regulation that we'll highlight here on slide 12,
16 and the biggest of which I've already touched on a little
17 bit. That's the addition of new vessel types and this
18 concept of shifting to an every-visit approach from a
19 fleet-based approach, which again would allow for shared
20 responsibilities.

21 Now, as I mentioned, the new regulatory structure
22 would also streamline compliance determination. And
23 faster compliance determination is something we've heard
24 from both community and some industry members that they'd
25 like to see with the revamped At Berth Regulation.

1 And then lastly, two additional areas I would
2 like to highlight. Are the fact that the new regulatory
3 structure would also require boiler emission reductions
4 from large tanker vessels that use boilers to offload
5 products like crude oil.

6 Now, staff's proposal would also redefine the
7 time period that establishes a vessel's visit to a berth.
8 Now, you may hear discussion today about the definition of
9 a vessel visit. It's been one of the main challenges
10 we've seen with implementing the existing regulation.

11 So with the existing regulation, I want to note
12 that a vessel's visit starts when that vessel ties its
13 first line to the dock and ends when the last line is tied
14 off and the vessel leaves.

15 Now, during a visit, a vessel has three hours in
16 which they can run their auxiliary engines to maintain
17 compliance. And this is often referred to as the, "three
18 hour rule". You might hear it called that.

19 Now, there are activities, and these can include
20 U.S. Customs and Border Protection clearances, but that
21 must occur before a vessel and a terminal can start the
22 process of connecting a vessel to an emissions control
23 technology. And so this can create a level of uncertainty
24 with meeting that three-hour requirement.

25 So the proposed regulation would remove the

1 uncertainty by factoring in these activities. And it
2 would start a vessel's visit once that process of
3 connecting the technology could actually begin. And this
4 start time is called "ready to work", and you may hear
5 that term pop up today.

6 And we'll discuss the remainder of these key
7 changes on this table through the next few slides.

8 --o0o--

9 STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now,
10 the map that's shown here on slide 13, it shows the ports
11 that are included in the existing regulation in yellow.
12 In orange, we see the potential new communities that would
13 see benefits from the proposed regulation through the
14 inclusion of the tanker and ro-ro vessels.

15 Now, instead of defining specific ports, staff's
16 proposal would use a terminal threshold of 20 visits to
17 capture emissions at the highest activities in the state,
18 where reducing emissions is most cost effective. And
19 these busy terminals represent the biggest risk to the
20 health of Californians living near them.

21 Now, a terminal threshold s also designed to
22 protect community members against future growth. If a
23 small port or terminal plans to grow its vessel visit
24 activity significantly, it needs to be planning on how
25 it's going to reduce its emissions at berth.

1 This proposed terminal threshold would bring in
2 new terminals at most of the currently regulated ports, as
3 well as four new areas in California. Now, the Richmond
4 area terminals, I wanted to explain, would include the
5 Port of Richmond and the Chevron Long Wharf. And the
6 Carquinez area terminals would include both auto and
7 tanker terminals in the Benicia and Martinez area.

8 --o0o--

9 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
10 we've talked a little bit about this today, but vessels,
11 terminals, ports and even the third-party operators of
12 emissions control technologies all play a really important
13 role in reducing emissions at berth.

14 You know, no one party can achieve reductions
15 alone when something like shore power or a capture and
16 control system is utilized. So shared responsibilities
17 are really critical to maximizing the amount of reductions
18 we can get from a vessel at berth.

19 Now, because the existing regulation is a fleet
20 based regulation, the responsibility for compliance relies
21 entirely on the vessel. If the vessel shows up at berth
22 ready to plug in, but the shoreside connection is not
23 ready for them, the vessel is responsible. Now, staff's
24 proposal would act to correct that imbalance with the
25 responsibility to reduce emissions resting on all parties

1 that play a role in connecting that vessel to an emissions
2 control technology.

3 --o0o--

4 STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now,
5 because every entity has a distinct role in this
6 connection process, all parties need to be held
7 accountable. So with staff's proposal, if a vessel has
8 shore power that's been commissioned by the terminal
9 they're visiting, then terminal must plug the vessel in or
10 arrange for an alternative CARB approved technology.

11 Now, if a terminal has shore power, but the
12 vessel does not, then the vessel would need to be
13 responsible for arranging an alternative technology.

14 Now, if neither party has shore power, then they
15 to need work together to figure out a solution on how to
16 reduce emissions. So a CARB approved control strategy
17 that we've talked about it could include shore power, it
18 could include a capture and control system, or it could be
19 a future technology. The key is really that the
20 technology needs to be able to be approved by CARB as
21 capable of meeting the addition -- emissions reductions
22 that we're looking for.

23 Now, ports would be required to ensure that any
24 necessary infrastructure that's needed at their terminals
25 to reduce emissions at berth is installed at the berth.

1 Now, an example of this would be something like supporting
2 the electrical infrastructure for shore power or any
3 necessary wharf upgrades.

4 Now, third-party operators would also have
5 obligations to ensure that their technology is both
6 approved by CARB and that they're meeting the certified
7 emissions reductions they've received approval for. Now,
8 staff's proposal also includes compliance checklists that
9 would specify the actions required for both the vessel and
10 the shoreside to ensure that the vessel visit is meeting
11 the emissions reduction requirements. And failure to
12 complete a required action may result in a violation,
13 which would then be subject to the penalties set forth in
14 the Health and Safety Code.

15 --o0o--

16 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
17 slide 16 shows staff's proposed implementation schedule.

18 So the majority of container, reefer, and cruise
19 vessels that are visiting California are already in fleets
20 that are subject to the existing regulation. And because
21 of that fact, the infrastructure needed to plug in nearly
22 every vessel is already largely in place to meet existing
23 requirements that will be in place as of 2020.

24 So as such, staff are proposing that container,
25 reefer, and cruise vessels that are in fleets subject to

1 the existing regulation transition to this new proposed
2 per visit compliance structure beginning January 1, 2021.

3 Now, the swift transition to this new structure
4 is designed to quickly shift vessels to this more
5 streamlined per visit approach, while also addressing some
6 implementation challenges we've seen with the existing
7 regulation.

8 Now, for smaller container, reefer, and cruise
9 fleets that have never been subject to the existing
10 regulation, staff propose that control requirements for
11 those vessels phase-in in 2023. This is to give this
12 small subset of vessels some additional time to install
13 necessary infrastructure, like shore-power equipment on
14 their vessels to reduce emissions at berth.

15 Now, visits from these currently unregulated
16 container, reefer, and cruise vessels represent less than
17 ten percent of the annual visits from those vessel
18 categories.

19 Now, control requirements for ro-ro vessels would
20 phase in beginning January 1, 2025. And that's to give
21 technology manufacturers time to adapt, manufacture, and
22 install existing technologies and to adapt them for ro-ro
23 vessels and terminals.

24 Now, tankers would phase into the regulation
25 beginning in 2027 starting with the Ports of Los Angeles

1 and Long Beach, and then in 2028 for the remainder of the
2 tanker terminals statewide. And tanker terminals are
3 expected to need the most infrastructure upgrades of any
4 of the vessel categories.

5 Now, Northern California tanker terminals in
6 particular can extend up to one and a half miles offshore
7 and have more complex construction required to support
8 these emissions control systems.

9 The terminal modifications in Northern
10 California, in particular, are projected to take the
11 longest time due to construction and permitting
12 challenges.

13 We're also proposing an interim review in 2023,
14 as you'll see on this slide, and I will discuss that here
15 in more detail in a few slides.

16 --o0o--

17 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now
18 again, because staff's proposal is based on a per visit
19 approach, certain safeguards are needed to address the
20 fact that not every visit is going to feasibly be able to
21 reduce emissions. So vessel at-berth operations occur in
22 complex environments that can be hampered by things like
23 bad weather, scheduling delays, technical issues, and
24 other circumstances that might be outside of the control
25 of the responsible party.

1 Now, slide 17 highlights staff's -- the
2 safeguards that staff proposed to deal with these
3 situations. Now, these safeguards are designed really to
4 maintain a high level of emissions control, while also
5 supporting terminal and port investments in one primary
6 emissions control technology and also recognizing the need
7 for some flexibility in response to unforeseen events.

8 Now, Terminal and Vessel Incident Events or TIEs
9 and VIEs, as you'll hear us call them, are a compliance
10 option that are given to vessels and terminals in order to
11 provide flexibility in limited quantities when emissions
12 are unable to be reduced at berth.

13 Now, greater flexibility would be given to
14 terminals in the initial years of the regulation, as some
15 addition infrastructure may be needed at some terminals to
16 support the higher compliance level above and beyond the
17 2020 requirement.

18 Now, TIEs and VIEs allow the proposed regulation
19 to really retain the flexibility of a fleet based
20 regulation, while realizing the benefits of a per visit
21 approach. And staff also proposed the establishment of a
22 remediation fund that could be used to mitigate excess
23 emissions.

24 Now, the remediation fund compliance option is
25 intended for use in limited circumstances where

1 investments have already occurred to try to reduce
2 emissions at berth, but reductions are not achievable.
3 These situations can include equipment malfunctions,
4 delays in connecting to a control strategy, terminal
5 construction projects, or physical constraints that might
6 prevent the use of a technology at berth.

7 Now, monies paid into this remediation fund would
8 be required to be used for projects that benefit the
9 communities that were impacted by excess emissions.

10 --o0o--

11 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
12 to help ensure that terminals and ports preparing to
13 reduce emissions at berth, staff propose that terminals
14 and ports submit plans discussing their chosen methods for
15 reducing emissions on ocean-going vessels and also define
16 any specific responsibilities that each party has.

17 Now, because each terminal and port relationship
18 is unique, the defining of responsibilities in these port
19 and terminal plans is really essential to helping CARB's
20 enforcement staff determine which party is responsible if
21 the emissions reductions do not occur as a result of
22 shoreside issue.

23 --o0o--

24 STAFF AIR POLLUTION SPECIALIST DENBERGER: So I
25 also mentioned earlier that the proposed regulation also

1 includes an interim evaluation in 2023. So staff have set
2 ambitious implementation timelines for realizing the
3 health benefits of this regulation as early as possible,
4 but we also realize there may be some uncertainty with
5 adapting these technologies for new vessel types and also
6 with the infrastructure developments that may be required.

7 Now you may hear today that technology does not
8 exist for ro-ro and tanker vessels or that staff's
9 proposed timelines are too aggressive.

10 Now, technology manufacturers have assured CARB
11 staff that there are engineering solutions for both ro-ro
12 and tanker vessels. And shore power has actually been
13 used on tanker vessels here in California.

14 And while there are no current capture and
15 control projects that are occurring yet for ro-ro and
16 tanker vessels in California, staff have been able to
17 analyze multiple terminal infrastructure projects really
18 to assess the timelines that are required to complete
19 existing projects. And we feel the timelines that are
20 proposed here are aggressive but feasible.

21 However, to address the uncertainty of the
22 timelines for these new vessel types, CARB staff propose
23 an interim evaluation in 2023 to assess the progress of
24 adapting technology for new vessel types and also the
25 necessary infrastructure improvement projects that might

1 be going on.

2 And staff commit to publishing this analysis and
3 findings for the 2023 -- 2023 interim evaluation in a
4 publicly available report by July 1, 2023, and would
5 report back to the Board.

6 --o0o--

7 STAFF AIR POLLUTION SPECIALIST DENBERGER: So
8 while the direct compliance costs of the regulation are
9 high, they're also generally borne by large multinational
10 companies. And most importantly, as seen here on slide
11 20, the health benefits of the proposed regulation
12 outweigh the costs.

13 And looking at real costs for the regulation, so
14 in other words those costs that might be passed down to
15 the consumer, we're looking at the total cost of the
16 proposed regulation are expected to be minimal on a per
17 unit basis, for example, less than one cent for a gallon
18 of fuel.

19 --o0o--

20 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
21 slide 21 highlights some of the incentive monies that may
22 be available for offsetting some of the costs for reducing
23 emissions from vessels at berth. Shore power, capture and
24 control systems, and even cable reel management systems,
25 which can be used to help plug in more vessels to shore

1 power, all have a potential funding path.

2 Now, an important highlight on this slide is the
3 \$10 million that CARB has earmarked for a capture and
4 control system for tankers. Now, it's staff's intent that
5 a tanker terminal would use these available funds to
6 demonstrate capture and control technology use on tanker
7 vessels here in California.

8 --o0o--

9 STAFF AIR POLLUTION SPECIALIST DENBERGER: So
10 the projected NOx reductions of 46 percent and diesel PM
11 reductions of 52 percent at full implementation of the
12 proposal are shown here on slide 22. Now, these two
13 pollutants are highlighted because of the importance of
14 reducing NOx to meet the State Implementation Plan goals,
15 particularly in areas like the South Coast and also the
16 need to reduce cancer-causing diesel PM to lower
17 near-source cancer risk for portside communities.

18 --o0o--

19 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
20 as a result of the projected emissions reductions achieved
21 by staff's proposal, a reduction in potential cancer risk
22 of 55 percent is projected for the ports of Los Angeles,
23 Long Beach, and Richmond. And non-cancer related benefits
24 are also expected in association with staff's proposal,
25 including 16 avoided emergency room visits, 72 avoided

1 hospital emissions, and 230 avoided premature deaths.

2 --o0o--

3 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
4 there are also anticipated benefits from the proposed
5 regulation that are not directly related to health. Now,
6 reductions in greenhouse gas -- in greenhouse gases and
7 black carbon emissions help California towards its goal of
8 reducing ozone and global climate change.

9 Now, spurring research and development of
10 innovative emissions controls by California businesses
11 provides opportunities to both clean the air in our state
12 and provide new economic opportunities.

13 Now, the work that's been done to reduce
14 emissions from ocean-going vessels here in California,
15 it's already seen impacts globally. We've seen countries
16 like China and various European nations beginning to
17 install shore power at their ports as well. And CARB
18 staff have also seen interest in developing capture and
19 control systems for tanker vessels in other parts of the
20 United States and in Europe.

21 Now, supporting technologies to reduce emissions
22 from vessels on a global scale not only provides local
23 health benefits, also potential reductions to global
24 warming and also helps drive down the cost to do so in
25 California.

1 --o0o--

2 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
3 staff completed a Draft Environmental Analysis, or EA, for
4 the proposed regulation. The Draft EA was released for a
5 45-day comment period on October 18th 2019. And the
6 public comment period will close on December 9th, 2019.
7 And staff will be preparing written responses to any draft
8 EA comments received.

9 Now, staff plan to present the final EA and
10 written response to comments on the Draft EA to the Board
11 in late spring 2020 for consideration.

12 --o0o--

13 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
14 staff propose to explore potential 15-day changes. Now,
15 these include refining some of the implementation language
16 based on feedback we've received from stakeholders during
17 the 45-day comment period.

18 If Resolution 19-28 is approved, staff will
19 continue working with stakeholders to assess if potential
20 adjustments to the regulatory language are needed and will
21 release any potential changes for a 15-day public comment
22 period.

23 Now, staff is also proposing to develop a process
24 for industry to pursue innovative emissions reductions
25 concepts, if they can be proven to achieve extra or early

1 emissions and exposure reductions in impacted port
2 communities without a delay.

3 Now, an example of such a concept might include
4 emissions reductions from locomotives in and around a port
5 or through the use of cleaner tugs above and beyond
6 existing requirements. Now, these innovative concepts
7 would allow for reductions to occur in impacted
8 communities near ports where some additional time may be
9 required to develop the necessary infrastructure that's
10 needed to meet the At Berth Regulation requirements.

11 Now, these concepts would be limited in duration
12 and only acceptable until the infrastructure needed for
13 the regulation is completed. They would not provide an
14 out At Berth Regulation and the process would include an
15 opportunity for public review.

16 --o0o--

17 STAFF AIR POLLUTION SPECIALIST DENBERGER: Now,
18 staff intend to bring the proposed control measure for
19 ocean-going vessels back to the Board for final approval
20 in spring of 2020. And if approved, an effective date of
21 January 1, 2021 is expected.

22 --o0o--

23 STAFF AIR POLLUTION SPECIALIST DENBERGER: And
24 that includes[SIC] today's staff presentation. We thank
25 you all for your time.

1 (Applause.)

2 CHAIR NICHOLS: Thank you. We don't often get
3 applause for staff presentations.

4 (Laughter.)

5 CHAIR NICHOLS: Good work. Good work.

6 Thanks, everybody, for your response.

7 Before we turn to public testimony, do Board
8 members have any specific questions?

9 Yes, Mr. Gioia.

10 BOARD MEMBER GIOIA: Got it. Okay.

11 Just -- I wanted to understand more of staff's
12 thinking about the exempting bulk and general cargo
13 vessels, because I know -- I realize they're different
14 issues. They're a smaller piece of the pie in terms of
15 the emissions, but they still contribute. And given that
16 there's been some discussion of expanding bulk material
17 processing at the Port of Oakland, and West Oakland is an
18 AB 617 community, I'd like to understand that issue more.

19 I mean, I've read through the report, but it
20 seems that we may be losing an opportunity with those
21 vessels, even if we put them on a different time frame for
22 bulk and general cargo, because they're not part of this
23 expansion.

24 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:

25 Sure. I can take that question. So when we

1 looked at the bulk vessel category, the primary
2 challenges --

3 BOARD MEMBER GIOIA: Speak a little closer.

4 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:
5 Sorry.

6 BOARD MEMBER GIOIA: I mean, I can hear you, but
7 just for everybody. Yeah.

8 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:
9 Okay. Can you hear me better?

10 BOARD MEMBER GIOIA: Yes. Yes.

11 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:
12 Okay. So the primary challenges that we ran into
13 with the bulk category is finding an emission control
14 strategy that can move along with the often used line
15 hauling activity.

16 BOARD MEMBER GIOIA: Right.

17 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:

18 It's like a movement up and down the -- along the
19 wharf. And we had received some feedback from both shore
20 power and capture and control technology concerns as
21 interrupting the process and have to connect/disconnect
22 the vessel to a deficient control strategy. That is a
23 concern, because, you know, it adds more time to the
24 vessel's stay.

25 The second concern was that the emission

1 contribution of bulk vessels are much less than the other
2 vessel categories that are currently in the existing
3 regulation and the tanker and ro-ro vessels that we're
4 considering including.

5 And the third issue with bulk vessels that we
6 looked at is they're very volatile -- subject to volatile
7 market fluctuations. They typically carry low-value
8 cargo. And so this category is a little bit more prone to
9 potential diversion.

10 BOARD MEMBER GIOIA: Um-hmm. So I suppose
11 there's nothing that prevents us in a 2023 review from
12 revisiting or looking at what the technology is at that
13 time and determine whether the technology has advanced
14 that we would want to include bulk and general cargo at
15 that time. We could -- so it would be useful, I think,
16 maybe to identify, unless staff has already assumed -- you
17 know, projected to do this, that in the workplan of that
18 2023 review, would be the technology with regard to those
19 categories of ships, right?

20 If we can -- so we can talk about that at the end
21 of what's the scope of the 2023 review, because I assume
22 that's going to be for everything a big issue for a lot of
23 folks, what will be -- what will be considered in that
24 review.

25 Okay. Thanks.

1 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:

2 Thank you.

3 CHAIR NICHOLS: Excuse me. I also have a
4 question about it, because by signaling that we're going
5 to do a review in 2023, are we incentivizing people to
6 just not do anything until 2023?

7 BOARD MEMBER GIOIA: Right. No. Yeah. Right.

8 CHAIR NICHOLS: That would be obviously the wrong
9 direction to go in.

10 BOARD MEMBER GIOIA: Right.

11 CHAIR NICHOLS: So I hope we have some
12 understanding of what exactly is going to start to
13 happen --

14 BOARD MEMBER GIOIA: Right.

15 CHAIR NICHOLS: -- the minute this gets underway.

16 BOARD MEMBER GIOIA: Right.

17 CHAIR NICHOLS: Any other Board members want to
18 speak?

19 Yes, Ms. Mitchell.

20 You have to turn on the button. The white button
21 on the column. Right there.

22 BOARD MEMBER MITCHELL: Thank you.

23 Following up on Board Member Gioia's comments.
24 What vessels are you including in that smaller vessel
25 category to review in 2023? Describe what those are.

1 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Our
2 current proposal includes for 2023 looking at the ro-ro
3 category and the tanker category. And both of those have
4 time frames that are out further. The ro-ros are 2025 and
5 the tankers are 2027 and 2029. So 2023 provides a point
6 where we can -- there's regulatory certainty, because
7 there are implementation dates in place. And that would
8 give us a chance to look at the progress made in adapting
9 technologies for those two categories. So it's ro-ro and
10 the tanker vessels.

11 BOARD MEMBER MITCHELL: The tankers.

12 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

13 Um-hmm.

14 BOARD MEMBER MITCHELL: And then following up on
15 that, what technologies are we looking at for tankers? I
16 know there's some concern about having tankers use shore
17 power, that there's some safety concerns about that.
18 There -- I guess we're looking at the bonnet technology
19 too, but there's some, you know, I guess, issues related
20 to bonnet technology.

21 So could you kind of describe what we're thinking
22 about with the new technology for tankers?

23 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yeah,
24 certainly. The regulation is developed in such a way that
25 it doesn't prescribe a certain type of technology. It's

1 based on the fact that it would have to meet some
2 emissions level. And so it doesn't prescribe that a
3 tanker would have to use shore power, or the bonnet
4 system, or on-board. It is flexible in that manner.

5 So we would, at this point, as I think Nicole
6 mentioned and there's a picture in one of the slides is
7 that shore power has been and is in use at a terminal in
8 Long Beach at T121. And so it's -- it is demonstrated to
9 be effective for tankers. We up here do not want to
10 downplay the role of safety for tankers for any vessel
11 categories. And so safety is going to be the important
12 concern with any emission control technology. And any of
13 the technologies will have their own specific components
14 that will have to be designed with safety in mind.

15 And so currently, we think that the two probably
16 most likely technologies are either the capture and
17 control systems. And those are effective because there
18 doesn't have to be any vessel infrastructure done, right?
19 A vessel can show up that doesn't have any shore power
20 infrastructure on the vessel and it can be controlled.

21 And so that, I think, is one reason why we
22 consider the capture and control systems likely for
23 tankers. But tankers could use a combination of, say for
24 example, cleaner tier 3 engines that are coming up in the
25 future with maybe a diesel particulate filter on board.

1 They could use shore power as was demonstrated at T121.

2 BOARD MEMBER MITCHELL: And you've allocated \$10
3 million for research and development of those new
4 technologies. Can you tell me what ports are currently
5 using the capture and control systems?

6 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: So
7 currently, the capture and control systems are used at the
8 Port of Los Angeles and the Port of Long Beach. And so
9 each of those have the barge-based -- a barge-based system
10 that are used. And then there was a -- there is -- I
11 shouldn't say was. There is a demonstration that was
12 funded in part by CARB for a land-based system, so we
13 could demonstrate how -- and so it's similar to the
14 barge-based system capture and control, but it's not on
15 the barge. It's on land. So it's the same system, but
16 it's on land. And that has been built and is being
17 demonstrated on bulk vessels.

18 BOARD MEMBER MITCHELL: And where is that taking
19 place, that land-based bonnet system?

20 TTD MARINE STRATEGIES SECTION MANAGER CSONDES:
21 That is at the Port of Los Angeles Pasha
22 terminal.

23 BOARD MEMBER MITCHELL: And as I understand it,
24 that land-based system would be one that can move along
25 the wharf or the pier, so that it could be flexible

1 from -- to move from one vessel to another. Am I
2 understanding that correctly?

3 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yes,
4 that's correct. It's on a big chassis that can -- that
5 has some ability to move. So it's flexible in positioning
6 of the vessels.

7 BOARD MEMBER MITCHELL: Is the concern with that,
8 what I'm going to refer to as the bonnet system, that when
9 we use it on a barge, we actually increase some emissions
10 to the barge-based Emissions. I mean, they have NOx
11 emissions et cetera, just operating the barge itself. Can
12 you describe that for me, please?

13 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Sure,
14 I can describe that. I think there are -- there are two
15 places where there could potentially be emissions. One is
16 that there's got to be a power source to operate the
17 control equipment. And so if it's on a barge, you're not
18 going to power it by electricity. It's going to have some
19 sort engine on it to power it.

20 And then the second is that you most likely will
21 have to have a tug to move it into place. And so that
22 there's two places that you can have some excess
23 emissions. So with the system that powers the barge, all
24 of those emissions are fed back through the control system
25 on the barge. So anything that powers the barge is going

1 to be controlled just like it's controlling the universal
2 capture and control demonstration.

3 It will control the emissions the same way it
4 would with the vessel. The tug, we have looked at the
5 impacts of what the excess emissions from the tugs would
6 be to put it in place. And on a fleet-wide basis, it's
7 going to be less than like half a percent increase. And
8 so if we're reducing emissions by 85 percent, there might
9 be a slight half percent increase, because we're moving it
10 around with a tug.

11 BOARD MEMBER MITCHELL: So it's relatively
12 minimal what might happen --

13 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It's
14 minimal, yeah.

15 BOARD MEMBER MITCHELL: -- with the barge-based
16 system.

17 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yeah.
18 Compared to the reductions that you're going to see, it's
19 going to be very minimal to move them around with the
20 barge -- or with the tugs, excuse me.

21 BOARD MEMBER MITCHELL: Okay. All right. Thank
22 you very much. No further questions.

23 CHAIR NICHOLS: Excuse me, Ms. Takvorian, did you
24 have a question?

25 BOARD MEMBER TAKVORIAN: Thank you.

1 Just following up on Ms. Mitchell, I wanted to
2 ask about who the TIEs and VIEs and to ask you who
3 provides that approval? It sounded a little bit from the
4 presentation that it may be approved ahead of time. Is
5 there a limit? I mean, I just want to understand a little
6 bit more about how that works.

7 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: I'll
8 certainly -- I'll start with the high level. And then if
9 want to get in more detail, I'll pass it along to staff.
10 And so the TIEs are terminal -- are provided to the
11 terminals and the VIEs are provided to the vessels. And
12 those are based -- they're a percentage of the -- of a
13 group of vessels' visits from the previous year.

14 So if a fleet of vessels makes 100 visits and
15 they were assigned five percent of VIEs, they would get
16 five -- essentially five allowances. So it's based on a
17 percentage of a groups's visits.

18 BOARD MEMBER TAKVORIAN: How is that determined
19 from --

20 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It's
21 determined from the previous year's vessel visits. So
22 it's essentially a percentage of the vessel visits.

23 BOARD MEMBER TAKVORIAN: That they're allowed?

24 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: That
25 they are allowed --

1 BOARD MEMBER TAKVORIAN: That they'd be allowed

2 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

3 -- with TIEs and with -- with VIEs, excuse me.

4 And the same with VIEs. VIEs would be looking at -- I'm
5 sorry, I'm reversing those two. Same with TIEs. I do
6 this very often.

7 BOARD MEMBER TAKVORIAN: If you're confused, then
8 I'm definitely confused.

9 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: The
10 TIEs are the terminal. And so you look at the visits from
11 the terminal at the terminal the previous year, and that
12 would be -- a terminal would be allocated a percent of
13 their visits based on the number from the year before.
14 And the same with the vessel visits, they would be
15 allocated a percentage based on the number of visits from
16 the year before.

17 BOARD MEMBER TAKVORIAN: I think I'm confused,
18 because it sounds like they're for emergency situations,
19 and yet, it also sounds like they can be predetermined.
20 So can you clarify that for me?

21 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

22 Certainly. So an emergency situation, we have an
23 emergency exemption. And that's pretty standard in all of
24 our -- most of our regulations, we have emergency
25 exemptions. And that's a straight exemption that can be

1 used. So that's not -- that wouldn't fall under these
2 TIEs and VIEs. So that's kind of off the table here.

3 The TIEs and VIEs are used in situations and
4 they're flexible. They can be used essentially in any
5 situation that either the terminal or the vessel deems
6 that they're needed. And they're to deal with unexpected
7 events where emissions are not able to be reduced.

8 I'll let Nicole add to that.

9 STAFF AIR POLLUTION SPECIALIST DENBERGER: If I
10 could, yeah, I want to add on. The TIE and VIEs really we
11 see -- we got a lot of comments from industry. They have
12 vessels that will come in sometimes that don't necessarily
13 have shore power or have plans to control, because they
14 might be -- you'll hear maybe the term an extra loader or
15 a vessel that's been redeployed. And this could happen
16 if, you know, a vessel is in China. Maybe that vessel has
17 shore power. They're planning to come to California and
18 plug in, but that vessel breaks down and they need
19 another -- a substitute vessel to take its place.

20 So we know that there's going to be situations
21 like that that are going to happen. And that's kind of
22 what these TIEs and VIEs are for. The vessel can make
23 that business decision to bring that vessel into
24 California still by using one of their VIEs, or if a
25 terminal has -- you know, they want to put four vessels

1 instead of three and they only have three shore power
2 vaults, they can use a TIE to get that fourth vessel in.
3 It's sort of to allow for some of these operational
4 strengths.

5 CHAIR NICHOLS: You're really bending over
6 backwards to allow operations to continue while still
7 moving the industry in the direction of a lot more cleaner
8 vessels.

9 STAFF AIR POLLUTION SPECIALIST DENSBERGER: Yes.

10 CHAIR NICHOLS: Yeah, I think that's a -- seems
11 like a solution, at least potentially, that provides the
12 flexibility that's needed for operations.

13 BOARD MEMBER TAKVORIAN: Yeah, that's me too.
14 Thank you for the explanation. And my other question has
15 to do with the proposal for the 15-day changes related to
16 the innovative concepts. I'm wondering if you can say
17 more about that. My concern about it, the way it's
18 described, is I'm not sure how you're comparing emission
19 reductions from an unrelated or another source and
20 utilizing those as a opportunity to not comply with this
21 regulation. So if you could explain that, I'd appreciate
22 it.

23 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:

24 Yeah, I will take that.

25 So what we're proposing in the 15-day changes is

1 that we will put together a process that would come --
2 that would be dictated in the regulation, as well as
3 minimal criteria in regards to those concepts.

4 So if you look on slide 26, we do talk about the
5 things like it has to have a high standard, including
6 enforceability and certainty, just like the reg. It has
7 to be earlier or in excess of requirements of the reg. It
8 has to provide equivalent or greater benefits to the
9 impacted communities, not just from the emissions, but
10 from also the exposure standpoint.

11 So what we're proposing is that we will work with
12 public stakeholders to put together a process, as well as
13 these minimal criteria for these concepts. We will then,
14 if you guys approve the reg, would essentially set a time
15 line for which these proposals would have to be submitted.
16 And then we would post the proposals, so we could get
17 public input. And then we could review them, do some
18 technical analyses to make sure we're receiving the same
19 emission benefits, and then work through Richard on
20 approval of those particular projects.

21 BOARD MEMBER TAKVORIAN: And along with that,
22 they would -- would they have to make the case as to why
23 they can't comply with the regulation? Because here it's
24 talking about other concepts. But I think that goes
25 without saying that they --

1 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:

2 Yes.

3 BOARD MEMBER TAKVORIAN: Okay.

4 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:

5 Exactly. And so that data we would also hope to
6 inform our 2023 review.

7 BOARD MEMBER TAKVORIAN: Okay. Thank you.

8 CHAIR NICHOLS: Yes, go ahead.

9 BOARD MEMBER MITCHELL: So on that part of the
10 process, you're inventing -- or inventing -- creating a
11 process, investing I guess in a way, whereby a stakeholder
12 in the port could come forward with an innovative concept
13 for reducing emissions. But then when that actual idea
14 for the innovative process comes forward, does that come
15 back to the Board or will that just go to Executive
16 Officer and he will determine that that does meet our
17 criteria?

18 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:

19 So for a timing standpoint, what we were
20 considering for the 15-day changes is it would go through
21 Richard, because of -- we would need to be able to move
22 quickly on the projects. And quite frankly, we don't know
23 the volume of the projects, but that's certainly up to the
24 Board. If you would prefer that it comes back to the
25 Board, that's obviously within your authority to make that

1 decision.

2 BOARD MEMBER MITCHELL: And it would seem that
3 over the course of this rule being implemented, you may
4 have an innovative technology come forward in year one,
5 but another one come forward in year three. So how will
6 you be dealing with that different technologies coming
7 forward for approval?

8 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:

9 So the rule itself, as staff previously
10 mentioned, allows for technologies that meet the emission
11 criteria laid out throughout. They just need to be
12 verified. This would be separate. And it would -- the
13 concept would be if they -- let's talk about the tankers
14 for example. If they're having problems with permitting,
15 right, and they can't -- they don't think they'll be able
16 to meet the target because of construction permits and so
17 on and so forth, so they come forward with a proposal that
18 says we're willing to, you know, put forward this funding
19 to offset these emissions in this way in order to have a
20 little bit more time for our permitting process or
21 construction process.

22 That's separate from if there is a new
23 technology, that could be vessel technology, an onboard
24 technology to reduce emissions that may meet the limit
25 requirements, or any other innovative future technology to

1 help any of these vessels, that can happen throughout the
2 whole process.

3 BOARD MEMBER MITCHELL: So would you be looking
4 at technologies that are entirely separate from vessels
5 and terminals, say shore power? For example, the port
6 comes forward and says we want to have Tier 4 electric
7 locomotives, that you'd be looking at something like that
8 as well?

9 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
10 For this particular piece, for the innovative
11 concepts, yes. The idea that has been brought forward is
12 that an allowance for additional time to get to the
13 ultimate goal. So we're saying eventually all vessels
14 have to still meet the requirement, whether it's vessel
15 emission controls or the other shoreside powers that we've
16 been talking about. But in the mean time, if there's some
17 timing issues, there may be opportunities that the
18 emissions within the community can still be reached
19 through other sources.

20 CHAIR NICHOLS: And just to be clear, this is a
21 concept that hasn't been written yet.

22 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
23 Correct.

24 CHAIR NICHOLS: So your input is invaluable, but
25 is not -- there's not an answer to the question really,

1 because it hasn't been done yet.

2 BOARD MEMBER MITCHELL: Right. Am I moving ahead
3 too fast, Chairman?

4 (Laughter.)

5 BOARD MEMBER TAKVORIAN: So can I just ask -- can
6 I jump in and ask?

7 BOARD MEMBER MITCHELL: If the Chairman allows.

8 CHAIR NICHOLS: No. Go ahead.

9 (Laughter.)

10 CHAIR NICHOLS: I'm just saying -- you're asking
11 questions about a thought that they're working on, so --

12 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
13 So we certainly appreciate the brainstorming,
14 yes.

15 BOARD MEMBER TAKVORIAN: Okay. In the spirit of
16 brainstorming, so these would be temporary exceptions?

17 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
18 Correct.

19 BOARD MEMBER TAKVORIAN: And so they would have
20 to also then be demonstrating their work on the permanent
21 compliance over time.

22 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
23 Correct.

24 BOARD MEMBER TAKVORIAN: So we can't have this
25 temporary solution occurring and all the effort going into

1 that and then the permanent solution fix being worked on
2 afterwards?

3 TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:

4 Correct. This is not in lieu of ultimate
5 regulatory compliance.

6 BOARD MEMBER TAKVORIAN: Thank you.

7 CHAIR NICHOLS: Okay. All right. We have 43
8 witnesses who've signed up. The names will be projected
9 up on the board. Three minutes per person. The
10 microphone is over here at this podium. And so it will
11 save us all some time if folks could come over to this
12 area when it's close to your turn and be ready. Because
13 as I count three minutes per person, that's over two solid
14 hours of testimony.

15 So let's begin with Phil Martien from the Bay
16 Area Air Quality Management District. That doesn't allow
17 for Board member comments and questions in between either.

18 Okay. Let's go.

19 Welcome.

20 MR. MARTIEN: Thank you. So good morning, Chair
21 Nichols and members of the board. I'm Phil Martien. I'm
22 a director of our Assessment Inventory and Modeling
23 Division at the Bay Area Air Quality Management District.
24 And I thank you for the opportunity to comment on the
25 proposed Control Measure for Ocean-Going Vessels at Berth.

1 The air district commends your staff for their
2 work in updating the At Berth Rule, while addressing
3 implementation concerns that have arisen along the way.

4 We see this regulation as a key strategy of the
5 West Oakland Community Action Plan, which, as you know, is
6 an agenda for later today. But the connection is that,
7 you know, it was my group that developed the technical
8 assessment that supports the action plan. And a key
9 finding was that more diesel reductions are needed to meet
10 the plan target. So this -- we see this as a very
11 important piece.

12 The air district strongly supports this proposed
13 regulation. So that's the main point. But we
14 respectfully ask that you consider three changes that will
15 deliver community benefits sooner and ensure that any
16 changes in port operations do not erode the progress of
17 the existing regulation's benefits.

18 The first thing that we ask is that you consider
19 accelerating the compliance deadline for oil tankers to
20 January 1, 2025. A decade is too long to wait for the air
21 quality improvements that are needed in Richmond and other
22 overburdened communities in and near Bay Area refineries.

23 Now, we do understand there are concerns, for
24 example, about permitting near the Bay or on the Bay, but
25 we have worked with planning agencies in and around the

1 bay and we have clear examples of how interagency groups
2 could approach this. For example, dredging and wetland
3 restoration, by coming together as a consortium, we think
4 that it will be possible to identify concerns prior to the
5 submittal of permit applications and to make 2025
6 compliance feasible.

7 The second thing is that, as Board Member Gioia
8 mentioned, that in 2023 in the interim evaluation, we ask
9 that you consider adding controls for bulk vessels at
10 terminals located near and AB 617 designated community.

11 And the reason here is that there are existing
12 active proposals to expand bulk material handling at the
13 maritime waterfront in Oakland. And their concern is that
14 that activity may benefit -- may erode the benefits gained
15 from controlling emissions at container vessels.

16 And I'm out of time, but the third thing just
17 quickly is that terminals and berths with shore-power
18 equipment that's funded by Prop 1B revenue, we -- we
19 request that exemptions account -- be for no more than
20 five percent of vessel visits. And the details of why
21 we've requested that are in a letter. So I won't take up
22 more of the Board time, but I really appreciate the
23 opportunity to comment on this important regulation.

24 CHAIR NICHOLS: Thank you. We'll discuss this
25 further, I'm sure, before we bring it up for a vote. So

1 stick around.

2 MR. MARTIEN: Thank you.

3 CHAIR NICHOLS: Thank you.

4 MS. REES: Good morning, Madam Chair, Honorable
5 Board members. My name is Sarah Rees. I'm an Assistant
6 Deputy Executive Officer at the South Coast Air Quality
7 Management District. Thank you for the opportunity to
8 comment on CARB's proposed Control Measure for Ocean-Going
9 Vessels at Berth.

10 South Coast AQMD staff appreciates the effort by
11 CARB staff in developing this proposal, which would
12 implement one of the key measures of CARB's 2016 SIP
13 strategy. This is a significant rulemaking for our region
14 and we fully support the adoption of the proposed
15 regulation.

16 As you're aware, the South Coast Air Basin is
17 facing a major challenge in meeting the eight-hour ozone
18 standards. We require significant levels of NOx emission
19 reductions, an additional 45 percent emission reduction by
20 2023, and 55 percent by 2031.

21 Ocean-going vessels will represent the largest
22 source of NOx emissions in our basin in 2023, despite
23 existing regulations. It's Absolutely essential to
24 maximize both early and long-term reductions from OGVs
25 through both regulatory programs and incentive measures to

1 help achieve our attainment deadlines.

2 The proposed At Berth Regulation would achieve
3 much needed NOx reductions from OGVs by requiring higher
4 compliance rates for previously regulated vessels, as well
5 as expanding the requirements to tankers and ro-ros. We
6 fully support the proposed 2021 compliance date for
7 container, cruise, and reefer vessels, and would like to
8 offer the following suggestions for your consideration,
9 given the urgency to achieve significant NOx emission
10 reductions by 2023.

OC-1
Rees 11 For ro-ro vessels, we are suggesting an earlier
12 compliance date of 2023 instead of 2025 for the ports of
13 Los Angeles and Long Beach. We're requesting this as
14 ro-ro vessels have similar operational power requirements
15 as container vessels and currently approved technologies
16 can be utilized by these vessels.

OC-2
Rees 17 We are also requesting that CARB allocate
18 additional funding to identify, develop, demonstrate, and
19 certify new and improved technologies for tankers, as well
20 as for other non-regulated vessel types. These
21 technologies will be critical to achieve early reductions
22 from these vessels through development of new incentive
23 programs.

24 We further suggest a more coordinated effort
25 among our agencies, the U.S. EPA, technology providers,

1 the ports, and other important stakeholders to better
2 facilitate new demonstration projects and incentive
3 programs. And we are fully committed to support these
4 efforts.

5 Finally, for general cargo and bulk vessels that
6 are not subject to control for requirements, we recommend
7 that CARB also consider conducting a technology assessment
8 by 2022 to better identify and evaluate cleaner
9 technologies for these vessel types.

10 In summary, we strongly support the proposed
11 Control Measure for At Berth Regulation and urge you to
12 adopt the proposed regulation without delay.

13 Thank you.

14 CHAIR NICHOLS: Thank you.

15 MR. ARAGO: Good morning, CARB Board members. My
16 name is Paco Arago. And I'm a proud IBEW union
17 electrician with the International Brotherhood of
18 Electrical Workers, Local 11 out of Los Angeles.

19 I speak for those who live in areas of poor air
20 quality, because I grew up in Boyle Heights, which is in
21 East Los Angeles, which is also labeled a toxic hot spot,
22 about six and a half square miles surrounded by four
23 freeways. My family has been there since 1956.

24 From what I've gathered, we have a ten-year less
25 life expectancy than Santa Monica, which is 30 minutes

OC-3
Rees

1 away from Boyle Heights, right? But yet, we live in this
2 area and daily our kids are affected. I have two sons.
3 We were forced to move to -- over to Montebello about 30
4 miles away, because I don't want my children growing up
5 with terrible air quality.

6 But we have no choice in the matter. We look to
7 your leadership and the leadership of folks in power to
8 make those decisions for us and to help us out.

9 Now, this rule will improve air quality and
10 create good jobs, electrical jobs, at our port, union
11 jobs, middle class jobs, where we could buy homes, raise
12 our families with dignity, and better our quality of life.

13 Now, CARB must continue to demonstrate
14 leadership. Let's be on the right side of history. At
15 this point, science is our side. We need climate justice
16 that cleans our air and protects the lives of our
17 families, as well as provides great jobs. So please vote
18 in support.

19 Thank you very much.

20 CHAIR NICHOLS: Thank you.

21 MS. KROPKE: Good morning, Madam Chair. Good
22 morning esteemed CARB Board members. My name is Jennifer
23 Kropke. I'm an attorney. I work for the International
24 Brotherhood of Electrical Workers and also the National
25 Electrical Contractors Association.

1 We want to start by thanking CARB staff members
2 on such a well detailed thorough report. We are here
3 today to provide strong support for this proposed At Berth
4 Emissions Rule.

5 I am here today representing over 300 electrical
6 contractors in the Los Angeles and Long Beach area, as
7 well as the 12,000 members of IBEW Local 11. We are those
8 members who live and work in Los Angeles and Long Beach at
9 the port and their surrounding communities.

10 California, indeed our CARB leadership, must
11 continue to be bold in creating cleaner air, while
12 providing business opportunities, as well as jobs that pay
13 families sustaining wages. As the landscape of the
14 maritime industry has changed, including vessel sharing
15 arrangements and new alliances, so, too, must our
16 regulatory landscape.

17 I'd also like to echo the comments from Ms. Rees
18 from AQMD in terms of more aggressive deadlines and also
19 really urge our Board members to take bold decisive action
20 in this matter. Indeed, we've heard some of our
21 environmental colleagues say we are hoping that you are
22 thoughtful and intentional in your voting when this
23 eventually comes to a vote. We are hoping that you vote
24 as though our lives depend on it, because, in fact, they
25 do.

1 And in the process, you can create good green
2 jobs and reverse some of the environmental justice and
3 environmental inequity that has occurred in our port
4 communities by cleaning that air, while at the same time
5 providing good apprenticeship-based middle class jobs.

6 Thank you very much.

7 MS. JOY WILLIAMS: Good morning. I'm Joy
8 Williams from Environmental Health Coalition. EHC
9 strongly supports the proposed rule. We work in
10 freight-impacted communities, including the West National
11 City community, which is the residential neighborhood
12 closest to the National City Marine Terminal. And I'm
13 here to stress the importance of the proposed rule for
14 reducing emissions from the car carrier or ro-ro ships
15 that berth in National City.

16 West National City is an EJ community that ranks
17 near the top of CalEnviroScreen overall and in the top 95
18 percent for diesel PM. It is one of the communities in
19 the AB 617 portside area. It is the poorest area of a
20 poor city, with some 50 -- 41 percent of families in
21 poverty.

22 National City has the highest age-adjusted rates
23 of asthma ED visits of any city in our region, as well as
24 the highest rates for children and seniors. National City
25 also had the region's highest rate of death from pulmonary

1 diseases in the most recent year.

2 West National City residents live adjacent to the
3 National City Marine Terminal, which imports almost half a
4 million cars a year. According to the terminal operator,
5 one of every ten imported cars on the road in the United
6 States came in through National City. So car carrier
7 ships, or ro-ros, make up close to 100 percent of the
8 ships that visit this terminal.

9 The most recent Port of San Diego air emissions
10 inventory confirms the importance of reducing emissions
11 from car carriers at berth in National City. That
12 inventory broke out ocean-going vessel emissions by ship
13 terminal, by ship type, and by mode. And what it found
14 was looking at the ship terminals, the National City
15 Marine Terminal is generating more pollutants than the
16 other cargo terminal or the cruise terminal in San Diego.

17 Breaking out the emissions by ship type, the car
18 carriers or ro-ros generate more of all of those emissions
19 than the container, bulk, general cargo, and cruise ships
20 combined and almost half the greenhouse gases.

21 And then looking at the emissions by mode,
22 hotelling generates more of the emissions from ocean-going
23 vessels than any other mode. In sum, hotelling by car
24 carriers at the National City Marine Terminal is the
25 single most important target for reducing emissions from

1 ships in San Diego. The proposed new rule is important
2 for reducing ship emissions in National City and in our
3 region.

4 The community doesn't benefit much from living
5 next to this huge car terminal operation. Their only
6 access to the terminal is one tiny two-acre park that's
7 dangerous to get to, because of all those car carrier
8 trucks in the same area.

9 The new rule won't solve all those problems, but
10 it will make the air cleaner for those parents taking
11 their kids to the park. So we urge you to move forward
12 with the rule and we ask also that the second hearing
13 occur at the earliest possible date.

14 Thank you.

15 CHAIR NICHOLS: Thank you.

16 MS. CHILDS: Good morning. My name is Brea
17 Childs and I'm here on behalf of Earthjustice. I support
18 a group called The Impact Project, which is coalition of
19 EJ communities, researchers, and nonprofits. We mainly
20 focus on port-related environmental issues, like reducing
21 emissions from locomotives, heavy-duty trucks, and ships.

22 The most recent proposed At Berth Rule will,
23 without a doubt, lower NOx and PM emissions that we're all
24 fighting to reduce. Adopting such a rule will allow the
25 community represented by the impact project to see

1 progress in real-time.

2 In at least ten years, ships will contribute to
3 less public health harms. More types of ships will be
4 responsible for lowering their air pollutants and some of
5 the costly effects of poor air quality will be avoided.
6 This rule is long overdue and gives industry considerable
7 flexibility in both options for compliance, and in time
8 allowed to come into compliance. No further weakening or
9 delay should be considered.

10 Thank you.

11 CHAIR NICHOLS: Thank you.

12 MR. WOOLEY: Good morning, all. I'm David
13 Wooley. I'm the Director of the Environmental Center at
14 the Goldman School of Public Policy at UC Berkeley.

15 I first became aware of the issue of the ships
16 pollution through my involvement in the AB 617
17 implementation process. I also live in the airshed in
18 Berkeley. And I believe some of the evidence from the AB
19 617 analyses that Phil Martien was talking about, show
20 that the ships are one of the largest sources -- remaining
21 sources that have to be addressed here.

22 You know, ultimately, you know, out ten years,
23 we're going to have to deal with the fossil emissions from
24 ocean-going ships in their entire operation.

25 And I think that it's important to take this step

1 right now, but also begin to think about how the Board
2 can incentivize the development of hydrogen -- renewable
3 hydrogen production, fueling, and storage infrastructure
4 at the ports in California, because we really need to
5 make -- eventually make that step.

6 And I think the development of pilot programs on
7 renewable hydrogen for harbor craft and other smaller port
8 operations will be a good step forward that we'll lead
9 both nationally and internationally.

10 So I hope you'll adopt this proposed rule as
11 proposed and finalize it at the earliest possible
12 opportunity.

13 Thank you.

14 CHAIR NICHOLS: Thank you.

15 DR. THAKUR: Good morning. Chair Nichols and the
16 members of the Board, I'm Dr. Thakur. I appreciate the
17 opportunity to share my perspective today with you on this
18 measure as a pulmonologist, a medical director at the San
19 Francisco General Chest Clinic, and as a scientist at
20 UCSF.

21 In my daily work, I treat patients who struggle
22 to breathe, dependent on oxygen therapy, and afraid to go
23 outside or far from their homes.

24 One thing is in common is that my patients do
25 strive to better their health. Yet, from my patients,

1 some of whom are from and similar to the communities that
2 live near the ports, are more likely to live in poverty
3 and near environmental hazards. And unfortunately, the
4 environment is something that my patients have little
5 control over.

6 There is no doubt that our air pollution is a
7 constant problem. And in my work, I am particularly focus
8 on how the environmental hazards impact patients with
9 asthma and COPD. My own research has shown the negative
10 health effects of fine particulate matter and nitrogen
11 dioxide, two components that are in the vessel exhaust
12 that we're considering today. And in children with
13 asthma, it has been shown in my work to be causative of
14 asthma and of poor lung health.

15 I know that my patients in communities with
16 higher pollution burden face greater risk to their health
17 and to their futures. The policy before you today is a
18 real clear choice. It is strategic and targets a large
19 pollution source in communities that cannot often advocate
20 for themselves.

21 Leading health organizations support this
22 proposal. In fact, 20 organizations have signed a letter
23 of support for moving this policy forward. The staff
24 report today notes that the health risk facing communities
25 residing near ports are unacceptable, and I agree.

1 I try to point my patients in the path of good
2 health, but that path leads them back to a home in a
3 community impacted by carcinogenic diesel exhaust from
4 ships. I ask you, as the Board, how am I and other health
5 providers going to help them? That's where you, as the
6 clean air regulators, step in and as the public health
7 protectors.

8 Your staff has done a great work in laying out
9 the roadmap for better health for the communities residing
10 near these ports and I thank them for that.

11 You have the opportunity today to clean the air
12 for my patients and for our communities across the state
13 by moving forward with this proposal and protecting them
14 against the -- a major pollution source. You can reduce
15 lung disease and cancer risk for millions of Californians,
16 you can save lives, and you can help avoid major health
17 costs and impacts.

18 Passing this proposal would cut pollution risk
19 posed by the ships at our ports and improve the overall
20 health of our surrounding communities.

21 Thank you.

22 BOARD MEMBER BALMES: Chair Nichols?

23 CHAIR NICHOLS: Yes.

24 BOARD MEMBER BALMES: Before you go Dr. Thakur.

25 CHAIR NICHOLS: Yes, please.

1 BOARD MEMBER BALMES: May I just ask one
2 question? First of all, in transparence, we're close
3 colleagues both caring for patients at San Francisco
4 General and in research. But I just wanted to make clear
5 that you're working with children with asthma in both
6 Richmond and West Oakland, correct?

7 DR. THAKUR: That's correct, yes.

8 BOARD MEMBER BALMES: So she's not just talking
9 from San Francisco.

10 CHAIR NICHOLS: All right. Thank you. Duly
11 noted. Thank you.

12 MR. WILSKE: Good morning. And thank you for
13 having me. My name is Larry Wilske fro MEC Energy based
14 out of San Diego, partnered in Long Beach, Oakland, and
15 Los Angeles Harbors.

16 First, I want to thank everybody for the -- as a
17 recently retired combat veteran, the Pledge of Allegiance
18 this morning meant and awful lot and I'm very glad to see
19 people leading by example, so thank you for that.

20 And the language -- I'm here to support this
21 measure completely. However, the language I think it
22 should be stepped up a little bit, first and foremost.
23 And the title alone Vessels At Berth and at Anchor. As
24 everybody knows ships at inner harbors in Los Angeles,
25 Oakland, and San Diego pollute neighborhoods that aren't

1 touched by the industrial areas where they berth. And
OC-1
Wilske 2 there's no reason whatsoever not to have "and at anchor"
3 included in mitigation of pollution.

4 There's industry standards right now, I represent
5 one of them, that has an immediate answer and solution set
OC-2
Wilske 6 to that problem.

7 Also, the -- where I think we could get a little
8 bit better is ships coming in right now, why are we
9 waiting almost a decade for some ships to be affected by
10 the regulation. Affect them all right now and have a per
11 port visit waiver process, so if there's no viable
12 solutions, that shipping line isn't paying a penalty. If
13 we wait, we're till polluting just like the people that
14 came before me, and it affects their neighborhoods. So
15 let's just say the timeline is yesterday.

16 With the waiver process, that's viable and kind
17 to those folks that don't have a solution set. Let
18 commercial solutions complicit with CARB's regulations and
19 requirements come to light. That would really speed
20 things up and it's appropriate to do so.

21 I agree with Mr. Martien our first speaker on
22 this very issue. There are other solutions, other than
23 the bonnet technology, which needs to be improved or shore
24 power. In fact, there's even better than shore power.
25 And I'd love to discuss those things with you as I with

1 recently with Nicole.

2 All right. If there's any questions, that's all
3 I've got.

4 CHAIR NICHOLS: Thank you.

5 MR. WILSKE: Okay.

6 CHAIR NICHOLS: I think we're all taking notes
7 just in case anybody wonders. There will be more
8 conversation at the end, and questions for staff, I'm
9 sure.

10 Go ahead.

11 MR. CORT: Good morning. Paul Cort with
12 Earthjustice, here with others to support this rule. My
13 concern this morning is really with delay. This
14 rulemaking process began in 2014, five years ago. There
15 have been over 150 public meetings, four rounds of
16 workshops. Staff have taken in every complaint that
17 they've heard from industry. They've redone the risk
18 assessment and the cost-benefit analysis. They have added
19 more and more flexibilities as you've seen in this rule.

20 Exceptions, now including a new innovative
21 control -- concept. And yet, I'm sure that you will hear
22 this morning more calls to slow this rule down, and wait
23 for, you know, more alternatives to be considered, more
24 studies to be done. And so my request for you this
25 morning is to ensure that this rule gets finalized in the

1 spring of 2020.

2 Thank you.

3 CHAIR NICHOLS: Thank you.

4 MS. GARCIA: Good morning, Chair Nichols and
5 Board members. I'm Katherine Garcia, policy advocate at
6 Sierra Club California. And on behalf of our chapter,
7 which includes 500,000 members and supporters statewide,
8 thank you for this opportunity to comment on the Control
9 Measure for At Berth.

10 The proposed regulation is a cost effective and
11 necessary way to protect public health and reduce
12 emissions. By 2032, this rule will save the state an
13 estimated \$2.3 billion from 230 fewer premature deaths, 72
14 fewer hospital emissions, and 116 fewer emergency room
15 visits statewide.

16 California is home to the nation's largest ports
17 complex. And a majority of the areas around ports in
18 California are identified as disadvantaged communities,
19 where residents, main the working poor, and people of
20 color are the ones who suffer first and the worst effects
21 of pollution from goods movement.

22 With over 12 million Californians breathing the
23 worst air in the nation, our communities should not be
24 asked to pay the price for cheap good movement and freight
25 with their health and air quality.

1 Transitioning ocean-going vessels from using
2 diesel auxiliary engines in port to alternatives, such as
3 plugging into electrical power, using capture and control
4 technology will effectively reduce toxic pollutants in our
5 air. Some shipping companies are already transitioning to
6 shore power practices due to the associated savings on
7 fuel and operational costs.

8 OGVs are sources of both NOx and PM emissions,
9 both of which cause severe health impacts. Reducing
10 diesel emissions will significantly reduce the risk of
11 respiratory diseases and cancer. Again, by 2032, this
12 rule will save California an estimated 2.3 billion in
13 health-related costs statewide.

14 Sierra Club California strongly sports the
15 proposed At Berth Regulation. We urge CARB to adopt this
16 rule and move forward with implementation as quickly as
17 possible.

18 Thank you.

19 CHAIR NICHOLS: Thank you.

20 MR. MAGAVERN: Good morning, Madam Chair and
21 Board members. Bill Magavern with the Coalition for Clean
22 Air in strong support.

23 California's port communities have an urgent and
24 compelling need for relief from diesel exhaust. Just last
25 month at your Board hearing, you heard about the research

1 on the health effects of fine particulate matter. And we
2 know that it causes cancer, causes lung and heart disease,
3 and premature death. You have established yourselves in
4 your State Implementation Plan the need for this
5 strengthened rule. And here in West Oakland, as you'll
6 hear later, it's part of the Community Emission Reduction
7 Plan under AB 617.

8 We know there are costs to complying with this
9 proposed rule, but we also know that the benefits outweigh
10 the costs. We should also look at the fact that the costs
11 will be primarily paid by large multi-national
12 corporations. The benefits will be incurred mainly by
13 low-income communities of color, who have faced historic
14 environmental injustice.

15 We also think that the proposed system of shared
16 responsibility is, compared to the existing rule, both
17 more fair and also more effective as a way to improve
18 compliance. Adding the vessel types, adding the ports
19 that have not been covered in the past will improve the
20 health benefits of this rule.

21 Our one real objection to the proposal is that we
22 think it is too generous in the amount of time given to
23 the oil tankers to comply, up to ten years outside of Los
24 Angeles and Long Beach. And we think -- we agree with the
25 Bay Area Air Quality Management District that that

1 deadline should be moved up.

2 Other than that, we think that the staff have
3 done a very thorough job with both the substance of the
4 proposal and the public process. And we urge you to today
5 instruct that they go forward quickly and to bring this
6 back for final adoption as soon as possible. We would
7 recommend at your March Board hearing.

8 Thank you.

9 CHAIR NICHOLS: Thank you.

10 MR. BARRETT: Good morning. Will Barrett with
11 the American Lung Association. The Lung Association is
12 one of over 20 health organizations who submitted a letter
13 in strong support of this proposal. The American Cancer
14 Society, California Medical Association, the American
15 Academy of Pediatrics, California Thoracic Society, local
16 asthma coalitions, and physician groups from the Bay Area,
17 nurses, others have all written in support -- in strong
18 support of the rule, because we view pollution from the
19 ships to be such an unacceptable health risk in our local
20 communities.

21 We know that we can't move quickly enough to
22 protect public health from the harms of diesel emissions.
23 And we also support the idea of moving more quickly with
24 the compliance time frames as the air districts put
25 forward, as Mr. Magavern just noted from the Coalition for

1 Clean Air.

2 As Dr. Thakur noted, the risks of particle
3 pollution on community health are widespread and well
4 known from cancers, to asthma impacts, to heart attacks
5 and strokes, and premature deaths. We know the risks are
6 significant and that CARB's actions here are super
7 important to improving the health of all Californians, but
8 especially those most impacted in our most disadvantaged
9 communities near the ports.

10 We appreciate that the staff have really learned
11 from the implementation of the existing rule and know that
12 it won't keep pace with the projected growth in freight
13 traffic. We know that the facilities have a role to play
14 in compliance and we appreciate the new direction that the
15 staff has taken the rule. Again in strong support of
16 that.

17 As freight traffic is projected to grow, along
18 with it carcinogenic diesel particle pollution will grow.
19 And the cancer risk and other health burdens will grow
20 along with that, unless we take strong actions like this
21 rule.

22 We really look at this proposal as being at a
23 fork in the road. We either have, on one hand, the
24 increased pollution burden, on the other hand, reduced
25 risk of health harms across the board to these most

1 impacted communities.

2 We know that we're projecting a 55 to 60 percent
3 reduction in cancer risk in many community -- in the
4 communities most impacted, adding community protections to
5 communities that are not currently included in the rule.
6 We think that's an important step forward at protecting
7 those communities in Richmond and Stockton. We know that
8 the health benefits outweigh the cost of the rule. So I
9 think these all weigh on the side of moving forward with a
10 strong rule.

11 We do think that moving as quickly as possible
12 with the compliance time frames is important. Moving
13 quickly to adopt the rule - I'll go ahead and agree with
14 Mr. Magavern - on a March time frame. I think that makes
15 sense.

16 And then really just look forward to working with
17 you and other stakeholders to make sure that this rule is
18 as health protective as possible and goes forward as
19 quickly as possible.

20 Thank you very much.

21 MR. GASSMAN: Good morning. I'm David Gassman
22 from No Coal in Oakland, though I'm really just speaking
23 for myself at the moment.

24 And first of all, I'd like to thank you all for
25 coming here to being in West Oakland, to experience -- I

1 personally live outside of the technical West Oakland
2 area, but still, thank you all for coming.

3 As you probably know, we're concerned about the
4 Oakland bulk and oversized terminal. And should this get
5 built, even if we're able to stop, you know, it from being
6 a coal terminal, which is our main concern, it will be a
7 bulk carrier. And so we want to be sure that this
8 community has less inflicted on it than it absolutely --
9 well, that the absolute minimum is inflicted upon it.

10 So I want to support all of the previous
11 statements about -- about this ordinance, about this rule,
12 and about moving it as quickly and as effectively as
13 possible.

14 Let me also say a word or two about the
15 refineries, because I am involved with the Sunflower
16 Alliance, which Supervisor Gioia I'm sure knows as much
17 about as he can tolerate.

18 (Laughter.)

19 MR. GASSMAN: They are -- they are quite
20 concerned about the oil term -- tankers coming through and
21 so that this gets applied to oil tankers is really quite
22 important.

23 And I think I've said enough. Thank you, all.

24 (Laughter.)

25 CHAIR NICHOLS: Thank you for being here, too.

1 MR. KILBRETH: Hi. My name is Jeff Kilbreth. I
2 have a business background. And I served on the Richmond
3 Planning Commission for two years, which is how I actually
4 came to think this issue was so important.

5 First of all, I'd like to say that I found the
6 staff work to be just terrific. I mean, really, kudos.
7 Much, much stronger than what I generally read from Bay
8 Area Air Quality Management District comparable staff work
9 in preparation for regulation definition.

10 And, in particular, I want to note that the
11 clarity about the sources of pollution and the goals of
12 regulation structure the entire effort. And this is what
13 we still haven't quite managed to achieve at the regional
14 level. And any help that could be offered by
15 cross-pollination between the staffs would be greatly
16 appreciated.

17 I've got five quick points to make. Richmond, as
18 you know, is an AB 617 community. And it's a big deal.
19 This is how Richmond thinks we're finally going to get
20 some relief for being -- having the levels of pollution we
21 have.

22 If CARB takes a very strong move on this, and, in
23 particular, advances the timeline for bringing power to
24 the Chevron Long Wharf, then it says something that CARB
25 is working with AB 617 and is deadly serious.

1 And that's very important to us, because, you
2 know, we're very cynical. I can't tell you how many times
3 Richmond has failed to get pollution reduction. It's
4 depressing. So this is -- this is a moment for you to
5 help make AB 617 real.

6 Number two, the Richmond Carquinez Straits
7 cluster is not one thing. You know, it really isn't. As
8 someone noted, there's a wharf that goes out a mile and a
9 half in the Carquinez Strait, but Chevron Long Wharf,
10 which has far more vessels coming to it, far more vessels
11 idling is very short and compact. It's just full. It's
12 busy. Every day there's two or three ships, every day,
13 idling all the time.

14 Okay. So don't make the same timeline for the
15 Richmond Chevron Long Wharf, as you make for the Carquinez
OC-2 Kilbreth 16 Strait. I mean, you know, every issue is specific.
17 Everything has to be looked at individually. But Richmond
18 doesn't need ten years. Chevron does not need ten years
19 to bring power to the wharf.

20 In general, for -- you know, as a comment on the
21 staff work, it would be very helpful, I think, just in
22 terms of confidence in the process, that if -- if delays
OC-3 Kilbreth 23 are thought necessary, you know, to be reasonable for
24 industry, it would be good if there was a full explanation
25 of that.

1 Fourth, tugs and bulk carriers. Richmond's
2 exports of coal has increased terrifically the last two
3 years, as Utah and Wyoming search for new markets in Asia.
4 And, I mean, we need -- you know, we've got coal dust.
5 We've got a lot of trains coming through Richmond. So,
6 this -- you now, dealing with bulk carriers helps us deal
7 with the problem of coal and petcoke exports.

8 Also, tugs. Tugs are very polluting. And
9 they're -- and the -- and the rules on tugs are definitely
10 needing -- needing a kind of revisit. We can use better
11 engines. We can use more modern tugs. It's -- they're
12 not that expensive to upgrade, you know, et cetera.

13 And then finally, I'm just a layperson in this
14 regard, but I think that it just makes sense that shore
15 power is the way to go, unless there's a good reason to do
16 something else. And so my question is how do we have the
17 regulations have a bias, have a preference for shore
18 power, and have some kind of way of sort of allowing
19 industry to make a case and to do something else, if
20 something else really does make sense, or if the cost of
21 shore power is, you know, prohibitive. Okay.

22 That's it. Thanks.

23 CHAIR NICHOLS: Thank you.

24 MR. HAMPTON: Good morning. My name is Earl
25 Hampton. I'm here for IBEW Local Union 595 representing

1 the workers who live near or work at the Port of Oakland
2 and Stockton.

3 I'm here in strong support for the proposed At
4 Berth Emissions Rule. This will explain -- expand the
5 class of vessels being regulated and create good green
6 jobs through our project labor agreements. Both ports,
7 which include a local hire requirement, so that living
8 and -- so those living and working on or around the ports,
9 who are subject to the emissions from these vessels, can
10 benefit from the rules.

11 Thank you.

12 CHAIR NICHOLS: Thank you.

13 MR. PULEO: Hi. My name is Joe Puleo. I'm a
14 resident of Point Richmond and a consumer of polluted air.
15 I support this initiative. However, I believe a blanket
16 date of 2029 for tanker compliance is unacceptable. I
17 recognize that there are technical and regulatory barriers
18 to implementing these rules. For example, the tankers
19 moored in Anchorage number 9 south of the Bay Bridge have
20 significant number of regulatory hurdles to clear before
21 bringing shore power to the anchorage.

22 On the other hand, there are sites which can
23 implement these requirements in a significantly shorter
24 time. For example, there the Chevron's Long Wharf dock,
25 which is least from the State of California. Four hundred

1 vessels a year, sometimes four at a time, dock there,
2 running their auxiliary diesel engines 24 hours a day, and
3 spewing diesel particulates borne by the prevailing wind
4 directly into the City of Richmond.

5 These vessels referred to as lighters by Chevron
6 as -- but as tankers by a layman, are part of a shuffle of
7 perhaps only a dozen different -- distinct vessels.

8 Chevron, which has its own electric power plant
9 and can provide electricity in any quantity, and of any
10 type required to allow these ships to heat the crude oil
11 and pump it up to the refinery without running their
12 diesel engine. Chevron was asked to do this almost five
13 years ago, during refinery modernization but refused to do
14 so.

15 I want you to adopt the much shorter time period,
16 say three years, to implement these tanker regulations,
17 with exceptions that can be provided upon application by
18 the polluter to the Air Board for approval. Ten years is
19 too long to wait.

20 Thank you.

21 CHAIR NICHOLS: Thank you.

22 MS. HARVEY: Hi. My name is Ann Harvey. I live
23 in North Oakland and I'm a family doctor who worked for
24 CONTRA Cost County until recently. I'm in strong support
25 of the measure, but really importantly with the changes

1 that were presented at the beginning by Phil Martien from
2 BAAQMD. I just -- I'll try to be brief, but I wanted to
3 point out that, as you know, the life expectancy
4 differences are totally outrageous and unacceptable
5 between the impacted communities and more privileged
6 communities. And I believe that those are strongly
7 impacted not just by the air pollution people need to
8 breathe, but also by the incredible stress of living with
9 that powerlessness and discrimination. And your
10 implementing these with the most -- the fastest
11 implementation possible. It gives some respect and regard
12 to people who have been forced to live in these
13 conditions.

14 I also wanted to say, in that line, that as it
15 was presented that it would cost less than one cent per
16 gallon of the -- on gas to do this. I think that these
17 people are worth a lot more than one sent per gallon. And
18 if it costs a lot more, we need to spend that. And the
19 oil companies can spend that and we can pay more than one
20 cent per gallon more for fax.

21 And I also noticed that in the Richmond slide,
22 that most -- I think, it was the majority, but certainly
23 the largest proportion of the benefit comes from
24 implementing these around the tankers, as opposed to all
25 the other kinds of ships. And so that -- you know, that

1 whole refinery corridor in Contra Costa county is severely
OC-1 2 impacted, so the tankers really need to be included much
Harvey 3 sooner.

4 And certainly, I agree also with including the
OC-2 5 bulk carriers for West Oakland, because that may be
Harvey 6 increasing a lot soon.

7 Thank you very much.

8 CHAIR NICHOLS: Thank you. Moving on here.
9 Jesse Marquez?

10 (Laughter.)

11 CHAIR NICHOLS: I knew you were here and we have
12 your written testimony.

13 Good morning.

14 (Thereupon an overhead presentation was
15 Presented as follows.).

16 MR. MARQUEZ: Hello. Thank you. My name is
17 Jesse Marquez. Thank you, Chairman and Board members for
18 being here. And all you beautiful members of the public
19 that are here to support your community.

20 I have more PowerPoint. It's basically 18
21 slides. I did have two other people cede their time t me,
22 but it's going to be about six seven minutes.

23 I do have to apologize. I did not know that when
24 you print a PowerPoint, it chances. And so some of the
25 letter exceeded the side. And so I'll go ahead and have a

1 PDF made also, but at least get all the pretty colored
2 pictures.

3 I listened -- I've been here since the beginning.
4 And I've heard all of many of the questions that you
5 asked. Well, in our research, we asked those questions.
6 So I can answer those questions and provide you additional
7 information that staff or anybody else did not provide
8 you.

9 Next slide.

10 --o0o--

11 MR. MARQUEZ: So we support the proposed control
12 measure. However, we do have some differences that we
13 would like to not be included. We request that the
14 measure include both at berth and at anchor. So that you
15 know that AMECS system has already been applied to ships
16 at anchor at the Port of L.A., Port of Long Beach. So
17 it's already been done and it's being done right now as we
18 speak.

19 When we're talking about ship emissions, they're
20 trying to exclude bulk -- break bulk type ships. Well,
21 there's no such thing as little emissions from a ship.
22 We're talking tons and tons a day from every category. So
23 there is no validity for not including them as part of
24 this, and I'll give you more information as we go along.

25 As you are well aware, emissions effect both the

1 environment, our climate change, as well as public health
2 significantly. So that is the big reason why we support
3 these technologies.

4 The other fact is that ships coming to our ports
5 in California are increasing every year. The Port of L.A.
6 and Port of Long Beach will triple in the next 20 years.
7 Okay. And so these are things that need to a be addressed
8 today and now.

9 We believe that all categories of ships should be
10 included. We don't believe that there should be an
11 exemption for small ports. For one thing, as been
12 mentioned before, this is already been in the works for
13 five years. Numerous meetings, public hearings, task
14 force have been going on to hear what the public comment
15 was on this. And so it's no surprise, okay? There are
16 cap-and-trade funds, Proposition 1 funds. There's DERA
17 grants and others that can also be directed to supporting
18 the smaller ports.

19 And we do support electric shore power naturally.
20 But then there's also the alternative, which is the ship
21 emissions control technologies, which we call SECT. Both
22 electric shore power and ship emission capture
23 technologies are feasible. They're cost effective.

24 Next slide.

25 --oOo--

OC-3
Marquez

1 MR. MARQUEZ: They're proven technologies and
2 they're proven as excellent mitigation measures for
3 addressing all their impacts.

4 In addition, there are options in either
5 purchasing a system or leasing a system, so it can be
6 affordable. Okay.

7 Port of Los Angeles in the past has had container
8 tariffs, both as a program and both as mitigation. So a
9 container fee or a bulk loading fee can be applied for a
10 short-term time in order to purchase one, so that the
11 ports have them available.

12 Next slide.

13 --o0o--

14 MR. MARQUEZ: We prefer the ship emissions and
15 capture technologies, and these are some of the reasons.
16 They are already using state-of-the-art off-the-shelf
17 technologies. So we're not having to reinvent anything.
18 We're just applying something that works already, but on a
19 larger scale.

20 They do not require any modification of a ship.
21 They don't require any modification of a terminal
22 infrastructure. They do not require any shore power.
23 They're not subject to power outages. They don't require
24 any special permits. They work on any category of ship.
25 And in fact, if you look at it from a financial tax

1 structure, they're capital equipment, so it's a tax
2 write-off. Okay.

3 They also capture and treat both auxiliary
4 engines and boilers. Whereas, electric shore power cannot
5 do the boilers. So in this case, we get two-fer deal.

6 Next slide.

7 --o0o--

8 MR. MARQUEZ: AMECS is already CARB approved.
9 And to be fair, we have also reviewed the other competitor
10 that's also approved. But when you compare it, item by
11 item, there is no comparison, the AMECS system is by far
12 the most excellent system in every single category.

13 Not only that, we're talking about on dock.
14 AMECS was the first to invent on dock. Okay. They were
15 the first to have ship-side barge. They were the first to
16 have an at-anchor barge. They're about 80 percent plus
17 building right now what they call a spud barge, which
18 would be used for your liquid bulk tanker ships. So by
19 next year, first quarter or so, it will be ready and it
20 will be tested next year. And so by the end of 2021, it
21 will be completed. So we don't -- not -- we're not
22 looking way out there in the future. We're talking about
23 12 months or so.

24 So that you know, AMECS has serviced over 226
25 ships at the Port of Long Beach and Port of Los Angeles.

1 There have been 65 ships that were on dock. About
2 one-fourth to one-third of those ships were actually
3 already bulk ships. So when we're talking about why not
4 including them, it's been done, on a 4050 bulk ships
5 already at the Port of Long Beach. Your ship-side barge
6 has already serviced 159 ships and at anchor has already
7 done two to date right now.

8 They have already commercially operated without
9 one incident for close to 3,000 hours. So we're talking A
10 proven technology. AEG has already met with the Coast
11 Guard. They've already met with OSHA and have built their
12 barges to meet all the requirements and standards. In
13 addition to that, they've already gone through risk
14 evaluations by both the American Bureau of Shipping and
15 the Det Norske Veritas, the European equivalent.

16 They also have the capability to build sufficient
17 AMECS systems to meet any schedule, just like anything. If
18 you place an order for ten and you need it for two years,
19 then they hire more man power and order the parts. And
20 since these are off-the-shelf parts, we're not talking
21 having to wait three, four, five years. Within a year or
22 two, everything is ready.

23 Next slide.

24 --o0o--

25 MR. MARQUEZ: This is an example of a barge that

1 shows that articulated arm, where it is going over the
2 exhaust stacks of a ship.

3 Next slide.

4 --o0o--

5 MR. MARQUEZ: So they're able to capture and
6 clean airborne emissions from auxiliary engines as well as
7 auxiliary boilers. It consists of two components, the
8 exhaust capture, which is the hose bonnet portion of it,
9 and then you've got the treatment, which is your scrubbers
10 and those technologies.

11 So there is both a first generation and a second
12 generation. We're talking about emissions capture. Look
13 at the numbers, PM, 94.5; NOx, 99 percent; SO2, 98.5
14 percent; VOCs, 99.5 percent. You might be asking what
15 about greenhouse gases? Well, no one has asked for that
16 yet. So you just add that technology to the existing
17 system, and voilà in six months you could have one that
18 captures more than what's being captured right now.

19 Next slide.

20 --o0o--

21 MR. MARQUEZ: The issue comes out about from
22 ships I need to get some numbers. So Tiax did do an
23 evaluation and the listed the different types of ships.
24 And there you see bulk ships annual PM, 42 tons, NOx, 22
25 tons. So I don't know where staff is coming from. I know

1 they're coming from that, you know, it's little. It's not
2 little. It's a lot of tons. So therefore that's where
3 we're asking you please do not allow that exemption.
4 There's no basis for it. They are a huge emissions
5 source.

6 Next slide.

7 --o0o--

8 MR. MARQUEZ: You can see where there was the
9 first generation, the second generation of the scrubbers.
10 So they're continually updating and investing in new
11 technologies.

12 Next slide.

13 --o0o--

14 MR. MARQUEZ: Right here is the on-dock system,
15 so you can see it on dock going to the ship. You can see
16 the articulated arm can go very high and meet every height
17 of every category of ship right now today.

18 Next slide.

19 --o0o--

20 MR. MARQUEZ: This is the bonnet. You see two
21 versions of it. What they have done now is gone from the
22 bonnet, which goes over the big smokestacks, some ships
23 actually have multiple exhaust pipes.

24 CHAIR NICHOLS: Mr. Marquez, you've used up nine
25 minutes. We extended your time as you requested. So

1 could you please just give us like a one or two sentence
2 summary and --

3 MR. MARQUEZ: So in summary, there are already
4 three versions. A fourth one will be available. So next
5 year four are available to meet all requirements. It is
6 feasible, it is cost available, and they're ready today.

7 And we request that the schedule be shortened to 2025.

8 There's no reason to go beyond that.

9 Thank you.

10 CHAIR NICHOLS: Thank you very much.

11 Okay. We have another extended presentation here
12 from PMSA and support from other entities that have
13 yielded their time, so --

14 MR. JACOB: Thank you.

15 CHAIR NICHOLS: Hi.

16 MR. JACOB: Appreciate Madam Chair. Mike Jacob
17 with Pacific Merchant Shipping Association. We represent
18 ocean carriers, marine terminal operators operating in
19 California's ports. And I also wanted to speak very
20 quickly on behalf of a coalition of industry members who
21 have submitted some comments to you and the staff over
22 time. You'll be hearing individually from CAPA, the
23 California Association of Port Authorities, from CLIA, the
24 Cruise Line International Association, from WSPA, the
25 Western States Petroleum Association. And I also have a

1 statement from World Shipping Council who apologizes.
2 They weren't able to come today, because they have a
3 Homeland Security matter they had to attend to in
4 Washington D.C.

5 But before I get to that, I did want to spend a
6 little bit of time thanking the staff for working with us.
7 A number of the folks you hear from today, including from
8 me and from a number of the ports, we represent entities
9 that are regulated under the current rule. And we've been
10 working with staff on the implementation of the current
11 rule since 2007. It's an extensive process. It's an
12 expensive rule. It's a technical and complicated
13 administrative rule.

14 There's a lot of moving parts, which is why you
15 will hear extensive comments from us today on the -- and
16 you'll see more comments coming written on Monday from all
17 of us regarding the implementation, because the devil is
18 in the details on how this is accomplished.

19 We have achieved really tremendous successes with
20 this rule as acknowledged by the CARB staff in their
21 presentation. I want to thank them for that
22 acknowledgement. We're very proud of the emissions
23 reductions we've made to date as an industry. And that's
24 across all the sectors. And you'll see in some of the
25 graphs we passed out, and include in our correspondence,

1 all the vessels that we're talking about today are
2 currently regulated with respect to at-berth emissions
3 for -- through clean fuel rules.

4 Additional sectors, including cruise, and
5 containers, and reefer ships also have additional at-berth
6 requirements. But all of the shipping fleets have reduced
7 their emissions by approximately over 70 percent just
8 through cleaner fuels alone. When you look at our sector,
9 we've also reduced those emissions by close to 95 percent.
10 And if you did nothing today -- we're not advocating that.
11 We'll get into the specifics of what we are asking you to
12 do. But if you did nothing, under the ISOR projections
13 that are included in this current rule, we would be
14 basically at a tenth of a ton of diesel particulate matter
15 by 2031, which is about 40 percent cleaner than where we
16 were when this original rule was promulgated in 2007 as
17 our target for 2020, which was seventeen-hundredths of a
18 ton per bay of DPM.

19 So we think that's pretty fantastic. You're
20 looking at a total from regulated cruise ships, container
21 ships, reefers statewide of about three pounds per day of
22 diesel PM. That's pretty phenomenal. That's a success
23 that we want to be able to essentially replicate moving
24 forward with these rules.

25 If I could very quickly -- and I apologize for

1 reading from World Shipping Council, but they asked if we
2 could provide this statement to you today.

3 World Shipping Council and its members have been
4 pleased to work with CARB staff for more than a year to
5 revise and improve the current at-berth regulations to
6 make them more practicable and to ensure ocean carriers
7 are not subject to all the requirements that fall outside
8 of their control. For the rules to function effectively,
9 each party that is needed to play a role in meeting the
10 rules' objectives should be provided with clear and
11 achievable regulatory obligations. We therefore
12 appreciate the proposed rules inclusion of appropriate
13 obligations on ports, marine terminal operators, and on
14 emissions control strategy operators.

15 But while the current proposed rule addresses
16 some of the World Shipping Council and the industry
17 coalition's concerns, many issues remain. World Shipping
18 Council will soon provide written detailed comments and
19 recommendations to the CARB to address specific aspects of
20 the proposed rule that require further attention. One
21 issue, about which we have serious concerns, is CARB's
22 proposal to both substantially revise the current at-berth
23 regulatory system and expand the applicability of that
24 system to new classes of vessels, particularly ro-ro
25 vessels without a clear and comprehensive cost benefit and

1 feasibility analysis for each class, and on the assumption
2 that capture and control technology, which does not --
3 which barely functions today, is a viable control option.

4 Thank you for your consideration of these issues.
5 Doug Schneider, Vice President, World Shipping Council.

6 We agree substantially with those comments and
7 also with most of what you heard in the presentation from
8 staff today.

9 The good news is is we all agree, from industry
10 side and CARB staff, and we hope you do too as a Board -
11 and we know you do from your policy positions - that the
12 current clean fuel and vessel at-berth rules have been
13 extremely effective in reducing emissions from vessels.

14 And with the current fleet, the current CARB
15 policy goal is a hundred percent rule compliance. We
16 agree with that as well. The current rule captures 97
17 percent of the vessels in the fleets that are calling the
18 container ports in California. That's a phenomenal
19 number. It also means that the Delta of additional
20 emissions to capture is very, very small, which leads us
21 to the concerns that when you're changing the fundamental
22 nature of this rule from a fleet basis, where we can
23 capture 80 percent emissions to an 80 percent emission
24 control standard on a per ship basis, you're actually not
25 reducing emissions from the existing controlled fleet very

1 much at all.

2 But as proposed, the CARB estimate is that the
3 additional costs associated with that are over \$400
4 million for our industry. You'll hear from the individual
5 ports in their comments that are coming up, that they have
6 concerns, as do we, about whether or not that's the
7 appropriate place to make an investment of close to half a
8 billion dollars. And so there are very significant cost
9 effectiveness questions that we have moving forward.

10 If the resulting emissions reduced are very
11 small, so should the costs relative to those emissions,
12 which is why we appreciate the staff putting in the
13 consideration that they did today with respect to
14 exploring the opportunity for alternative emissions. We
15 all have agreed informally amongst ourselves and our many
16 years of conversations, that if we can achieve these
17 emissions faster and cheaper, in another method, that's
18 better for the communities and for the industry. So if we
19 can get to that type of win-win, we think that's something
20 that should be explored. Don't close the door on it.

21 Moving forward, the other theme you'll hear from
22 all of us today is there is no rush to get a rule that's
23 imperfect back in front of this Board, if a better rule
24 could be happening -- I'm sorry -- be constructed if this
25 Board meeting happens a couple of months later. Whether

1 this occurs in April or June really is immaterial to the
2 fact that we're going to be talking about what kind of
3 investments are we making over the next six, seven, eight,
4 nine, ten years, especially because you have our track
5 record in front of you, where we already have substantial
6 emissions reductions. And the 2021 effective date really
7 does not represent any additional emissions reductions,
8 there's no harm in waiting and doing it right.

9 I'd like to take a couple of seconds right before
10 I run out of time to specifically address some ro-ro
11 issues. We, again, will be submitting our own technical
12 review of ro-ro controls. But just as preliminary
13 conclusions, you'll see that our evaluation is that ro-ro
14 controls actually increase GHGs by 50 percent. We think
15 that's significant and should be avoided by the Board.
16 Emissions reductions after accounting for all the
17 alternative and requisite logistics actually have an
18 effective reduction rate of DPM of only 40 percent not 80
19 percent as required by the rule.

20 And that the cost effectiveness of the proposed
21 ro-ro rule is nearly \$200,000 per weighted ton, making it
22 an exceptionally expensive place to go for emissions in
23 the short term. Again, if we can find alternatives to
24 those types of outcomes, that's what we want to be doing,
25 not forcing us to have a round peg in a square hole.

1 And I think, finally, because we believe this is
2 a very successful rule - and thank you very much for
3 working with us over the years to make it so - we do not
4 want the Board to change courses in the middle of the
5 stream. We want to keep the existing regulatory structure
6 that we have. What's proposed in front of you right now
7 is a brand new rule. We don't think we need a brand new
8 rule. We think we need to be making small administrative
9 tweaks to a successful rule and make it even better.

10 Thank you very much.

11 BOARD MEMBER TAKVORIAN: Madam Chair, can I ask a
12 question?

13 CHAIR NICHOLS: Yes.

14 BOARD MEMBER TAKVORIAN: I'm here.

15 CHAIR NICHOLS: Oh, there you are. Hi.

16 BOARD MEMBER TAKVORIAN: Yes, sir, did I hear
17 you --

18 CHAIR NICHOLS: I heard the voice.

19 BOARD MEMBER TAKVORIAN: I'm sorry.

20 CHAIR NICHOLS: Go ahead.

21 BOARD MEMBER TAKVORIAN: Did I hear you correctly
22 to say that the ro-ro regulation actually increases
23 pollution?

24 MR. JACOB: We -- yeah, we'll be submitting
25 technical comments on that.

1 BOARD MEMBER TAKVORIAN: Well, it's quite an
2 assertion. So could you give us a little more information
3 about that now?

4 MR. JACOB: We actual -- well, we'll have a
5 complete report done by a consultant that goes through all
6 of the actual details of that. I'm not technical, so I
7 don't want to misstate what those things are. They'll be
8 provided on Monday on December 9th at our submission date
9 for comments.

10 But I will say this, the components of what goes
11 into how you actually reduce those emissions from the
12 vessel at berth are what they are, and that's one thing.
13 Where you get GHG emissions increases, and ultimate
14 reductions in the amount of DPM is because you have to
15 actually position those control devices somehow. So if
16 it's on a barge, you have to hire a tug. And tug has to
17 go from its home port, pick up the barge, move the barge
18 to the vessel. And then after the vessel has been
19 appointed with that control, the tug goes back to its home
20 port. Then you have to move it again for the vessel to
21 leave. So it comes back out and then it removes the barge
22 and takes the barge back to where the barge is.

23 So these things will be happening all the time.
24 It also occurs when you have a -- you can't do lightering,
25 which is fueling for the vessel, and have the controls at

1 the same time. So if you have multiple barge requirements
2 for the same call, then that vessel will have to go to
3 anchor to do the lightering, which is their refueling, if
4 they're actually under a barge control at the same time.

5 So there's a lot of moving parts to that type of
6 thing. And that's what will be in the technical analysis.

7 BOARD MEMBER TAKVORIAN: Appreciate you giving a
8 little more information about that. My understanding is
9 that that was considered in the staff evaluation, but --
10 so when we get there at the end, perhaps we could ask them
11 to expand on that.

12 Thank you.

13 MR. JACOB: Yeah, I think that is exactly one of
14 the things that we have a lot of very technical concerns
15 about. And because this is a complex rule, and we're
16 talking about very small emissions reductions, those are
17 the types of things we would like to work out fully with
18 staff before they come back to you with a complete
19 proposal.

20 CHAIR NICHOLS: Well, excuse me, thank you for
21 that. I think it's fair to say that as others have
22 pointed out, this rule has been in development for years,
23 many years. And you're raising issues at, what I would
24 regard as, rather the last minute, which could have been
25 and should have been raised much earlier, if they haven't

1 been before now.

2 You continue to characterize these as small
3 emissions reductions.

4 MR. JACOB: Um-hmm.

5 CHAIR NICHOLS: But taken as a whole, these are
6 important emissions reductions or we wouldn't be here.
7 And I think that your final comment, or one of your final
8 comments, about how we should just be tweaking the
9 existing rule versus adopting a new rule is somewhat
10 disingenuous. I'm wondering -- you know, you're not a
11 technical person you say --

12 MR. JACOB: Right.

13 CHAIR NICHOLS: -- but what exactly are you
14 talking about?

15 MR. JACOB: Thank you for allowing me to clarify
16 that, because it certainly is not intended to be
17 disingenuous at all. And I think if you ask staff, they
18 would be sure to agree, that we have been working
19 diligently and provided a lot of detail and conversation.

20 CHAIR NICHOLS: Yeah.

21 MR. JACOB: So no one is providing anything at
22 the last minute. Nothing I've said today is a surprise to
23 anyone on staff.

24 The issue with the existing rule versus a new
25 rule, for the currently covered fleet, is we have invested

1 close to \$2 billion by the initial CARB estimate in the
2 existing rule. The existing rule is fleet average based.
3 We want to maintain that. We understand that there's a
4 desire to move to an every vessel, every visit standard
5 for non-regulated fleets, like the tankers and the ro-ros.
6 That may be appropriate for those fleets.

7 We don't believe we should be covered under the
8 same rule as the additional fleets. We would like to
9 maintain our rule. We would like to improve our rule and
10 we don't want to get rid of the rule that we already have.
11 We want to make it work better.

12 So if I, in any way, shape, or form, implied
13 otherwise, I apologize for that. Certainly, there's
14 nothing disingenuous about trying to do that.

15 But we already have a rule that's gone through a
16 waiver process. It's in place, it's effective, and it's
17 successful. And we want to make it work better and reduce
18 our administrative costs, make it actually more effective.
19 And again, we are very proud of the fact that we only have
20 a small amount of the way to go with our additional
21 emissions reductions. So that was not meant in a
22 pejorative. We mean that in a very positive way. We have
23 really done a successful job at reducing very, very, very
24 significant emissions.

25 CHAIR NICHOLS: Okay. We just --

1 MR. JACOB: And we find that to be very positive.

2 CHAIR NICHOLS: And I don't mean to extend this
3 much further, but as I understand it then, your real
4 objection is that you prefer the fleet average approach.
5 And your objection is to the new addition of more specific
6 controls on more specific vessels?

7 MR. JACOB: That's right.

8 CHAIR NICHOLS: Thank you.

9 MR. JACOB: Yeah. Thank you.

10 CHAIR NICHOLS: Okay.

11 MR. DOW: Good afternoon, members of the Board.

12 CHAIR NICHOLS: Good afternoon.

13 MR. DOW: My name is Tom Dow. I'm here to
14 represent Carnival Corporation and our ten operating
15 cruise lines. Also a member of CLIA.

16 At Carnival, we favor long ships and short
17 speeches, so I'll try to hold to that myself.

18 (Laughter.)

19 MR. DOW: In the case of the cruise lines, I've
20 had the opportunity to work with CARB on shore power for
21 about 20 years, starting with the first installation that
22 we did in Juneau, Alaska. And I've been involved in
23 everyone of them personally in California working with
24 ports, and the utilities, and so on. So we believe in
25 shore power.

1 Our concern with this new rule is really that we
2 find ourselves in a binary situation with outlying
3 infrequent fliers, which generally apply to ships that are
4 on around the world cruises that might call on a
5 California port one day every year or two or other
6 non-frequent fliers that are not home-ported or regular
7 ships calling.

8 Those ships to equip to the ship, which is now
9 running around \$2 million in round figures, if we're only
10 going to use it for eight hours every two years, the
11 company will make a decision not to deploy to California.

12 And so that is -- that would affect, according to
13 the numbers that we're working on right now within my
14 company, which is about half of the North American
15 industry - it might be slightly more than half of the
16 California deployment - would affect about 22 calls we
17 think of ships that fall into this category. And I'll
18 give you a couple of examples just to show you what that
19 is within the next minute.

20 For example, we have Cunard ships that are on
21 round the world cruises that -- the Queen Elizabeth has
22 one call in San Francisco and one call in Los Angeles in a
23 year. Queen Victoria has just one in San Francisco. So
24 our choice is really to not call, rather than to equip a
25 ship. And we'd prefer to -- fleet averaging would allow

1 us to accommodate this. Our home-ported ships are using
2 shore power and have been for years.

3 Thank you very much.

4 CHAIR NICHOLS: Thank you.

5 MS. MILLER: Hello. My name is Martha Miller
6 with the Co -- sorry, the California Association of Port
7 Authorities. I wanted to, first of all, thank the CARB
8 staff for working with my predecessor and the team at
9 CAPA, since the rule was initiated in 2007 on amendments.
10 I know it's been a long process, so really appreciate
11 that.

12 You're luckily going to hear from many subject
13 matter experts in our membership at the Ports of Oakland,
14 San Diego, Los Angeles, and Long Beach, which will be
15 great, I think, to kind of inform some of the questions
16 that have come up. But we just want to say as an industry
17 coalition that represents all 11 ports throughout the
18 state, we just would respectfully request that the Board
19 direct staff to continue to work with us, the fleets, the
20 different terminals and ports just to look at creating
21 amendments to the current regulation just to help improve
22 compliance methodologies. It's really a priority for us,
23 as well as just conduct feasibility studies to evaluate
24 and identify the most effective and most economical
25 application of any future at-berth controls, as it expands

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Miller

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Miller

1 to any additional ocean-going vessels.

2 Thank you.

3 MR. CANNON: Good afternoon, Board members.

4 Chris Cannon, Chief Sustainability Officer at the Port of
5 Los Angeles. We support shore power. We are current --
6 we probably have more experience with shore power than
7 anybody, because shore power really was pioneered in the
8 San Pedro Bay. And so we're sitting I think at about --
9 just about a little under 80 percent compliance with the
10 current rule and so we want to see it continue to succeed.

11 And so we don't have a problem with the idea of
12 shore power, but we do have some concerns that we've
13 raised on the proposed rule. And Morgan Caswell of the
14 Port of Long Beach is going to be speaking after me and
15 she's going to talk a little bit about some of those
16 details of our concerns that we've raised. We've worked
17 with staff and they've been very, very helpful and very
18 open in discussing these issues with us. And we want to
19 thank them and you for that.

20 But the long and short of it is that we just want
21 to make sure that whatever you enact is feasible/ and that
22 it gets the most bang for the buck. We -- this is
23 especially in light of our Clean Air Action Plan goals
24 that we've set for ourselves, which include zero
25 emissions. And that's going to be very expensive and

1 require a lot of resources.

2 And so we believe it will ultimately be very,
3 very effective. But we don't have unlimited resources,
4 and so we just want to make sure that when we work with
5 you to continue, and expand, and develop shore power, we
6 also do so with a goal -- with the idea of making sure we
7 get the biggest bang for our buck for our investments.

8 You can be sure we'll be coming to you for help,
9 by the way, for funding with our Clean Air Action Plan.
10 So we look forward to talking to you about that. And we
11 look forward to continuing to work with your staff on
12 the -- this rule. And we ask that you give them the
13 opportunity to work through some of these issues before
14 you actually go finish and complete your rulemaking
15 process.

16 With that, I'll end my comments and thank you for
17 your time.

18 MS. CASWELL: Good afternoon, Chair Nichols and
19 CARB Board members. Thank you for this opportunity to
20 comment on the proposed rule. My name is Morgan Caswell
21 and I am the Manager of Air Quality Practices for the Port
22 of Long Beach. The Port has worked closely with CARB
23 staff throughout the rulemaking process. And we are in
24 strong support of additional emission reductions at berth.
25 I'm going to focus today on the opportunities to improve

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Cannon

1 the proposal before us.

2 First, I'd like to talk about the timelines. To
3 comply with the new regulation, these timelines are very
4 stringent. First, given the technology to control
5 emissions, specifically from the ro-ros and the tankers,
6 we need a lot of technological advancement to get them
7 where they need to be. The shore power at our tanker
8 terminal is unique and specific to two vessels that are --
9 that call the Port of Long Beach. And it's not applicable
10 to the rest of the fleet. The Port believes at least two
11 additional years to comply would be necessary for both
12 vessel categories.

13 Second, the rule should require the feasibility
14 assessment in 2023 consider the state of technology, cost
15 effectiveness, and safety considerations. There should be
16 a mechanism for staff to alter the implementation timeline
17 should the feasibility assessment deem the technology not
18 feasible or the cost too great per ton of emissions
19 reduction.

20 Third, the CARB staff report estimates compliance
21 under the proposed regulation will cost the shipping
22 industry \$2.2 billion. To reduce the likelihood of cargo
23 diversion, which could result in greater emissions
24 overall, and to support the development and deployment of
25 the requisite technologies, the Port suggests that CARB

1 allocate at least 200 million for tanker and ro-ro
2 emission capture and control technology or shore power
3 statewide. The ports have a successful track record of
4 using State grant funds for advancing technologies and
5 accelerating emission reductions. The Prop 1B funds used
6 to install shore power infrastructure at our container
7 terminals prior to the implementation of the 2007 At Berth
8 Regulation were critical to our success of our shore power
9 programs.

10 Fourth, the Port is in support of alternative
11 compliance plans that can be implemented to achieve
12 equivalent emission reductions more cost effectively.

13 The Clean Air Action Plan places near-term focus
14 on cargo handling equipment and heavy-duty trucks, because
15 of priorities identified by our mayors and our boards.
16 The CARB Board must recognize that a requirement to comply
17 with the At Berth Regulation and an investment in
18 resources to support that effort will take priority over
19 our voluntary zero-emission goals. And our success on
20 these voluntary efforts will likely be limited as a
21 result.

22 I'd like to once again thank you for your time,
23 as well as for the time we spent working with staff. We
24 appreciate the opportunity to work with CARB on this
25 important effort to develop an effective regulation to

1 reduce air emissions from vessels and to reduce the public
2 health impacts of our communities.

3 Thank you.

4 MR. SINKOFF: Good afternoon, Chair Nichols and
5 members of the CARB Board. My name is Richard Sinkoff.
6 On behalf of the Board of Port Commissioners and our
7 Executive Director, Danny Wan, I want to welcome you to
8 Oakland and really commend you for holding your meeting in
9 West Oakland, which is our host community. We really
10 appreciate it.

11 I'll focus my remarks on just some background on
12 our shore power results, some broad concerns in the rule,
13 the proposed control measure, a few methodological issues,
14 and a conclusion.

15 First, as the fellow ports have said, we are
16 fully committed to improving air quality and health
17 outcomes especially here in West Oakland. We take this
18 charge very, very seriously. As you know, in 2009, our
19 board approved the Maritime Air Quality Improvement Plan,
20 which set a target, aligned with the State, of reducing
21 diesel particulate matter emissions by 85 percent and
22 related health outcomes.

23 And the Port and his -- and our partners have
24 achieved some impressive results. The emissions
25 inventories that we conduct regularly show that we've

1 achieved already an 80 percent reduction in diesel
2 particulate matter emissions. So we have a little bit
3 more to go, but we're doing quite well.

4 Ocean-going vessel emissions have declined from
5 2009, 209 tons per year, in 2005 to 42.2 tons per year.

6 And the At Berth Rule that you have in place has
7 been a key to the success. So the rule as we have it
8 today is working. Under the current rule, Oakland is
9 achieving a plug-in rate of 76 percent. So that's higher
10 than the current regulatory level. And in October of this
11 year, so two months ago, our plug-in rate in Oakland was
12 83 percent. So that means that right now under the
13 current rule, we're exceeding the target for 2020. So the
14 rule is a very, very good and solid rule. We think these
15 are good results.

16 I see a green light buzzing that means I have 52
17 seconds.

18 Okay.

19 (Laughter.)

20 MR. SINKOFF: So what are the -- what are our
21 broad concerns. I'm going to touch on these very, very
22 briefly. The first is, as you heard, we think there's a
23 more cost effective way of getting those final incremental
24 emissions through some of the projects that we've
25 presented through PMSA.

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Sinkoff

1 The second issue is that the barge system, the
2 control and capture device under your staff's analysis,
3 won't work in the Oakland harbor conditions. So we'd like
4 to see some exemptions that reflect the provisions for
5 Southern California.

6 And finally, this concept of shared
7 responsibility, it sounds great. But I do want to say
8 that we already have shared responsibility, because when
9 we don't have a successful plug-in, we reach out to the
10 carriers. We reach out to the terminals. We send an
11 immediate notification and we resolve the issue right
12 away. So that shared responsibility is working.

13 So finally, my final comment is, and I told this
14 to Cynthia Marvin, when she was working with us, we
15 already have the gold standard in place. I know that your
16 staff said that and we really appreciate that. We've
17 built a lot of expertise. And with the community and with
18 our stakeholders, we'd like, as you move forward with the
19 rule, see us as your partners. We really have built these
20 systems, we know how these works, and we're a tremendous
21 resource for you as you craft the rule itself.

22 Thank you so much.

23 CHAIR NICHOLS: Thank you for that.

24 MR. UMENHOFER: Good afternoon, Chair Nichols and
25 members of the Board. My name is Tom Umenhofer. I am

1 Vice President of Technical and Regulatory Affairs for the
2 Western States Petroleum Association.

3 I will be addressing the unregulated portion of
4 the proposed regulation and hopefully focusing a little
5 bit on realities.

6 While WSPA has and continues to support emission
7 reduction initiatives around ports and marine terminals,
8 including the highly successful existing At Berth
9 Regulations, we do have several concerns with the current
10 proposal for the regular -- unregulated sector.

11 The primary concern is our number one priority
12 and I really want to emphasize this, which is safety. For
13 what we know today - and I'm a technical guy. And I've
14 been working in this area for a long time - the staff's
15 proposed land-based control technology approach has not
16 been designed or tested for the complex tanker or marine
17 terminal application. It poses a number of unanswered
18 significant safety risks that will be further discussed by
19 the speaker after me.

20 Further, even if the technology were feasible for
21 tankers, the cost by staff's own analysis is enormous,
22 relative to the emission reductions. And that's at an
23 estimated \$1.7 billion - it will probably be more - if we
24 were to do this.

25 Finally, the staff proposal would require

1 substantial over-water infrastructure, including the
2 likely rebuilding of docks at several marine terminals
3 that would take years to complete, long after staff's
4 proposed compliance deadlines. And that's if it would be
5 allowed under CEQA guidelines.

6 So I'm going to change a little bit here and kind
7 of go to what the Board had talked about in the beginning,
8 and that's this interim report. So a little history,
9 staff used a different approach in -- with the 2007
10 rulemaking, which resulted in a more realistic and assured
11 path towards emission reductions than we see here today.

12 They conducted a feasibility study, which was
13 done before developing the rule. We haven't done that
14 yet. A feasibility study would be allowed -- would allow
15 for setting achievable emission reduction targets and
16 implementation timelines. It would fit nicely into the
17 proposed regulations under the interim report section.

18 And it wouldn't -- it could be accomplished without
19 changing the deadline for reporting back to the Board on
20 June 1st, 2023.

21 Looking ahead already, we provided staff some
22 ideas of what that language would look like. You may not
23 be surprised, so it could be -- easily be put into a
24 package.

25 So to close out, we seek your support on this

1 feasibility study approach in line with the language that
2 we've provided staff as a path to reliable and, more
3 importantly, safe emission reductions for our port areas.

4 Thank you very much.

5 CHAIR NICHOLS: Thank you. Yes, Mr. Gioia.

6 BOARD MEMBER GIOIA: I have a question.

7 MR. UMENHOFER: Yes.

8 BOARD MEMBER GIOIA: So I understand that there
9 are distinctions between supplying power out to a long
10 wharf versus, you know, right at the dock land based. But
11 I want to -- you mentioned something about technology --
12 technology not being there. I visited the shore -- the
13 one shore power facility that exists at Marathon Oil
14 and -- down in L.A.

15 MR. UMENHOFER: Right. Right. Right.

16 BOARD MEMBER GIOIA: So I want to make sure, you
17 said that that -- there are problems. It hasn't been
18 proven. I mean, I know that one was designed for two
19 ships and now serves one that go back and forth to Alaska,
20 but there is an -- there is an operating shore-power
21 facility --

22 MR. UMENHOFER: Right.

23 BOARD MEMBER GIOIA: -- at the Marathon facility
24 in Los Angeles.

25 MR. UMENHOFER: Yeah. Thank you, Supervisor

1 Gioia. And when I give this response. We've had this
2 conversation with staff. I don't think it's semantics
3 when we have this conversation. I think there's real
4 differences.

5 So first, taking the electrification. The one
6 example that we have was build for purpose. Okay. The
7 ship was built for purpose. The shore was built for
8 purpose. That's why you have one. These are not the
9 ships that come to California delivering crude. And
10 that's the second part of my answer. Where does the
11 problem come in with tankers? Tankers visit California
12 ports once, twice, perhaps three times a year.

13 It's a different vessel. It's from an
14 international fleet. We don't own them by and large. We
15 have no control over them. And so when you take a look at
16 control technologies, you just can't adapt what you may do
17 for a different type of sector that has vessel that comes
18 every week and it's owned by the folks that are local
19 here.

20 So that's the -- that's a big difference in what
21 we do. And you'll hear from a speaker, because it brings
22 in international certifications. So all these things
23 could be addressed, I happen to think that the shore-based
24 bonnet system is not a good solution for tankers. That
25 doesn't mean there's not a good solution, but we need do

1 the feasibility to get to that place and I'm -- and we're
2 suggesting is trying to do it within the time frame that
3 staff has proposed.

4 We -- and Chair Nichols said earlier, in terms
5 of, well, this is coming up. We've talked about this for
6 a long time. This is not new. I was involved in the
7 200 -- 2007 rulemaking. I talked about it back then. So
8 we have thought about this a long time. Let's get going.
9 Let's make some progress now. We're ready to go.

10 But as a technical guy, I hear folks talk about
11 it. We have to deal with realities.

12 Does that help, Supervisor Gioia?

13 BOARD MEMBER GIOIA: I'll ask maybe more
14 questions later.

15 MR. UMENHOFER: Okay. Thanks.

16 CHAIR NICHOLS: Thank you.

17 MR. STASHOWER: Good afternoon. I'm Captain Saul
18 Stashower from Woodbridge Marine. We're a maritime
19 consultancy headquartered in Benicia, California. And
20 we're maritime safety professionals, specializing in tank
21 ship safety. I came to Woodbridge after a 24-year career
22 on American flag tankers and last sailed a master for the
23 Alaska Tanker Company trading to the U.S. west coast.

24 At Woodbridge, we worked closely with the Oil
25 Companies International Marine Forum, also called OCIMF.

1 OCIMF is the leading authority for tank vessel safety OCIMF
2 is headquartered in London and works closely with the IMO,
3 which is the United Nations based international law rule
4 maker for ocean-going vessels.

5 The marine transportation oil, gas, and chemicals
6 has been de facto regulated through the OCIMF SIRE Program
7 for over two decades. That's resulted in the tanker
8 industry itself becoming the safest sector of maritime
9 transportation. Captain Andrew Lott, Woodbridge's
10 Principal, along with myself, are two of only 29 OCIMF
11 accredited auditors -- SIRE auditors worldwide.

12 The vessel terminal interface has been
13 intensively studied by OCIMF. Significant areas
14 documented include cargo connections, mooring, and, of
15 course, the transfer of bulk liquid cargoes, all of which
16 is discussed in depth in an OCIMF publication, the
17 International Safety Guide for Oil Tankers and Terminals.
18 We call that ISGOTT. The use of exhaust gas processing is
19 a brand new concept and presents an entirely new
20 interface. It is yet to be vetted from a safety aspect
21 and is therefore not included in the international
22 guidelines.

23 Tank vessels are significantly different from
24 almost all other commercial vessels. They change in
25 draft -- the change in draft can be rapid and extreme, as

1 much as 36 feet for the very large crude carriers that
2 call at Long Beach's Terminal 121. And they typically
3 have multiple exhaust streams that change significantly
4 during the discharge process, all of which complicates the
5 issue.

6 We have looked at the concept of exhaust gas
7 capture for tankers and have identified additional
8 immediate safety concerns. These include our greatest
9 concern, which is that when safety issues are not
10 thoroughly investigated, we are potentially introducing a
11 hire risk of fire explosion and pollution. This has been
12 proven to be true when technologies that have not been
13 thoroughly vetted are introduced into the tanker sphere.

14 Determining safety guidelines takes time. We
15 recently -- OCIMF recently published mooring guidelines
16 that took several years to produce. The system, and this
17 is -- this is very important, I think. The system, as
18 currently envisioned, runs a significant risk of
19 negatively affecting the generation of inert gas, which is
20 a key component of tanker safety and can cause a vessel to
21 shut down. The dangers of static electricity -- I guess
22 I'm out of time.

23 CHAIR NICHOLS: Yes. Thank you. I think the
24 issue of safety has been brought up. And we're aware of
25 it. If there's any written material that hasn't been

1 submitted, I hope you will make sure to put it into the
2 record.

3 MR. STASHOWER: I think they've submitted the
4 paper we put together --

5 CHAIR NICHOLS: Okay.

6 MR. STASHOWER: -- in which from our point of
7 view is a helicopter view of some very serious issues --

8 CHAIR NICHOLS: Right.

9 MR. STASHOWER: -- that could prevent vessels
10 from being allowed to discharge.

11 CHAIR NICHOLS: Understood. Thank you.

12 MR. McDONALD: Good afternoon, Chair Nichols,
13 Board, and CARB staff. My name is Brian McDonald. I'm
14 here representing Marathon Petroleum Corporation.
15 Marathon produces products residents and visitors of the
16 state rely on every day to make their lives better. Our
17 operations span the coast of California, including two
18 refineries which may require as many as seven vessels
19 berthed at any one time.

20 As Supervisor Gioia mentioned, we operate T121.
21 And I just wanted to highlight that as what's already been
22 discussed, this is a very unique situation. Two vessels
23 were specifically designed under a previous company to
24 allow this to happen. The ultimate problem is the bulk of
25 the fleet that comes to California and around the world

1 isn't -- doesn't meet the puzzle piece structure of these
2 two vessels, right? You have to have certain things lined
3 up in exact positions to be able to plug it in. It's not
4 an extension cord, per se.

5 So I will support the comments made by WSPA along
6 with the industry coalition, and thank you for your time
7 to allow me to articulate some of our specific concerns.

8 So first - thanks, Chair Nichols - this
9 regulation intends to reduce emissions from some of the
10 largest machines in the world. Based on CARB's analysis,
11 in 2016, 1,628 tanker vessels visited California. Each
12 vessel is very unique. They do not come from Henry Ford's
13 production line.

14 To further complicate the calculus, each terminal
15 and berth has a unique footprint with varying amounts of
16 accessibility for physical changes. Marathon sees the
17 need for a feasibility study, but asks CARB to go further.

18 In the case of a land-based control system, by
19 reserving the inclusion of this technology until it has
20 been demonstrated as safe and feasible on a sufficient
21 number of tankers, the demonstration of a land-based
22 capture unit on a container vessel at a single non-tanker
23 terminal to the system successfully operating on over
24 600 -- 1,600 different tanker vessels per year is
25 inadequate to identify it as a compliance strategy for the

1 majority of tankers.

2 Next, the proposed growth in emissions over time
3 is inaccurate. CARB relied on two sources for its growth
4 factors, the 2016 Mercator report for the Port of L.A. and
5 Long Beach, and the Freight Analysis Framework for all
6 other areas.

7 At the Port of L.A. and Long Beach, staff
8 calculations overestimate emission growths by nearly 50
9 percent, despite CARB's own source showing that tanker
10 imports will decline over time.

11 Additionally, staff applies growth rates to the
12 2016 base vessel count for all regions, despite each of
13 the sources indicating growth is in cargo volume,
14 resulting in a near doubling of the number of vessels
15 required to move the indicated volume in the reports.

16 These mistakes inflate the estimated emission
17 benefits of the proposal and should be addressed before
18 the next Board hearing on this proposed regulation.

19 I appreciate Corey for replying to my email last
20 night and I'm glad that they're going to look into it
21 further.

22 So thank you for considering my comments. This
23 is an important topic and I look forward to continuing a
24 meaningful dialogue.

25 CHAIR NICHOLS: Thank you.

1 MS. KINDBERG: Well, good day. I won't just say
2 morning or afternoon.

3 (Laughter.)

4 CHAIR NICHOLS: It is afternoon.

5 MS. KINDBERG: So, Chair Nichols, distinguished
6 Board members, and in particular CARB staff, thank you for
7 this opportunity to comment as part of a ten-year dialogue
8 on this rule. Our fleet is entirely covered by the
9 existing regulation.

10 So I'm Lee Kindberg. I'm head of Environment and
11 Sustainability for North America for MAERSK, which is the
12 largest container shipping company in the world. We make
13 over 500 calls a year in California.

14 MAERSK has been long committed environmental
15 leadership in shipping. As you're probably aware, we
16 began to voluntarily use cleaner fuels in 2006, long
17 before the California fuel rule was in place. We've
18 reduce our CO2 and toxics globally by 47 percent per
19 container per kilometer since 2007.

20 And we've now committed to zero carbon shipping
21 by 2050, which means we have to launch our first zero
22 carbon vessel by 2030, which is very soon. So all of
23 these things are trying to go together. And they're very
24 much aligned with what California is trying to do.

25 Now, I've managed our clean fuel programs and our

1 shore power programs since the beginning. I've been with
2 the company 15 years. And so you can see the overlap
3 there.

4 So let me talk a little bit about how this works.
5 This morning, MAERSK Exeter came into Port of Oakland.
6 She left here in August. She's going to be here for about
7 30, 35 hours, and then she will go back to China,
8 Singapore, Suez Canal, Europe, and then back. She'll be
9 back here in April. To execute that kind of 16-week
10 service takes 16 vessels, which costs \$16 million to equip
11 with shore power.

12 If we have to change out anyone of those vessels
13 for various reasons, and there are many, then that's
14 another million dollars for that vessel and it's six to
15 nine months to get the equipment, do the engineering, and
16 get it installed. So it's not something you can just drop
17 onto a ship.

18 Okay. So the current rule really has been very
19 effect. You've heard a lot of talk about that. And it
20 steps -- it's not completely implemented even. It steps
21 up to an 80 percent connection level, which is much more
22 than 80 percent compliance by the way in 2020, so January.
23 So that's not even in place yet. And, of course, we've
24 been equipping additional ships to meet that requirement.
25 It is complex, administratively complex and operationally

1 complex, to manage, and for CARB to enforce.

2 It does need some technical corrections, some
3 things that we just didn't know when the rule was written,
4 because this is the only place with any experience.

5 And I'm out of time.

6 CHAIR NICHOLS: That's -- yes, it is your time.
7 Do you have written testimony for us?

8 MS. KINDBERG: I'll be submitting some written
9 testimony.

10 CHAIR NICHOLS: Okay.

11 MS. KINDBERG: I do have some recommendations for
12 you, if you would like to hear those, either now or at a
13 later time.

14 CHAIR NICHOLS: Well, why don't you just go
15 ahead, if you could tick them off quickly.

16 MS. KINDBERG: Okay. Well, what we'd like to see
17 is that you direct staff to pause on this thing for the
18 currently regulated fleet. Let us get into this 80
19 percent. Let us get the rule completely implemented and
20 get the data on it.

21 Work with the currently regulated fleets to
22 improve that structure, work out some unintended
23 consequences and some technical issues, and get that
24 cleaned up, either with the old, or new, or even some
25 third hybrid approach, that would be more effective both

1 for the environment and cost-wise.

2 Second, please ensure that there is at least one
3 feasible, clear, cost effective -- reasonably cost
4 effective method for compliance for all of the reasonably
5 predictable disruptions that happen in this industry.

6 And they do happen. Everything we do moves. So
7 we had the 2015 labor. We had the 2009 -- '18 tariffs,
8 which caused all kinds of additional vessels to have to
9 come here. So make sure that there's a clear compliance
10 pathway for all of those situations.

11 And then finally, remember that only California
12 has this experience. The world is watching. Other ports
13 and other governments are trying to figure out how do we
14 do this, so we need to get it right.

15 Thank you.

16 CHAIR NICHOLS: Thank you. I had the pleasure of
17 visiting your company's facilities a few years back. So
18 I'm familiar with some of what you've done, and I
19 appreciate your leadership in this area. Thanks.

20 MS. KINDBERG: Thank you.

21 CHAIR NICHOLS: Okay. We're move on here.

22 Mr. Gray

23 MR. GRAY: Chair Nichols and Board members, I'm
24 Richard Gray with 350 Bay Area. We are strongly
25 supportive of this proposal. This is -- there couldn't be

1 Clearer environmental and climate justice issue. Diesel
2 PM is a killer and has so many other harmful health
3 impacts. So this regulation is long overdue and I know
4 you've been working on it a long time.

5 Ten years is an unacceptably long time to
6 implement this for Richmond and the other refinery
7 communities. Many lives will be shortened or lost in
8 those communities over ten years.

9 It seems to me as though the wealthiest
10 corporations in the world, whose products are the drivers
11 of the climate crisis and the health impacts of PM, could
12 deploy floating capture, or control systems, or some other
13 methods much more quickly.

14 So we would urge you to speed this up, as Phil
15 Martien from the Bay Area Air Quality Management District
16 has recommended. Please consider amending the rule and
17 working with the air district to make this happen much
18 faster for those refinery communities.

19 Thank you.

20 MS. THOMAS: Good afternoon. My name is Taylor
21 Thomas. I'm with East Yard Communities for Environmental
22 Justice coming from Long Beach, an unceded Tongva
23 territory. And I' just like to remind everyone that
24 before the United States was here, we had several
25 sovereign nations and we are currently on Ohlone

OC-1
Gray

1 Territory.

2 So I represent many who, like myself, are raised
3 or live in the shadow of one of the largest polluters in
4 our region, the Ports of Long Beach and Los Angeles. And
5 we need this regulation with accelerated compliance. In
6 no other facet of our lives do we allow an industry to
7 knowingly commit harm and get away with it, unless they're
8 cops.

9 If my partner's family or business -- my
10 family's -- my partner's family business that's in the
11 food industry, if they made someone sick with their
12 products, they would get shut down. And if my doctor
13 poisoned, she would go to jail. But we allow the freight
14 industry, the oil and gas industry to saddle millions of
15 people with asthma, cancer, reproductive issues. And
16 we're just supposed to be thankful, because they deliver
17 our good and put shoes and toys in our stores.

18 Any time a regulation is proposed, the dissent is
19 always the same. It's burdensome, too expensive. There
20 should be more time, more studies, it's not feasible. But
21 we've been out of time. People are sick, dying, and dead.
22 No more excuses. It's time for accountability. No
23 delays. No carve-outs. Adopt this rule and begin
24 implementation as soon as possible and start saving lives,
25 instead of being complicit in ending them.

1 Thank you.

2 MR. YOW: Good afternoon, Chair Nichols and Board
3 members, CARB staff. Thank you. Thanks for having us and
4 for this hearing. And thank you also for the sustained
5 engagement that we have enjoyed, as you have worked on
6 developing this rule throughout the process. You've taken
7 a closer look to see what works. And we've appreciated
8 the dialogue and thank you for that.

9 You know, the Port of San Diego's goal in this
10 process is to see a good regulation that is both practical
11 and effective. And we have a shared commitment with you,
12 with the ARB and our neighboring communities to pursuing
13 environmental priorities, being proactive wherever we can
14 in working with our State and local partners. It's best
15 to be solutions focused.

16 We were an early adopter of shore power. One of
17 the first in California, and one of the first ports in the
18 country to have a Climate Action Plan. And we appreciate,
19 as you've been going through this process, your continued
20 work on refining and improving this regulation, the
21 different compliance pathways for our customers, and the
22 implementation flexibility. That's all -- that's all part
23 of a successful regulation.

24 Looking at the regulation today, the remaining
25 needs would be looking at the time tables and assessing

1 what are the adequate resources needed to do the job. We
2 have to take into account shore power availability, not
3 only at San Diego, but elsewhere. And speaking of San
4 Diego, the costs that we're facing are about to go up 400
5 percent. We currently are requesting rate relief from the
6 PUC, but that -- that's a challenge.

7 And, you know, there's going to require time to
8 develop and make available technology. And another piece
9 of it is going to be funding ultimately, funding that
10 is -- that is scalable and -- or scaled, stackable, and
11 strategic. Less piecemeal, more long term for success.

12 Ultimately, we count on our partnership. We
13 always have. And whatever happens next, we look forward
14 to working with you and are going to need your help.

15 Thank you for your -- for having this hearing
16 today. We appreciate it.

17 MS. ZIZI: Hello, everyone. My name is Isabella
18 Zizi. I am with Stand.Earth. And I live in occupied
19 Ohlone territory. So thank you to the Ohlone people for
20 letting us gather here today and good morning to everyone
21 who's here.

22 I'm all for reducing emissions. I'm not for
23 false solutions like cap and trade or carbon offsets. And
24 so I think we need to find better alternatives for
25 situations like this. And I definitely encourage tankers

1 to be pushed forward and not to be regulated in 2029. And
2 my big concern about this is we're wanting to reduce
3 emissions for tankers. But yet, in other regulatory
4 agencies, there's -- we're still waiting if the Phillips
5 66 Refinery is going to expand their wharf terminal to
6 bring in more tar sands oil to refine.

7 Then we're also dealing with the Army Corps of
8 Engineer who is wanting to bring in heavier and bigger
9 tankers. That could -- that is most likely going to be
10 bringing in tar sands or any crude oil. And so this is a
11 bit wishy-washy. It's a bit unclear for me to understand,
12 but I hope that later on with more documents, I can look
13 more into that.

14 But please push this forward and don't be in
15 favor for the fossil fuel industry, and be in favor for
16 the community and our health, because that's really what's
17 most important, especially with the climate crisis and the
18 climate chaos that we're in -- that we're facing every
19 single day right now. So thank you.

20 MS. UENNATORNWARANGGOON: Good afternoon. I want
21 to start by thanking the CARB Board members and staff for
22 having this meeting in West Oakland. My name is Fern
23 Uennatornwaranggoon. I am staff at the Environmental
24 Defense Fund. We're an environmental group with more than
25 two million members nationwide.

1 EDF as we're known, and my team specifically work
2 on a couple of air pollution monitoring projects,
3 including one in West Oakland. And over the last few
4 years, I've been working with community leaders at the
5 West Oakland Environmental Indicators Project to support
6 the advocacy for measures to reduce air pollution in this
7 community. And I've also served on the steering committee
8 for the West Oakland Community Action Plan.

9 I'm also here as a resident of Oakland. I live
10 here with my husband and son breathing in the same airshed
11 as this community impacted by ship pollution. And I'm
12 here really to iterate -- reiterate that EDF strongly
13 supports the regulation proposed by CARB staff, and really
14 wanting to urge the Board members to adopt the proposed
15 new rule without further delay.

16 This proposed regulation responds directly to a
17 mitigation measure that's included in the West Oakland
18 Community Action Plan, the first community-led plan aimed
19 at reducing local air pollution following the directive of
20 AB 617 that you'll be considering later today.

21 And estimates from the community scale modeling
22 conducted by the Bay Area Air District, as part of this
23 plan, show that vessels berthing is the largest localized
24 source of diesel PM, adding 4.3 tons per year, and also
25 the largest contributor to air toxics that increases

1 cancer risk, adding more than 3,000 tons per year.

2 So the West Oakland plan calls for the Air
3 Resources Board to strengthen the At Berth Air Toxics
4 Control Measure to further reduce ship emissions. And as
5 such, the proposed new regulation will be an important
6 mechanism by which the community can achieve the goals set
7 out in this plan and really overall to help realize the
8 promise of AB 617.

9 I see the light flashing.

10 So just one quick note. In addition to providing
11 benefits to port communities in California, this proposed
12 regulation will also have out-of-state benefits by really
13 accelerating the development and growth of control and
14 capture technologies and shore power technologies that
15 will become more affordable and familiar to vessel
16 operators and ports elsewhere.

17 For example, EDF -- I'll just wrap-up -- EDF is
18 aware of interests at facilities in Houston ship channel
19 in Texas. And that they're interested in using some of
20 these control systems. And successful adoption by the
21 CARB Board will help spur those facilities to do the same.
22 So thank you very much.

23 MR. GOLDMAN: Good afternoon. My name is Theral
24 Golden. I'm a resident of West Long Beach and a current
25 member of the West Long Beach Association.

1 With that -- we're a small community group that
2 lives in West Long Beach and we are trying to improve our
3 air quality. The immediate implementation of this
4 regulation is extremely important to that goal. We have
5 been carrying the load of -- with poor air quality and
6 poor health concerns for over 50 years from direct
7 implementations of certain products and energies from the
8 port itself, and we need relief.

9 It's just that simple. I believe that
10 government's responsibility to its residents is to protect
11 them from adverse effects whenever possible. This is an
12 adverse effect that is being placed on the residents of
13 West Long Beach in a disproportionate rate compared to the
14 rest of the City of Long Beach.

15 For that reason, we have approximately ten
16 percent higher juvenile asthma rate. The rates for other
17 respiratory diseases in that area are higher than the
18 citywide rate. We need relief.

19 And with that, I'm asking you to move
20 expeditiously with the implementation of this rule. Delay
21 means that that burden is still being placed on our back.
22 We are the ones who's suffering. Industry is not
23 suffering. But they just won't write the check to justify
24 or to reverse their wrongs over the last 50 years. It is
25 time to call them to order and bring them forth.

1 Thank you for your time.

2 CHAIR NICHOLS: Thank you for coming. We
3 appreciate it.

4 MR. LANTSBERG: Good after -- good afternoon,
5 Board members. My name is Alex Lantsberg. I'm here on
6 behalf of San Francisco Electrical Construction Industry.
7 And I actually happen to also live in the shadow of the
8 Port of San Francisco.

9 I'll just second and echo the comments by my
10 colleagues from Los Angeles and from San Diego. But I do
11 want to -- I do want to note just, you know, maybe I'm
12 cynical, but it's really hard to take an industry that's
13 spent the past two generations telling us to kick the can
14 down the road, and denying climate change, and denying its
15 health impacts seriously. And I don't why any of us
16 should.

17 I understand that there's questions -- technical
18 questions about implementation. But everything that we've
19 seen over the past two generations has shown us that
20 whenever they say they can't do it, we tell them that you
21 have to do it, and they get it done. And that's the thing
22 to keep in mind.

23 This is -- this is a really issue for health.
24 This is a real issue for how we treat our neighboring
25 communities. But more -- but even more than that, and

1 something no one has mentioned here today, is that this is
2 how we do this Green New Deal that everyone is talking
3 about. We don't do it in just one vast tremendous
4 legislative package. We do it bit by bit. We do it piece
5 by piece in our communities locally, where the rubber hits
6 the road, where the pollution happens, and where the
7 regulatory agencies can make changes.

8 So please do everything that you can to proceed
9 expeditiously, protect our health, provide the transition
10 that is necessary to turn this economy around, and really
11 don't take the polluters who are the wealthiest companies
12 in the world who have made their -- who have made their
13 bones by poisoning people seriously.

14 Thank you.

15 CHAIR NICHOLS: Thank you.

16 Okay. Kathy Kerridge is next.

17 MS. KERRIDGE: Good afternoon. Kathy Kerridge.
18 I'm with Benicians for a Safe and Health Community.

19 First of all, thank you so much for extending
20 these regulations up through the Carquinez Straits. Even
21 though Benicia is not a low-income community, we have
22 elevated cancer and asthma rates in our community. And
23 we, too, live right by a refinery.

24 I want to just make a comment about the timeline,
25 as many other speakers have. In ten years, my little

1 grandson will be through elementary school, and his
2 developing lungs will be -- have been exposed to all of
3 this pollution. And we know that has long-term lasting
4 health impacts. We are talking, as the last speaker said,
5 about the richest industry in the world, I think. It's
6 time that they put some money into developing technologies
7 that are going to work. And it seems to me that these
8 regulations give them a lot of flexibility.

9 These will not be the only regulations just in
10 this one place. If this is successful, this is going to
11 be replicated around the world, so it's time for them to
12 put some money into it. It took -- I think it took us
13 less than ten years to get to the moon. I'm sure that we
14 can develop regulations and -- that they can develop
15 technology to keep the pollution down.

16 I think these regulations should apply to all
17 ships and in all circumstances. And I think -- trust that
18 the Board will do this. And I trust that the industry
19 will cough up some of that money that they've been making
20 off of our backs for years to developing the appropriate
21 technology.

22 Thank you.

23 CHAIR NICHOLS: Thanks.

24 MR. BEVERIDGE: Good afternoon. My name is Brian
25 Beveridge. I'm the Co-Director of the West Oakland

1 Environmental Indicators Project. We'll be back a little
2 later with our *Owning our Air*, our local air plan.

3 I want to thank the Board for bringing your
4 meeting to our community today. I think it's a powerful
5 statement on how important you think it is to recognize
6 the needs of disadvantaged communities in these issues
7 that you have before you.

8 I have a few comments. Primarily, as many others
9 have said, it's about time. We certainly support any
10 emissions reduction proposals that can be successful and
11 do the job. Several folks from the industry have been up
12 here today and said they were involved in 2007, when I
13 think -- when I think tankers and bulk ships got a waiver,
14 and we focused on containerized cargo and shore power.

15 I don't know what they've been doing for the past
16 12 years, but suddenly they're ready to start. I think it
17 only about three things affect motivation within the --
18 within the commercial sector, competition with their --
19 with other businesses, profit, and regulation.

20 I don't think the first two have a deep
21 penetration on an issue like reducing emissions, but the
22 last one certainly does. Nothing will motivate the
23 industry, nothing will motivate any of us better than a
24 clear defined regulation with a clearly defined threshold
25 of performance.

1 Frankly, the response that they're not ready and
2 they need another ten years is unacceptable. I look back
3 to -- I look back to diesel particulate filters when CARB
4 did the one year early action, I think there was one
5 certified filter. By the time the policy went into
6 effect, there were six companies manufacturing certified
7 filters. And in two years, the engine manufacturers were
8 building it into their systems. That's the motivation
9 created by a policy that's clear and defined.

10 Early on with the marine distillate fuel - if
11 you'll give me another moment - the marine distillate fuel
12 rule, we had a few ships lost power in the shipping
13 channels and the Coast Guard went out and helped. They'll
14 talked their onboard folks how to do it right and that
15 problem was solved.

16 Would the problem have been solved if we hadn't
17 passed the rule? There wouldn't have been a problem and
18 they wouldn't have solved it.

19 And I think this is -- this is the key to this.
20 And I want to say one other thing, Ms. Margaret Gordon, my
21 Co-Director, would be here, except she's in San Francisco
22 receiving an award from the Architecture Society. She
23 gets a lot of awards because she deserves them for a
24 lifetime of work.

25 But if she were here, she would probably mention

1 that she was just blessed about three weeks ago with her
2 first great grandchild, a little girl. And I can't help
3 but think that that child will be about ten years old, as
4 someone else mentioned, before this rule sees any benefit.

5 That means that that child may wind up in
6 elementary school with asthma, may wind up in elementary
7 school with stunted lung growth, may wind up 20 years from
8 now with some weird cancer that, hey, I don't know where
9 that came from, but hey people get cancer.

10 The seeds --

11 CHAIR NICHOLS: You've used up your three
12 minutes, you know that, so --

13 MR. BEVERIDGE: Yes, I do.

14 CHAIR NICHOLS: Dr. Balmes wants to extend your
15 time by asking a question.

16 MR. BEVERIDGE: Sure.

17 CHAIR NICHOLS: But before I let me do that, I
18 want to comment that although I was not on the bus that
19 you were leading the tour of yesterday, several of my
20 colleagues were. And you got rave reviews. So it may not
21 be award, but the critics who were aboard your bus said
22 that it was a really good tour and that they learned a lot
23 from it.

24 MR. BEVERIDGE: I'm good tour guide.

25 Thank you for coming.

1 CHAIR NICHOLS: So thank you.

2 Dr. Balmes.

3 BOARD MEMBER BALMES: So I appreciate your
4 comments --

5 MR. BEVERIDGE: Yes.

6 BOARD MEMBER BALMES: -- but I wanted to redirect
7 you specifically to the Port of Oakland --

8 MR. BEVERIDGE: Yes.

9 BOARD MEMBER BALMES: -- and the alternative
10 approaches that we going to be entertaining.

11 MR. BEVERIDGE: Yes

12 BOARD MEMBER BALMES: So because of the tour
13 yesterday, I was very impressed with all the trucks that
14 why lined up.

15 MR. BEVERIDGE: Um-hmm.

16 BOARD MEMBER BALMES: And to me, knowing a lot
17 about diesel exhaust particles and their health effects,
18 there was a part of me that was more concerned about all
19 those trucks lining -- lined up than the -- the -- what is
20 it, about 17 percent of ships that dock at the Port of
21 Oakland that are not using shore power right now.

22 MR. BEVERIDGE: Yes. Yes.

23 BOARD MEMBER BALMES: So I just wanted to ask
24 you, given your organization's experience here in West
25 Oakland and working with the Port, what do you think about

1 alternative approaches to reducing diesel emissions that
2 are diff -- are different than the current At Berth Rule
3 that we're considering. Did I make myself clear?

4 MR. BEVERIDGE: Alternative approaches for other
5 vessels -- other --

6 BOARD MEMBER BALMES: No, other ways to capture
7 diesel emission reductions, other than the At Berth Rule
8 specific, because that's what's being proposed.

9 MR. BEVERIDGE: Oh, I -- yes, if it weren't being
10 proposed. Well, I think there's a tremendous opportunity
11 to accelerate the electrification or the fuel switching in
12 the trucking fleets.

13 That will require clear definition of land space
14 and infra -- to build infrastructure. If we don't define
15 that land, there's no one willing to invest in
16 infrastructure. So -- and I think that waiting another
17 ten years for significant transition isn't enough there
18 either.

19 BOARD MEMBER BALMES: Oh, yeah that's --

20 MR. BEVERIDGE: I do think that when I look
21 offshore and I see five to eight tankers every day parked
22 out there downwind from my community hotelling, I figure
23 something needs to happen out there.

24 BOARD MEMBER BALMES: I see those tankers when I
25 cross the Bay Bridge. I know what you're talking about.

1 MR. BEVERIDGE: There you go, yeah.

2 And the Port of Oakland wants to diversify its
3 market, it's -- and it -- so there are multiple dry bulk
4 carriers would like to be working there. None of them
5 plug in and few of them hire very many people.

6 We need to address these -- these carriers that
7 are, at this point, not really being addressed. And we
8 can certainly accelerate what's happening on shore. And I
9 don't see any reason why we can't when technology is
10 either existing in pilot stages or already marketed.

11 BOARD MEMBER BALMES: Thank you.

12 MR. BEVERIDGE: Thank you.

13 CHAIR NICHOLS: Ms. Williams.

14 MS. LaDONNA WILLIAMS: Yes.

15 Good afternoon. My name is LaDonna Williams.
16 I'm with All Positives Possible, a small community-based
17 group in the Bay Area, particularly Vallejo. And I just
18 wanted to ask how many of you - and I say it in a
19 respectful way - live in a front-line fence-lined
20 community where ships pass you a quarter mile basically
21 from where your community is.

22 BOARD MEMBER GIOIA: I live in the Port of
23 Richmond.

24 MS. LaDONNA WILLIAMS: Right. So what I want to
25 say is unfortunately as one of the family members that

1 have now had to take on the role of burying my family
2 members, my oldest family member is now 61 years old and
3 I'm next in line. I live in that community, where
4 recently, as you all know, Vallejo, Rodeo, Glen Cove was
5 literally on fire on both sides. It felt like we were in
6 the beginnings of stages of armageddon literally.

7 We couldn't even get home to our families for
8 five or six hours. We had explosions going on the week
9 before from refineries. We've had numerous spills from
10 ships coming through. And we find out they want to
11 increase more ships coming through.

12 Berth rules, docking rules, whatever rules, at
13 the end of the day, my community is that collateral damage
14 that happens from these rules and regulations that we all
15 seem to think we can do nothing about, because that's just
16 the way it is.

17 So my family is being cut short, when you have
18 loved ones being born with birth defects, and the oldest
19 ones dying in their sixties. And we come to these
20 meetings and we hear these regulations that's been on the
21 books forever and have not been implemented, you learn to
22 not trust anything from industry, from agency, from any of
23 you all. Because at the end of the day, you still pass
24 these things and my community passes away. I know they
25 say, you know, we give credit to Ohlone, we give credit to

1 all these folks, but the reality is when you know that
2 they are black communities on that front line, these
3 decisions are very easily approved. And it happens from
4 here, to Long Beach, to L.A., around the world. When our
5 communities are at stake where these vessels come through,
6 these decisions are so easily made, and we move on with
7 our lives, and we excuse it as business as benefits to the
8 community.

9 If you do allow business in exchange for lives,
10 then what good are we doing here? And I hope when you
11 guys make this decision -- I went from approving it -- or
12 supporting it, to opposing it -- I'll just ask for few
13 minutes more -- or seconds more -- to being neutral, and
14 then back to opposing it. Because at the end of the day,
15 you guys are going to regulate and who's going to benefit,
16 the agencies, because they'll get their fees, the
17 companies, because they'll get their money, and my
18 community gets death. And I'm hoping that you change
19 that.

20 Thank you.

21 CHAIR NICHOLS: And our last speaker on the list
22 who's from the same organization. Pat Dodson.

23 MS. DODSON: Hello. I've got to take a deep
24 breath, because I am little scared.

25 I'm going to read something that worried me.

1 "WHEREAS, the Draft EA concluded that
2 implementation of the proposed regulation has the
3 potential to result in potentially significant impacts to
4 aesthetics, agriculture, forest resources, air quality,
5 construction-related emissions, biological resources,
6 cultural resources, tribal resources, geologic, geology
7 and soil, hazard and hazardous materials, hydrology, and
8 water quality mineral sources, noise and vibration,
9 transportation and traffic, and utilities and service
10 systems. The potential significance and unavoidable
11 adverse impacts are primarily related to short-term
12 construct related activities".

13 Not true.

14 "If appropriate, consider all feasible mitigation
15 or alternatives that could eliminate or substantially
16 lessen any significant adverse environmental impacts
17 identified".

18 I realize that mitigation means we get --
19 somebody pays to hurt us in our community, South Vallejo,
20 and the good stuff goes someplace else. That's, to me, is
21 what mitigation means. That is bad. Where a company pays
22 for hurting us, killing us, and they give the good stuff
23 to someplace else who doesn't need it.

24 CHAIR NICHOLS: Excuse me, Ma'am. Could I --
25 could I interact with you for just a moment.

1 MS. DODSON: Sure. Sure.

2 CHAIR NICHOLS: Okay. The language that you just
3 read is from the California Environmental Quality Act.

4 MS. DODSON: Yes.

5 CHAIR NICHOLS: It's mandatory language about any
6 regulation that we do we're subject to CEQA.

7 MS. DODSON: Yeah.

8 CHAIR NICHOLS: And I think what they're trying
9 to say is that we can't overlook the fact that in
10 implementing our regulation, some regulated industry could
11 build something, might build something like, for example,
12 a facility at the port, which could have some
13 environmental impact at the port, meaning it could disturb
14 the soil, it could interfere with some creature that lives
15 there. And I'm not trying to minimize that, but it's
16 really, what we call, boilerplate language --

17 MS. DODSON: Yes.

18 CHAIR NICHOLS: -- meaning it's like mandatory
19 language. It's not intended to say that there's any harm
20 that we know of that would come about as a result of
21 implementing this regulation.

22 So, I'm sorry, if it's disturbing language for
23 you as a reader, and a person who's impacted by the
24 regulation, but I don't think you should feel that that
25 specific text that you're reading from indicates any

1 belief on the part of anybody who is involved in this,
2 that there actually would be adverse impacts to you, as a
3 result of us moving forward.

4 So this regulation may not be perfect, but one of
5 the things I think it does not do is cause environmental
6 harm. And I'm just looking at my staff, because I want to
7 make sure that if anybody disagrees with that or has any
8 additional information, that they would -- that they would
9 bring that forward.

10 One of your attorneys is here. So, yes.

11 SENIOR ATTORNEY RABINOWITSH: Got the attorney up
12 the table.

13 (Laughter.)

14 SENIOR ATTORNEY RABINOWITSH: So, yeah, thank you
15 for your comment. That -- what Chair Nichols said is
16 right on point. We did prepare a very thorough
17 Environmental Analysis for this item. And it -- as part
18 of preparing that document, what we're doing fundamentally
19 with this -- this regulation is to increase the standards
20 to protect air quality further, which may require some
21 infrastructure changes at the terminals and ports.

22 And so that language you just read is basically
23 our way of saying that we don't know exactly when and
24 where those infrastructure changes will happen, for
25 example, installing new shore power vaults or alternative

1 control technology equipment. But we're taking as
2 conservative of an approach as possible and essentially
3 overdisclosing the potential for those impacts to occur in
4 an abundance of caution.

5 So hopefully that makes sense. We didn't want to
6 suggest that those changes are going to be really
7 considerable or environmentally harmful. It's --
8 ultimately, the end goal of those changes is to improve
9 air quality at and around the port.

10 VICE CHAIR BERG: And also isn't the
11 mitigation -- and, again, ma'am, thank you for bringing
12 this up. But I believe in this particular case, isn't the
13 mitigation that we would be requiring there at the site to
14 protect the community?

15 CHAIR NICHOLS: Yes.

16 SENIOR ATTORNEY RABINOWITSH: The purpose of the
17 rule definitely is to protect the community

18 VICE CHAIR BERG: But even the mitigation, if
19 something through construction were to be a negative
20 impact, isn't the mitigation to then offset that impact at
21 the community?

22 SENIOR ATTORNEY RABINOWITSH: That's right. And
23 we -- we ourselves are not able to require that
24 mitigation, because we don't have ultimate permitting
25 authority over these improvements that would happen at the

1 terminals and ports, but we, in our environmental
2 document, included suggested mitigation measures that
3 would do exactly that. And we would expect that the local
4 government that approves those infrastructure changes
5 would implement those mitigation measures.

6 BOARD MEMBER BALMES: But Ms. Dodson --

7 CHAIR NICHOLS: Sorry, this took so long, Ms.
8 Dodson, but you can see --

9 BOARD MEMBER BALMES: Can I say one thing?

10 CHAIR NICHOLS: Yeah, go ahead.

11 BOARD MEMBER BALMES: No, it's -- I think --

12 CHAIR NICHOLS: Go ahead.

13 BOARD MEMBER BALMES: I think Ms. Dodson's main
14 point is that disadvantaged communities of color often
15 have the greatest burden of environmental exposures --

16 MS. DODSON: Yes.

17 BOARD MEMBER BALMES: -- and that's what you're
18 trying to say.

19 Thank you.

20 MS. DODSON: And I had -- I wish I had known you
21 were here. I had pictures of all the troubles we've gone
22 through. All the -- and I didn't get a chance to make
23 enough. But we have fires, we've had earthquake, and it
24 always says it doesn't affect us. I live in that red area
25 right there in South Vallejo and we are always, always

1 impacted by what goes on by the ships. It affects our
2 land. It affects our water. It affects our air. I don't
3 know how you can stop or make this not happen.

4 The only thing I can think of that you can do is
5 stop building industries -- these kind of industries that
6 come into already heavily impacted communities. Just
7 don't let them come at all. Don't approve them. We have
8 enough. We've had earthquakes. We have the floods.
9 We've had the fires from Santa Rosa and the fires in the
10 last two months all around us.

11 Ninety percent of over 3,000 people in my
12 community are sick, asthma, emphysema, COPD, cancers of
13 all kinds, palsies of all kinds, hair falling out, boils,
14 all kinds of problems, because we get impacted. We're
15 right near the water. We're right near the Carquinez
16 Straits. And everything that gets dumped that is bad
17 comes to us.

18 Please, don't let this increase. Do not.

19 Thank you.

20 CHAIR NICHOLS: Thank you.

21 (Applause.)

22 CHAIR NICHOLS: This was the last witness on this
23 item and so I am going to close the record at this point.
24 I want to make it clear that it's only closed for this
25 Board hearing. The official period for submitting written

1 comments to the docket on this item will remain open until
2 December 9th, 2019. After that date, if it's determined
3 that additional modifications are appropriate, the record
4 will be reopened and a 15-day Notice of Public
5 Availability will be issued. And the staff has already
6 indicated that they do intend to do that.

7 So it will be reopened, and there will be another
8 15-day Notice of Availability, and then the public may
9 submit more written comments on proposed changes, which
10 will be considered and responded to in the Final Statement
11 of Reasons for the regulation.

12 Written comments that are received after December
13 9th, but before the notice -- the 15-day notice is issued
14 do not get considered as part of the official record. So
15 I think in plain English what that means is this
16 regulation is going to come back to the Board with some
17 proposals for amendments included. We don't have a date
18 second -- set for that yet, but we certainly heard a lot
19 of testimony that people would like that to be sooner
20 rather than later. And I hope that the staff can do its
21 work expeditiously, so that we can -- so that we can hear
22 it quickly.

23 Now, before we turn to the resolution that's
24 before the Board, I want to ask for Board members who have
25 additional comments on what they've heard to speak. And

1 I'll start with Supervisor Gioia.

2 BOARD MEMBER GIOIA: Thanks, Mary. And first, I
3 want to thank everybody for coming today here and I am
4 really glad that we are holding this meeting in West
5 Oakland. I know we're going to be holding future meetings
6 in front-line communities over the next few months. And I
7 think we should do more of that. I live and represent
8 residents up in the City of Richmond, a few miles up the
9 way. And I'm glad to see some folks from Richmond came
10 out, because we share a lot of the same issues that folks
11 in West Oakland share. And I remember 30 years ago I --
12 when I first elected to the East Bay Municipal Utility
13 District board, I'd come here. East Bay MUD's
14 headquarters is about -- used to be about a block or two
15 away and we held our meetings here, so for about five,
16 seven years, coming to meetings here in West Oakland, and
17 also, seeing a lot of the community advocacy over -- over
18 time.

19 In fact, one of the great things this community
20 did, after the 1989 Loma Prieta Earthquake was advocate to
21 re -- to basically move the location of the cypress
22 structure, Interstate 880. Folks remember that. Because
23 that was probably one of the largest sources of diesel
24 emissions in this community, having a freeway cut
25 literally, four blocks away from here. The I-880, which

1 is now further west, used to go only four blocks away from
2 here.

3 And the community stood up to the State, to
4 Caltrans, and basically forced the relocation of
5 Interstate 880, so that the diesel emissions, and that
6 traffic, and that freeway didn't split this community. So
7 I think an amazing work of advocacy by this community.

8 And, of course, later this afternoon, we're going
9 to have a chance to hear from more with regard to the
10 approval of the Emissions Reduction Plan, which I know the
11 Bay Area Air Quality Management District already approved
12 at a meeting we had awhile back.

13 So I want to first start by acknowledging the
14 really hard work of the staff on this issue, because this
15 is complicated, but it's also really needed. And so I
16 know you sorted through a lot of tough issues to get to
17 where you are. And I know we're going to give some input.
18 Today is not a decision, but we're going to -- we know --
19 we've had a chance to hear from the public and provide
20 some input.

21 And so I just want to start with making just sort
22 of a few general comments. I agree that we need to move
23 forward with a rule that has firm dates and have that rule
24 be adopted in the first part of 2020. And I think that
25 the rule sets forth a good framework, but I wanted to make

1 some comments about it.

2 I'll get back to the point I made earlier, and
3 that's the bulk carriers -- the bulk -- the car -- the
4 cargo -- the general cargo and bulk ships. I do believe
5 we need to look at tech -- the technology advancement in
6 our assessment in 2023 to determine whether to include
7 those as part of this rule. Those emissions are -- while
8 they're not as large as some other categories, are
9 indeed -- everything is cumulative and the importance of
10 including that I think is vital. So as we move forward in
11 a resolution, I'd want to ensure that we're setting up a
12 process to look at that.

13 Clearly, I think shore power is preferable to the
14 capture and control. I understand there's two ways to
15 comply here. I think we agree shore power is the gold
16 standard. I had a chance to visit a number of facilities,
17 both in the Bay and in Los Angeles, just to get a
18 understanding of this really complex issue.

19 And I did get to see the one shore power facility
20 at Marathon in L.A. And I understand it was built for
21 tankers -- two tankers that went back and forth to Alaska.
22 And I understand it's more complicated than that, and
23 that -- and that retrofitting tankers with different sizes
24 from around the world takes some time.

25 But I think it's all doable. It's really about a

1 time issue, which I'll get to that in a second. And so
2 let's hope that commitment remains at all levels by the
3 oil companies to really look at that technology now. And
4 I think you've heard from the staff and you've heard from
5 the community about the importance of getting these --
6 these emission reductions as soon as possible.

7 Let me say something about the time period. Like
8 everyone who's talked about the need to advance a time --
9 the time frame, I would like to do that as well, but I'm
10 also trying to be realistic and understand, you know,
11 what's really doable.

12 And I happen to serve on one of the main
13 permitting entities, the San Francisco Bay Conservation
14 Development Commission. I've served on it for 20 years.
15 It was originally formed back in the 1960s to protect the
16 Bay from being filled, and has jurisdiction over any
17 construction on the Bay as well as 100 feet inland, what
18 we call the 100-foot shoreline band.

19 And the reality is it takes time to do
20 permitting. In fact, we are trying to figure out a way to
21 be more efficient at permitting. In fact, just to -- on
22 today's agenda, BCDC is having a meeting right now in San
23 Francisco, there's an item that's getting postponed that
24 involves permitting residential development within the
25 100-foot shoreline band. And by the time that that

1 project is permitted, probably early next year, it will
2 have been four years.

3 Earlier in the year, there was the approval of
4 some docks for the ferry terminal that goes between San
5 Francisco and Alcatraz, and that took two and a half to
6 three years.

7 I also serve on the San Francisco Bay Restoration
8 Authority, which actually is a regional agency to allocate
9 \$500 million for wetland restoration. And we realized how
10 long it takes to get projects approved in the Bay. And so
11 we actually formed -- I know there was the letter from the
12 Bay Area Air Quality Management District made reference to
13 doing some joint planning. But we formed what was
14 called -- and this is just sort of trying to throw out --
15 I'm trying to put out information as we think about what's
16 the right time. It's called the Bay Restoration Regional
17 Integration Team. And it's made up of six different
18 agencies that have permitting, BCDC, the Army Corps, the
19 Regional Water Quality Control Board, California
20 Department of Fish and Game, U.S. Fish and Wildlife
21 Service, and the NOAA Marine Fisheries Service. And then
22 you add to that State Lands Commission.

23 So that team is really designed to try to figure
24 out how to have permitting of projects in the Bay happen
25 faster. And so in checking with BCDC staff, the belief is

1 that it could cut -- that that process, all the time
2 savings occurs, not in the application process, but what's
3 called the pre-application process -- because in a
4 complicated project like these are, there's a
5 reapplication process. And the belief is that a two- to
6 three-year pre-application process for a wetland
7 restoration project could get reduced by 20 to 30 percent.
8 So a three-month -- three-year project would get -- or
9 three-year review period and a pre-application process
10 could get reduced by nine months. That's the estimate.
11 That's the goal. That's still a long time. And then you
12 have the application -- formal application process after
13 that first two to three years.

14 So I'm providing some perspective here that
15 projects in the bay -- and I know less about permitting in
16 the harbors of L.A. and Long Beach. In fact, I asked
17 staff to put up a diagram, because I think -- this is sort
18 of the challenge we deal with in the Bay. Do you have
19 that slide I think trying to shows difference.

20 So in the report that we have on page ES31 that
21 the staff prepared, there's a diagram, which I think sort
22 of shows the difference. So the top is the Chevron Long
23 Wharf, which is about a mile out from shore. And the
24 bottom is down either at the Port of L.A. or Long Beach.
25 So each one of these projects is going to be a little

1 different, right?

2 They're going to -- it's going to take a
3 different amount of time to look at design, permitting,
4 and construction.

5 So permitting a project like the top one, the
6 long wharf, which is a mile out, involves construction
7 both on land -- as I understand oftentimes a power
8 substation. When I visited the shore power facility at
9 Marathon in L.A., there's a substation on the land, on the
10 shoreside, and then, of course, the dock is more like the
11 bottom, so it's really closed in.

12 So for good or for bad, it takes longer than we
13 would like to permit a project in San Francisco Bay,
14 because of the many agencies and ensuring that building
15 new facilities, expanding a wharf, expanding a dock,
16 pilings, piers, which is all considered fill, has impacts
17 on the Bay.

18 And one has to be thoughtful about that. And at
19 BCDC, I've sat through permitting of the east span of the
20 Bay Bridge, development on Treasurer Island, the new San
21 Francisco Giants baseball stadium, issues at the port --
22 projects at the Port of Oakland. And I don't think there
23 was one case where we heard it didn't happened fast --
24 that it hap -- that it happened quickly. In all of those
25 cases, it just took a long time.

1 So I have -- so I think -- I'm trying to be
2 realistic here. So when someone says we can permit --
3 that something can happen in three to five years, it may
4 very well take three to five years, in some cases, to
5 permit some of these things.

6 Sure, we should work at figuring out how to make
7 that happen faster. And again, I think a regional group
8 like with the Bay Area Air Quality Management District
9 could make that happen faster. I'm not sure it would cut
10 off an enormous amount of time, but it would -- we're
11 hoping to achieve maybe a 30 percent reduction through the
12 efforts for the west -- Westland Restoration Authority.

13 So I just wanted to put that out there. And
14 maybe between the time that -- between now and the time a
15 final rule comes back, we get more understanding of what
16 that is, because I think we want to be honest about the
17 time frame. Believe me, I would like to have this happen
18 immediately and would like to see projects get implemented
19 as quickly as possible, but we need to be realistic about
20 that issue.

21 And so I'll just ask staff to do more work
22 looking at this as it tries to understand what a
23 reasonable time frame is in coming back.

24 I will also say, if we are looking at this 15-day
25 rule with regard to innovative technology, I think the

1 principles that are important is that there would need to
2 be earlier implementation with greater emission reduction
3 benefits, something that would not otherwise be done,
4 right? You don't want to give credit to something
5 that's -- some emission reductions that already is going
6 to get done. So something that's a greater benefit to the
7 community.

8 So ultimately, if you're able to find emissions
9 reductions through some alternative technology, even if
10 it's on the shore, and it's -- diesel particulate
11 emissions are bad, whether they come from a ship or
12 whether they come from something on shore. And
13 ultimately, if you can achieve earlier implementation with
14 greater emission benefits, not something that would
15 otherwise be done, with greater benefit to the community,
16 I think those are the principles to think about. And I'm
17 interested in seeing what that looks like when you come
18 back.

19 And I do think the 2023 technical assessment will
20 be really important to understand how -- whether time
21 frames should get adjusted or not, as well as the bulk
22 cargo. But I support clearly moving forward and doing
23 this, because it will achieve really important emissions
24 reductions.

25 There was some speakers that mentioned anchorage.

1 I mean, this proposal doesn't include ships at anchorage.
2 And I'm not certain how even that gets done. Anchorage 9
3 is located in the middle of the Bay between San Francisco
4 and Oakland. So just to hear from staff, was there a
5 discussion about how to do this at anchorage. And plus,
6 at anchorage, ships are at various -- are anchoring at
7 different points. They're not anchoring in one location
8 in the Bay. They're anchoring at different fa -- at
9 different locations within a defined anchorage area.
10 There's Anchorage 9 and then there -- I think it's
11 Anchorage 23 that's up by Benicia. So what -- what
12 thought had you given to anchorage areas?

13 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: So we
14 had, throughout the development of the regulation, thought
15 about anchorage, because it had been one of the proposals
16 that we discussed early on. You've heard the complexities
17 of controlling emissions at berth.

18 BOARD MEMBER GIOIA: Right.

19 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:
20 Controlling emissions at anchorage, even become
21 more complex. So things like shore power don't work at
22 anchorage. I mean, it would -- it would require
23 technologies. It would require a certain level of
24 technology focus that could impact what's going on at
25 berth. And so while something like a capture and control

1 system was demonstrated at anchorage, it's -- it would
2 require really maybe a whole different suite of -- a
3 different suite of technologies out at anchorage.

4 And so it's just --

5 BOARD MEMBER GIOIA: Would you be like building
6 like a structure in the middle of the Bay, that then has
7 the capture device on it?

8 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It
9 would look more like the barge-based system that would
10 pull upside of a vessel in anchorage.

11 CHAIR NICHOLS: Um-hmm. Right. Something
12 mobile.

13 BOARD MEMBER GIOIA: Right. Right.

14 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yeah.
15 And so it would really restrict I think the type of
16 technology that could be used.

17 BOARD MEMBER GIOIA: Because it's a barge-based
18 system, right?

19 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It
20 would most likely be a barge-based system or it could be a
21 vessel-side system, you know, that's on --

22 BOARD MEMBER GIOIA: So I assume that you may
23 look at that in the tech -- in the 2023 technology
24 assessment, as well, right? Has the technology changed
25 and improved to make that possible? That can be part of

1 the assessment in 2023?

2 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: That
3 could be. And it could be as technology improves, you
4 know, if we had a barge-based system that supplied power,
5 you know --

6 BOARD MEMBER GIOIA: Right.

7 CHAIR NICHOLS: Um-hmm.

8 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

9 -- and it could supply power to a shore-powered
10 vessel.

11 BOARD MEMBER GIOIA: Right.

12 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: I
13 mean I think these things could happen out in the
14 future --

15 BOARD MEMBER GIOIA: Right.

16 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

17 -- but they are more complex, and --

18 BOARD MEMBER GIOIA: My understanding in building
19 a successful shore power facility, you would need
20 improvements both waterside and shoreside. In some cases,
21 the shoreside involves a power substation, other types of
22 development. And then, of course, as I -- looking at that
23 chart back up there, maybe -- or that photo, if you can
24 put back up. Maybe just leave that up -- is you would
25 then have to build the -- extend the power infrastructure

1 out onto the dock. And in many cases, as I noticed, you
2 would need to expand a wharf, new pilings, make something
3 stronger, more robust in order to handle it, right?

4 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

5 That's correct. And it really depends on what
6 the technology is. If it's --

7 BOARD MEMBER GIOIA: Right.

8 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: You
9 know, and what electricity is there, what technology. If
10 it's shore power, you might not need quite the
11 infrastructure that you might need with the capture and
12 control system. So it's really going to be site
13 specific --

14 BOARD MEMBER GIOIA: Right.

15 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

16 -- and technology specific. But for -- and for
17 shore power, definitely you need landside and vessel-side.

18 BOARD MEMBER GIOIA: There was some discussion of
19 tugs. Just to understand, had -- those totally different
20 obviously issues with tugs. But had there been any
21 discussion about tugs?

22 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Maybe
23 I would like more information on what you're asking. I
24 mean --

25 BOARD MEMBER GIOIA: I'm just saying one of the

1 speak -- some -- a couple of the speakers mentioned the
2 issue of whether shore power for -- or some capture and
3 control for tugs.

4 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: For
5 tugs.

6 BOARD MEMBER GIOIA: And I don't know whether
7 that's technically possible. Just wondering, because it
8 got mentioned.

9 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Well,
10 so I -- so in 2020, we are proposing out of our branch,
11 some of these same folks, to bring a - to bring a reg --
12 an amendment to our existing Harbor Craft Regulation. And
13 so underneath that regulation, we would be hooking at all
14 those options. We would be looking at repowering.

15 BOARD MEMBER GIOIA: For tugs?

16 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: For
17 tugs.

18 BOARD MEMBER GIOIA: Right.

19 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:
20 There's -- there's very interesting technology
21 for tugs. There are starting to be things that are more
22 similar to hybrid, so diesel -- kind of diesel electric.

23 BOARD MEMBER GIOIA: Yeah.

24 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: And
25 so I think that in the future there is -- there's

1 technology that could make tug operations much cleaner.

2 BOARD MEMBER GIOIA: Great. Okay. I appreciate
3 that. Thank you. Those are my comments for now. And I
4 know this is complicated, but I think -- I think we're
5 moving forward in a -- as quickly as we can, knowing that
6 there's some realistic limitations out there about the
7 time frame.

8 CHAIR NICHOLS: Okay. Dr. Balmes.

9 BOARD MEMBER BALMES: And, Chair Nichols, I
10 promise to be quick.

11 So I just wanted to say that what I've learned,
12 both at this hearing and from staff, and from stakeholders
13 is that, in some ways, one size doesn't fit all, in terms
14 of the different ports. And I really like the concept,
15 subject to the caveats that Supervisor Gioia just made,
16 about the innovative alternative approaches. I'm very
17 interested in seeing diesel emission reductions for the
18 disadvantaged neighborhoods that are situated near these
19 facilities.

20 And I'd be happy to see reductions in truck
21 emissions or other types of emissions that might be easier
22 for the parties to do sooner rather than later, because I
23 do think that trying to capture these in quotes last few
24 individual ships that are causing, you know -- that
25 haven't been able to hook up to shore -- been refitted to

1 hook up to shore power, I don't know if the bang is worth
2 the buck at -- you know, in terms of getting immediate
3 reductions.

4 So I'm happy in concept with considering
5 reductions in other ways. But, you know, again, the devil
6 is in the details. And I think it has to be sooner rather
7 than later. And it hasn't -- it can't be, as Supervisor
8 Gioia said, something that's already going to be done.

9 So for the public health benefits, I'm fine with
10 considering that approach.

11 CHAIR NICHOLS: Thank you.

12 Mrs. Riordan.

13 BOARD MEMBER RIORDAN: Yes. The tour yesterday
14 for some of us was just wonderful, because we don't
15 necessarily get to see the community. And frankly, I
16 don't think I've ever been in the Port of Oakland before.

17 But I was struck by the number of trucks that
18 were queuing up to take a load. And I know this is true
19 probably in some of our other ports. And whatever might
20 be done to assist in that, an early, you know, way of
21 allowing for some reduction in those emissions, has to be
22 a positive thing, based on just the number of trucks that
23 I saw yesterday afternoon.

24 So I am very willing to support that. And I like
25 the idea of our procedure here, which is to take in more

1 information until a date certain, December 9th, and then
2 to bring it back after review to our Board, and let's look
3 at some of our opportunities. But I really would like to
4 look at some of those trucks.

5 CHAIR NICHOLS: Thank you.

6 Other comments here?

7 Yes, Ms. Mitchell.

8 BOARD MEMBER MITCHELL: Thank you.

9 First of all, I want to thank the staff for all
10 the work they've done on this. And I know they have
11 worked pretty closely with all our stakeholders as well,
12 to try to come to the right middle ground.

13 A couple of things have already been said that I
14 would want to agree with, and that is that if we can
15 explore alternative technologies that bring earlier
16 reductions and use those, only in tandem with the existing
17 rule and without any delay in implementing the existing
18 rule, so that we have the proper safeguards in place to
19 ensure that the rule continues to be implemented.

20 The other issue that we've heard about today is
21 tankers. And I think, you know, what we've heard some
22 people say is we need a feasibility study. I'd like to
23 hear your comments about that. Because the other thing we
24 put out there on the table is technology demonstrations
25 and additional funding for technology demonstrations.

1 So would a feasibility study fit into that, or
2 help that, or delay that? How is the best way, the
3 fastest way to get to our goal of being able to reduce the
4 emissions from tankers?

5 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Just
6 wanted to go back to my last comment for a minute. I got
7 handed a note that reminded me, and I had forgotten, that
8 tugs do plug into shore power when they're sitting at
9 dock. So I just wanted to bring that to your attention.
10 Not when they're out operating, but when they're sitting
11 at dock, so that's an important thing to note.

12 So the question was on a feasibility study. So
13 this -- there's been a lot of discussion about a
14 feasibility study. And I think that the WSPA comment was
15 that in the 2007, there was a feasibility study done for
16 shore power.

17 In the course of developing this regulation,
18 staff has done two things. One, in 2018, we did a
19 technology assessment. And part of that technology
20 assessment looked at different technologies, what they
21 were feasible -- what -- how they were feasible, areas
22 that they needed improvement. So that in itself was a
23 portion of the feasibility study.

24 The second is that in the -- in the staff report,
25 which is very comprehensive, many of the components that

1 industries has talked about in a feasibility study has
2 been included in there. We've looked at cost. We've
3 looked at emissions inventory. We've looked at cost
4 effectiveness, market ready, market availability, the
5 ability for these companies to scale up. We've talked to
6 these companies about their -- their technology solutions,
7 about many of the safety issues that you've heard about
8 today.

9 And so in terms of a feasibility study, we feel
10 that between those two documents that we have done a
11 feasibility study. And we have found that these
12 technologies, they exist already, they can be adapted to
13 tankers. We do feel there are safety challenges that are
14 going to have to be addressed during the design. There
15 are going to be site-specific issues that need to be
16 addressed during design and engineering.

17 And so I think our position is that we have done
18 a feasibility study. We need the regulatory certainty now
19 to move into the process, where we're actually looking at
20 design and site-specific engineering projects for these
21 different tanker terminals.

22 BOARD MEMBER MITCHELL: Okay. And did your tech
23 assessments -- or your feasibility study that you just
24 mentioned, did it include bulk and general cargo vessels
25 or ro-ros or was it only tankers?

1 TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It
2 included all the categories for ocean-going vessels.

3 BOARD MEMBER MITCHELL: Okay. One of the things
4 I do want to emphasize that we should be looking at,
5 accelerating the technology demonstration for tankers and
6 also a search for additional funding to carry out those
7 demonstrations.

8 One of the things that South Coast requested was
9 could there be an acceleration of the compliance deadline
10 on roll-off roll-on vessels from 2025 to 2023 be carved
11 out, perhaps just for Long Beach and Los Angeles, because
12 of the need for the big challenge in getting the
13 reductions needed to meet the ozone requirements in 2023
14 and 2031?

15 So I would request that you look into that and
16 see if that is a possibility in -- when you come back with
17 the 15-day changes.

18 I think you answered the question about the at
19 anchor. That's totally different thing, isn't it? And
20 I'm glad that you responded on that.

21 The interim review that is planned for 2023,
22 there was a request to include in that the bulk and
23 general cargo vessels as well as the ro-ros and the
24 tankers. So I would be supportive of that as well.

25 So I think that covers the issues that I have.

1 Of course, the earlier reductions I think is an important
2 thing, and we have talked about that. So that would be
3 another important thing to look at for the 15-day
4 comments.

5 CHAIR NICHOLS: Yes.

6 BOARD MEMBER MITCHELL: So thank you.

7 CHAIR NICHOLS: Thank you.

8 Diane and then Dr. Sherriffs.

9 BOARD MEMBER TAKVORIAN: Thank you.

10 I just wanted to add my thanks to CARB staff,
11 first, for arranging for us to meet here. And I -- and to
12 the community for welcoming us. And I know that it's a
13 lot of work to move this whole operation, as I'm sure you
14 can tell. And I just don't want that to go unnoticed,
15 because I think that this is -- it's critical that we do
16 go to communities, particularly those that are most
17 impacted by air pollution. And so I'm very grateful that
18 we're here today, and to the leadership for making that
19 happen. So thank you -- thank you for that.

20 And I think that we couldn't have picked a better
21 place to have this conversation about OGVs. And we know
22 that disadvantaged communities are largely impacted,
23 particularly those that are around the ports.

24 So I think what we saw yesterday, as Ms. Riordan
25 has said, certainly emphasizes the importance of the

1 community that's most impacted having the opportunity to
2 be here. And I hope we can do more of that. And I look
3 forward to hearing about the Oakland -- the West Oakland
4 CERP later today.

5 Thanks to staff also for all the work that you've
6 done on this particular rule, getting to that. In this --
7 if anything is an environmental justice regulation, this
8 is it. This is one of the most impacts -- the most -- the
9 biggest sources of impact for communities -- environmental
10 justice communities, disadvantaged communities that we
11 see.

12 So I think it's critically important that we're
13 addressing it. And I really appreciate the manner in
14 which you addressed it in that way. So it wasn't an
15 afterthought or a side issue. I understand that you
16 understand the health benefits that will come from this
17 regulation. And I'm really stunned by the benefits that
18 you've outlined. I mean, a 55 percent reduction in cancer
19 risk, as well as the other reductions in terms of
20 hospitalizations and respiratory disease are pretty
21 stunning and really worth the effort.

22 So I think the notion that this -- these are
23 small emissions or that this is a small step is really not
24 accurate. And so I really appreciate that this is a
25 historic step and a big step that builds on an already

1 existing regulation that's been highly successful and well
2 thought out, and very comprehensive.

3 That said, I want to disagree a little bit with
4 my colleague, Ms. Mitchell, because I think, as you heard
5 from Ms. Williams, the critical -- there's critical
6 importance for regulating ro-ros across the state, I would
7 say. So I would hope that you wouldn't consider only
8 doing that in South Coast or in Oakland.

9 As you've heard, they're generating more of
10 particular kinds of pollutants at the National City
11 Terminal. One in ten cars are coming through there. So
12 everybody is getting their vehicles, hopefully mostly
13 electric.

14 BOARD MEMBER MITCHELL: No objection to that.

15 BOARD MEMBER TAKVORIAN: Okay. Thank you.

16 BOARD MEMBER MITCHELL: Anybody who wants to
17 join --

18 BOARD MEMBER TAKVORIAN: Thank you.

19 BOARD MEMBER MITCHELL: -- come to the party.

20 BOARD MEMBER TAKVORIAN: We want to join. So I
21 think it's really important. There are more of the
22 emissions that -- combined than all of the other ships.
23 So I think it's very important that we do that.

24 I wanted to ask about the interim evaluation --
25 well, you asked the question that I was going to ask. So

1 I think we got the response for that.

2 We have witnesses asking for earlier compliance
3 deadlines and those lobbying for later ones. So I'm going
4 to assume that in that 2023 analysis of all of the
5 categories that you've now added to that, that you'll be
6 addressing the factors that contribute to both lengthening
7 and shortening the timeline, if that's -- I'm getting
8 nods. So thank you for that.

9 And, I guess, I feel like I want to add to the --
10 on the 15-day change related to the -- the innovative
11 proposals, I have to say that the testimony didn't give me
12 anymore confidence in that strategy, because I'm concerned
13 about it being looked at as kind of a way out.

14 But I think as long as the criteria are clear
15 that it's earlier implementation, greater benefit to the
16 community, I would like to add a link to the existing
17 community plans, like the CERPs, so I think it's important
18 that if there's a way that the earlier -- the innovative
19 implementation could actually tick off something that's
20 not getting done that's in a CERP, then that could have a
21 higher degree of prioritization in my mind and it's
22 something that the community has already said they want to
23 have happen.

24 So I'm hoping that we're not considering things
25 that are way out there, that are being come up -- that are

1 being developed in a shop somewhere that's away from
2 community participation.

3 So those were my concerns about it. And can you
4 say when you think we'll be back, because there's been a
5 lot of discussion about that, in terms of when the second
6 hearing will be.

7 EXECUTIVE OFFICER COREY: We called out spring.
8 We need a few months of process to work through this
9 direction on 15-day. And I expect it will be in the
10 March/April time frame, but first -- near first quarter.
11 Towards the end of the first quarter of 2020.

12 CHAIR NICHOLS: John Eisenhut had some comments.

13 BOARD MEMBER EISENHUT: Are we on?

14 Okay. Thank you. I try not to be repetitive,
15 but I'm going to violate my own practices. I want to
16 acknowledge West Oakland for sharing their time and their
17 place with us. I think these conversations become far
18 more meaningful when we're available and at the point
19 where the discussion is centered, so we appreciate that.

20 With regard to anchorage, our conversation has
21 been largely surrounding capturing the anchorage
22 emissions. And from an outside perspective and not
23 knowing the intricacies of the relationship of shipping
24 lines and terminal operators, I wonder if it's possible
25 for them to coordinate and cooperate in a manner that

1 reduces anchorage time, rather than focusing on capturing
2 the emissions that somehow a different organizing
3 structure -- and I'm sure this is their business and they
4 know how to do that, but I just brainstorm that
5 possibility.

6 On the time frames for the implementation,
7 particularly of roll-on, roll-off, and tankers, I am in
8 favor of a more compressed time. And the rationale -- the
9 rationale -- my rationale is that those folks own those
10 emissions. And we have given them through the 15-day
11 rule, and the possibility of providing other reductions in
12 the same neighborhood to the same extent, we have given
13 them a vehicle for reducing those emissions.

14 So they have a choice. They can -- and John --
15 Supervisor Gioia has correctly pointed out the intricacies
16 of permitting and I get that. But these operators have
17 other options available to them to provide commensurate
18 reductions. And so I don't think we need to linger over
19 this.

20 So those are my comments. Thank you.

21 CHAIR NICHOLS: Thank you.

22 Dr. Sherriffs.

23 BOARD MEMBER SHERRIFFS: Thank you. Yeah. I
24 have to add my appreciation for everybody being here, for
25 the community involvement, for the stakeholders, and also

1 for the successes we've had in the past with this, which
2 reflects the investments of the stakeholders and some very
3 important long-term commitments. You know, to hear that a
4 shipping line has said we are going to be carbon neutral,
5 time definite. Thank you. That is -- that is wonderful
6 leadership.

7 You know, it's disruptive for us to come here and
8 be here, but it's so valuable. You know, it gives us an
9 opportunity to hear the passion and breathe the air. And
10 we can understand what's going on, not just at a technical
11 level, but at a personal level. And that's really what
12 we're about. We're about health and that is personal.
13 That is personal.

14 So I really appreciate the effort everyone made
15 to get this together. And it is disrupting, where is my
16 cup of coffee, where did they say the bathroom was, but,
17 you know --

18 (Laughter.)

19 BOARD MEMBER SHERRIFFS: -- we adjust. And I'm
20 sorry I got here three minutes late. I was down the
21 block, you know, find a parking space, but anyway.

22 CHAIR NICHOLS: We managed.

23 BOARD MEMBER SHERRIFFS: It's good. It's good.
24 We should do it whenever we can.

25 You know, I think our successes in the past are

1 very much predicated on stubbornness and flexibility. And
2 we are stubborn about the goals, and flexible about how we
3 get there. And I think that's a great formula. We set
4 clear goals and then we are flexible, you know, both,
5 okay, industry you figure out the ways to do this. We do
6 what we can to help develop collaborations. They're going
7 to make that successful. But, yeah, we have to be
8 stubborn. We have to set clear goals. Over and over --
9 does anybody have an example of a time we set the bar too
10 high?

11 No. We always look and say, wow, they made that
12 look easy. And I'm not suggesting we want to make it even
13 harder, but we -- really, it pays to be aspirational.
14 It's always paid off.

15 So, yes, anything we can do in this plan as we
16 think about the changes that we're going to be making.
17 Yes, set the bar high. We're going to stick to that clear
18 message. But, boy, the more flexibility we can give to
19 achieve that, the better.

20 Absolutely, we need to move these timelines up.
21 And if we have a timeline that says something like 2025,
22 we mean January 2025, not December 2025. You know, I'll
23 take every month that we can get.

24 You know, we've talked a little bit about at
25 anchor. And I love the creativity of how to approach

1 that. It's not necessarily to approach it mechanically.
2 The bulk cargo issue important. I think it's great we're
3 expanding. Stockton is going to part of this. Surely,
4 what goes on in Stockton affects what goes on in my San
5 Joaquin Valley.

6 And so all the more important, because I suspect
7 most of the traffic there is bulk cargo. So the earlier
8 we think about that, the better. And, you know, we're
9 talking about an interim review in 2023. I don't think we
10 need to wait until 2023 to have applied our successful
11 models to thinking about the bulk cargo, and the at anchor
12 issues. You know, we can -- we can start doing more on
13 that be -- we don't need the interim review to do that.

14 One concern I had in the testimony was so
15 we're -- we're going from a fleet to a per vessel and that
16 causes some distress for some people, and that worries me.
17 I know it would be much more complicated to have a
18 bifurcated system. But I think we need to think about,
19 you know, how do we reward the people, the groups that, in
20 fact, have stepped up and are working under -- under that,
21 the fleet model, are having success under that, that we
22 continue to promote that. So I think more work thinking
23 about that would be useful. I don't like to burden staff,
24 now you get to run two systems. But there may be
25 something to be said for that.

1 So the at anchor, and it's been mentioned, you
2 know, they're polluting at anchor. This requires some
3 kind of mitigation at the very least, you know, as we work
4 to figure out another way to direct it away from that to
5 ways that it can be captured or decreased. But, you know,
6 we're polluting in these environments. You know, at the
7 very least, we ought to be thinking about their must be
8 mitigation for that, as we look for solutions to minimize
9 or eliminate it entirely.

10 VICE CHAIR BERG: I just want to say that, first
11 of all, I really appreciate being here. I think Chair
12 Nichols you'll remember that prior to the Great Recession,
13 we used to do five Board meetings a year out into the
14 community. And the recession went for a very long time,
15 and then you get a new normal. And so maybe this is a
16 good time to start looking at 2020 and 2021, our Board
17 meetings, and be very purposeful to get out more. It's
18 great to be here.

19 A couple of things that really struck me. And I
20 really want to validate the things that have been said by
21 my fellow Board members. Without repeating them, I'm in
22 full agreement with making sure that on any technical
23 review, anything that we can move up to do sooner that we
24 do. I also appreciated all the various testimony.

25 But I think my comments are really going to be as

1 a CEO and an industry leader of a chemical company in a
2 617 community to the industry members. I've been on this
3 Board now 16 years. We know that our industries affect
4 these communities. And we are being called to operate at
5 a higher level. And we're being called this within these
6 various communities, so one size doesn't fit all.

7 And I know that for staff that is a huge burden
8 to try to build in the flexibility that allows various
9 locations to truly make a difference to specific
10 communities.

11 So industry, we have to step up differently. I
12 can tell you that in order to continue to run my business
13 in Boyle Heights, if I don't look at how to become a net
14 zero emitter, my business isn't going to be there, period.

15 And I don't need to wait for a regulator to come
16 and tell me this. And I realize that it's very
17 complicated. And I realize that my business is smaller
18 than running a port. But we're really smart people and we
19 have to figure this out, because for too long these
20 communities have carried the burden and we're going to
21 have to step up.

22 So I want to encourage industry. I want to thank
23 the communities coming out. And, staff, I know we've got
24 our work out to be able to come back in the early spring
25 versus late spring. But regardless, we do want to take

1 the time to get it right. And -- and so if there's any
2 addition a help, I think you've heard from the Board
3 members here that we're here to help.

4 Thank you.

5 CHAIR NICHOLS: Okay. We have a motion -- we
6 have a resolution before us. We do not yet have a motion.
7 I want to just add one or two additional thoughts. I
8 endorse wholeheartedly the comments of my colleagues,
9 particularly about standards that need to be applied to
10 any alternative compliance path that's allowed under the
11 15-day proposal, and also about the need to look across
12 the realm of things that are included in this
13 regulation -- proposed regulation to see where some
14 deadlines could be moved ahead.

15 I just want to add one additional thought, based
16 on my experience with technology reviews as a part of the
17 mechanism for dealing with a regulation with a very long
18 timeline. Because as the staff I think knows, I was
19 involved in the negotiations over the vehicle emission
20 standards that were adopted under President Obama. And we
21 included, at the insistence of the industry, a mid-term
22 technology review. The mid-term technology review was
23 done, and the minute there was a change in the White
24 House, it was rescinded, and was substituted with one that
25 had the effect of precipitating the litigation that we're

1 in right now over the question of whether we should be
2 proceeding with the deadlines that we're set originally
3 back in 2008.

4 So I am not comfortable with just having a
5 blanket technology review, you know, three or four years
6 down the road from now, unless it's much clearer that, you
7 know, the effect of that is going to be to hasten the
8 development of new technologies, not to serve as a
9 platform for escape from the deadlines that we've set
10 under these rules.

11 I'm not going to try to dictate that language
12 now, because it will be in the rule. But I think we need
13 to be thinking more creatively about how to make sure that
14 this rule -- I do believe that when the rule comes into
15 effect, it will have the -- it will have an impact in
16 terms of unleashing creativity on the part of companies
17 that have better technologies. And we know that some of
18 those are out there and we really want that to happen.

19 But if there's the potential that their market
20 will disappear, because those who would have to buy the
21 new technologies decide that they can wait it out, then
22 we've lost the benefit of what we've tried to do.

23 So I'd like to see some thinking going into how
24 to make sure that the review doesn't -- does not serve as
25 a potential off-ramp.

1 But having said that, I would like to see us move
2 forward. I think we're -- we've all indicated that we're
3 ready to do it. So if I can have a motion?

4 BOARD MEMBER SHERRIFFS: Move it.

5 CHAIR NICHOLS: A motion. And a second?

6 VICE CHAIR BERG: Second.

7 CHAIR NICHOLS: All in favor of the resolution
8 before us, please say aye?

9 (Unanimous aye vote.)

10 CHAIR NICHOLS: Opposed?

11 None.

12 Thank you all very much. This was a really,
13 really good discussion. And I'm happy that we're marching
14 forward on the right path.

15 Before we can take a break, our Board meetings
16 require us to always have a public comment period for
17 members of the public who come in with some item that's
18 not on the agenda. And we could wait until the end of our
19 second item on this Board meeting. But we have someone
20 who I know is here who has to leave. So I'd like to ask
21 everybody's indulgence. And we will call on the member of
22 the public who presented an orange card, assuming that
23 she's still here.

24 She's is. Okay. Great.

25 MS. SELLEN: Chair Nichols and CARB Board members

1 and CARB staff, thank you for your indulgence. I know
2 this is off topic. But time is running out, so I want to
3 take every opportunity to come before you to ask for
4 substantive changes to the Shafter AB 617 Community
5 Emissions Reduction Plan that's coming up.

6 Pesticide toxic air contaminants are among the
7 top concerns identified by the Shafter AB 617 steering
8 committee, notably the carcinogenic fumigant one
9 1,3-dichloropropene or 1,3-D. The AB 617 blueprint
10 specifies that it requires new community focused actions
11 that go beyond existing State and regional programs to
12 reduce exposure to air pollution in disproportionately
13 burdened communities throughout the state. I'm sure
14 you're familiar with the wording.

15 But regrettably, the community's wishes for
16 pesticide emissions reductions have been rejected in their
17 entirety. And the final version of the Shafter CERP,
18 which was adopted by the San Joaquin Valley Air Pollution
19 Control District on September 19th falls short in two
20 significant regards.

21 The first is it specifically disavows the air
22 district and CARB's authority to mitigate pesticide toxic
23 air contaminant emissions. And secondly, it fails to
24 include any new community-specific pesticide emissions
25 reductions efforts arising from AB 617 beyond existing

1 State programs.

2 In addition, which I probably won't get time
3 today, the CERP contains a number of misstatements
4 regarding DPR's regulatory authority that significantly
5 overstate the protection offered by DPR to communities.
6 And that needs to be corrected.

7 So, first, the final Shafter CERP includes the
8 following troubling language disavowing the authority of
9 both the air district and CARB to regulate pesticide toxic
10 air contaminant emissions. Under the heading
11 "Jurisdictional Issues", it says, "The District does not
12 have jurisdiction in case of open air applications, such
13 as on-field pesticide application, because all potential
14 control of emissions in such situations is also a
15 regulation of the pesticide in its pesticidal use".

16 It goes on to say that, "The State's position..."
17 - that's you guys - "...is that the District is prohibited
18 from State law -- by State law from doing so". So the
19 District is actually ceding CARB's authority along with
20 its own.

21 We strenuously reject this analysis and its
22 conclusion in the Shafter CERP. We think it lacks merit
23 on legal grounds, and I'll submit our legal memo. We
24 think it betrays the commitment made publicly by CARB at
25 the July 22nd meeting of the Shafter AB 617 steering

1 committee, where they -- Mr. Karperos there was kind
2 enough to commit not to use jurisdictional grounds to
3 reject any emissions reduction measures sought by the
4 community.

5 But most importantly, it establishes an
6 unacceptable precedent for future -- future AB 617
7 emissions reduction efforts in agricultural communities --
8 yeah. Lot's more to say.

9 (Laughter.)

10 MS. SELLEN: So haven't finalized our written
11 comments, but those are coming, because we want to make
12 sure that the steering committee is able to sign on to all
13 of them. So you should be getting that within the coming
14 week.

15 CHAIR NICHOLS: Thank you.

16 MS. SELLEN: And you'll be hearing a lot more
17 from us. So thank you.

18 CHAIR NICHOLS: I'm sure -- I'm sure we will.
19 Thank you.

20 We're on notice. We can't take any action on an
21 item that isn't noticed for our agenda, but we -- we've
22 heard you.

23 Okay. Without further ado then, we're going to
24 take a break. We're not recessing, because we are coming
25 back at 4:00 o'clock. But we will be in remission for a

1 couple of hours, I guess. We'll be back at 4:00 o'clock.

2 Thank you.

3 (Off record: 2:14 p.m.)

4 (Thereupon a recess was taken.)

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1 A F T E R N O O N S E S S I O N

2 (On record: 4:06 p.m.)

3 CHAIR NICHOLS: Ladies and gentlemen, we're ready
4 to get started.

5 Folks.

6 BOARD MEMBER BALMES: The Chair requests that
7 everybody sit down, so we can get started.

8 CHAIR NICHOLS: We're ready to start as soon as
9 we have people sitting down.

10 CHAIR NICHOLS: Okay. Ladies and gentlemen,
11 we're about to start. We're about to reconvene our
12 meeting, after we heard the Control Measure for
13 Ocean-Going Vessels at Berth earlier today, and sent it on
14 for further work by the staff before they bring it back in
15 the spring.

16 So our second item, and the only other time on
17 today's agenda is number 19-11-2. And is there anybody
18 who requested translation services? Do we still have the
19 translator with us?

20 We do. Okay. Great. So just to remind folks
21 that we do have a translator.

22 So we're here today to hear the AB 617 Community
23 Air Protection Program, which is a Community Emissions
24 Reduction Program for West Oakland. And we're very happy
25 to be here in West Oakland. We took a tour yesterday,

1 most of us, of the area that's under discussion here. And
2 now we're getting to focus on what the community has come
3 up with in terms of additional improvements that they want
4 to see.

5 The Community Air Protection Program provides a
6 community-focused approach for improving air quality and
7 public health in places that are disproportionately
8 burdened by unhealthy levels of air pollution.

9 Last year, our Board selected West Oakland for a
10 Community Emissions Reduction Program, as one of the ten
11 first communities to launch this program. This is the
12 first Community Emissions Reduction Program that our Board
13 will consider under AB 16[SIC]. And I think it's very
14 appropriate, given the amount of organizing and work
15 that's gone on here in West Oakland, that this is the
16 first plan that we're hearing.

17 Because of the community focus of these plans,
18 this presentation and discussion are going to be
19 structured a little bit differently. Before we go to
20 general public comment, we will hear from community
21 members and CARB staff regarding the West Oakland
22 Community Emissions Reduction Program. It is titled,
23 *Owning Our Air, the West Oakland Community Action Plan.*

24 So, at this point, I am going to turn to the
25 leader of that effort, and as we learned yesterday,

1 somebody who has been an activist in this community for
2 what 50 years maybe or more.

3 And so I'm going to ask Ms. Margaret Gordon to
4 please begin.

5 (Thereupon an overhead presentation was
6 Presented as follows.)

7 MS. MARGARET: Well, is evening or good -- yeah,
8 good evening everyone.

9 CHAIR NICHOLS: Good evening.

10 MS. MARGARET: I'm happy that we have got to this
11 day. But not to get off topic, but start a topic, we have
12 to make sure that we have more appropriate funding, more
13 appropriate staff, more appropriate engagement, and more
14 appropriate trust building as we do this process. That's
15 one of the very key things that we have to do.

16 And this is some of the -- this is -- 95 percent
17 of the stuff that we have done with Bay Area air quality,
18 we have transitioned ourself with those type of things.
19 But we'd like to be able to continue this, as we go into
20 implementation and expediting, and also the other
21 communities have the same type of situations.

22 So next slide.

23 --o0o--

24 MS. MARGARET: So as is here, we're the first
25 year -- the first year of -- the first year of any

1 planning, we was -- West Oakland Environmental Indicators
2 is the first group in the state is doing an actual action
3 plan.

4 Next slide.

5 --o0o--

6 MS. MARGARET: You can see from Indicators on
7 West Oakland and -- are around disease or issues of
8 health, you can see that we're still at a certain high
9 level between 2016 -- 2016 and 2017.

10 Next slide.

11 --o0o--

12 MS. MARGARET: You also understand that one of
13 the primary features of the -- our engagement with Bay
14 Area Air Quality was to have the partner agreement, have
15 the steering committee members being trained and
16 understanding what this -- what was this program --
17 project was about. Also designing focused on equity and
18 exposure. And also we had weekly called meetings. I know
19 they're tired of seeing us for every -- every two -- every
20 week for the last almost two years now, we have had some
21 kind of meeting. Every week for almost two years now,
22 right? Two years we have had a meeting. But there's one
23 good thing that came from it, I served breakfast.

24 (Laughter.)

25 MS. MARGARET: Nobody complains about the

1 breakfast.

2 (Laughter.)

3 MS. MARGARET: We have grits and eggs, pancakes
4 with fruit in it, fruit, all the good stuff. But I never
5 heard a complaint about the breakfast. Coffee. They
6 never complained about the breakfast.

7 Next slide.

8 --o0o--

9 MS. MARGARET: All right. The steering
10 committee, we have made -- this steering committee was
11 made of residents, advocates, youth, business, public
12 agency. And I have to say that the District left it up to
13 WOEIP to make that list of folks that we can reach out to
14 and also those relationships that we had had for many,
15 many years to be able to ensure that we tried to cover all
16 -- all constituents being at the table.

17 When we did have -- we fell short on one thing.
18 We did not have enough Latinos from West Oakland to
19 participate. We did, but we had Latino youth who
20 participated. So I want that to be -- that outside. And
21 we was very clear on how we were going to -- the sources
22 we need, the local issues, what kind of technology we
23 needed, how we were going to model, and measure, and using
24 the monitoring that we have done in the past as also to
25 look at the goals and targets.

1 And we always identified our strategies to reduce
2 emissions and exposure.

3 Next slide.

4 --o0o--

5 MS. MARGARET: This map right here is how we
6 divided up the community from the various partners we have
7 had from 2015 on up now, where we've worked with EDF, and
8 then had the Google car -- had the Google car as -- with
9 the optical instrument on the back of it. How we
10 divided -- how we learned on the ground what was the
11 impacts per community. And we designed -- they helped us
12 design this in seven neighborhoods. And each one of the
13 neighborhoods have a particular -- have a particular
14 impact. And we -- our -- we're in hopes that we can
15 reduce the emissions by that particular issue particular
16 to that zone.

17 And having this type of map was the first time we
18 have ever had this type of a mapping, as far as looking at
19 how to look at solutions and resolve those solutions. We
20 have never had that before.

21 Next slide.

22 --o0o--

23 MS. MARGARET: And also, because of the modeling
24 and the -- modeling and monitoring, we were over -- able
25 to overlay -- look at also the PM -- diesel PM and cancer

1 risk, where we had never had before also.

2 So a lot of the -- these type of maps, these
3 types of graphs and charts, give us -- have put us in a
4 place of stuff we had never had before. And the science
5 really supported us in identifying targets and strategies.

6 Next slide.

7 --o0o--

8 MS. MARGARET: The same thing, we have had --
9 never had this type of information. We had never had this
10 type of collaboration. We have never had this in-depth
11 amount of science and research that coalesced all the
12 different things block by block, neighborhood by
13 neighborhood within West Oakland.

14 Next slide.

15 --o0o--

16 MS. MARGARET: So we still have a high standard
17 for our goal -- our air quality and health. But our goals
18 are still about eliminating disparities. And our target
19 is by 2020, the neighborhood will be experiencing an
20 average level of air quality. And by 2030, we should be
21 experiencing the best air that we have ever had in West
22 Oakland in my 25 years, if I'll be here that long. But
23 just -- but that's -- that's some of our goals and our
24 standards we want to set. And we want the same thing for
25 all the other communities. They've got that -- we got

1 the -- we may be the guinea pig, we may be innovative, but
2 we set -- we're setting the pathway, but we also have to
3 be able to make sure all these things happen for West
4 Oakland.

5 Next slide.

6 --o0o--

7 MS. MARGARET: The same thing, we looked at the
8 source in relationship to cancer risk. We looked at the
9 targets and we looked at all these things by neighborhood.
10 And so this was -- this was some of the first time we also
11 had this depth of information for sources and targets
12 around cancer risk. We had never had this type of a level
13 of engagement or this level of understanding block -- like
14 I said, I'm keep saying block by block, neighborhood by
15 neighborhood.

16 Next slide.

17 --o0o--

18 MS. MARGARET: The same thing. Neighborhood
19 pollution and what contributes to the pollution, we have
20 never had before. This is because of the modeling -- the
21 modeling with a computer and overlaying all the data that
22 we had gotten from the air monitoring. A lot of -- all
23 this information had come to -- have come to be. And so
24 we are continuously -- continuously, I know, going to be
25 finding things. But at the same times, we're going to be

1 measuring things, if -- to make sure that we are on track.

2 Next slide.

3 --o0o--

4 MS. MARGARET: You have -- like I said, we've
5 been drilling down the local emissions and local
6 exposures. We are -- there was four things that we -- we
7 wanted instituted throughout the -- as a thread,
8 exposures, proximity, land use, and enforcement. Those
9 were the four main targets that we wanted to thread
10 through all our strategies. And we wanted to be -- make
11 sure we could fine-tune that at any -- at every juncture
12 of a -- of this process, of this plan, and of
13 implementation expediting it.

14 Next slide.

15 --o0o--

16 MS. MARGARET: So this is -- at the end of the
17 day, this is our strategy overviews. And we look, like I
18 said, land use, looking at trucks. You guys had the big
19 meeting this morning about the trucks. And then also -- I
20 can't read the --

21 MR. BEVERIDGE: Other mobile.

22 MS. MARGARET: -- other mobile sources, and also
23 the stationary source and the health impacts. And we
24 have -- like I said, again, we have never had this level
25 of detail of information as we did a plan.

1 You want to take over Brian or let me finish?

2 MR. BEVERIDGE: Would you like me to talk?

3 MS. MARGARET: Yeah.

4 MR. BEVERIDGE: Okay. We'll double team this.

5 I have a couple. Can I go back like three
6 slides. I just want to make -- emphasize something.

7 AGP VIDEO: Can you turn your mic on?

8 MR. BEVERIDGE: Okay.

9 MS. MARGARET: See I like to share -- I got to
10 share the spotlight.

11 (Laughter.)

12 MR. BEVERIDGE: If I only knew how to share.

13 (Laughter.)

14 MR. BEVERIDGE: Can we go back like three slides.
15 There's just something I want to point out that I think is
16 important to recognize. This is -- well, this good is a
17 one. I think that this is really powerful in the sense
18 that we now can really look at, and the community can
19 begin to understand graphically, where the -- you know,
20 when the big movers are in this process. You know, it
21 won't help us to achieve our goals, if we only -- if we
22 only address highway, for example. We've got to address
23 these big blue boxes.

24 But in some of our neighborhoods, it's
25 interesting, highway is going to be a big factor. So we

1 can't -- we can't just point at a single source and say
2 that's our problem.

3 Next slide.

4 --o0o--

5 MR. BEVERIDGE: I think this is very important as
6 well, because we're beginning to -- you know, in the time
7 I've been working on this, this word cumulative --
8 cumulative impact, cumulative exposure, cumulative risk,
9 cumulative emission has always been a moving target and no
10 one exactly knew how we were going to quantify it.

11 We're beginning, I think here, to say, look,
12 there is this cumulative effect. We've got -- we can
13 identify, through models, this spectrum of sources and
14 source attributions. And so it's -- it begins to help us
15 have a better grounding on a very finite localized level
16 what we can do about these locally produced emissions.

17 And it's important to recognize that we
18 essentially said we want to deal with the 40 percent of
19 emissions that originate within our plan area, because we
20 don't think we can do much as a community about ambient
21 problems. We know the State, and the air district, and
22 everybody is going to keep working on that. But we've got
23 40 percent of the problem that starts within our --
24 practically our zip code.

25 And so that's why we focused on that. It's the

1 thing that we can wrap our arms around within our own
2 neighborhoods.

3 Next slide.

4 --o0o--

5 MR. BEVERIDGE: And I think this -- these -- all
6 of these slides -- and I want to -- I want to thank, and
7 acknowledge, and offer a great deal of admiration to the
8 Air District staff for the work they've done in creating
9 this -- these new models and the visualizations for these
10 models, because one of the things that we -- that happens
11 for communities is we're not experts, and we're not
12 scientists and it doesn't help me at all to look at a
13 spreadsheet of air data. It really helps to look at
14 pictures.

15 And so these maps and these visualizations are --
16 have been incredibly powerful for our work.

17 Next slide. Let's see where we're going from
18 here.

19 --o0o--

20 MR. BEVERIDGE: Ms. Margaret touched on this.
21 The next one.

22 --o0o--

23 MR. BEVERIDGE: Let's see what else we got here.
24 Well, this is a little bit old, some of this is, but it
25 touches on our process. We're hoping that the next bullet

1 on that will be all tonight, you know, adopting our plan.
2 We have a lot of work to do. Let's go one more slide and
3 see where this is going.

4 --o0o--

5 MR. BEVERIDGE: Yeah. We have a lot of work to
6 do now. As I have said in the past year and a half,
7 almost two years ago, when we set out to write this local
8 air plan, we didn't know how to do it. We really had no
9 idea how this would work. We learned how to do it in the
10 process. I will freely admit we don't know how to
11 implement it either.

12 I'm sure you're familiar with the plan. You know
13 that it involves not just one agency or even two agencies,
14 but it involves multiple agencies with multiple lines of
15 authority. And while most of those folks have come to our
16 table and said we're willing to continue to participate.
17 We still don't know how they bring their authority to this
18 process. We still -- we still don't know exactly how and
19 under what circumstances the City of Oakland, for example,
20 you know, uses its authority for zoning and conditional
21 use permits, and business licensing to help reduce
22 exposure in our community. We are all going to learn
23 hopefully how that works.

24 It is also going to require the de-siloing of
25 authority. I think it will be very productive to get

1 multiple agencies at the same table saying, well, here's
2 what we can and can't do, and, oh, we can fill in the gap
3 there. And if we -- I think it's a new way of governing
4 actually and a new way of regulating.

5 And so it's a grand experiment, but we think it
6 has tremendous -- tremendous potential, because we've seen
7 it work in the past, this notion of collaborative problem
8 solving as opposed to confrontation.

9 Next slide.

10 --o0o--

11 MR. BEVERIDGE: No more slides. All right.
12 You're lucky.

13 Blessed relief.

14 I do want to add -- I do want to add something
15 about the future, and it is a very important one. And it
16 has to do with what I'm sure you're all familiar with the
17 issue which is the resources to do this work.

18 We have to have in communities -- and all the
19 other communities that need to do this work, and all the
20 air districts that are supposed to engage with us, and all
21 of these communities and do this quality of work need
22 resources. They need -- we need more resource than we've
23 already had put into the bucket. And it's -- we can't be
24 fighting every year just to hold ground on the same thing.

25 You have probably heard from the Air District,

1 the kind of staffing they need to really do this work
2 well. You've heard from communities about what they need.
3 And in many cases, I think where we don't know yet how
4 much facilitation, mentoring, education, hand-holding, and
5 other types of support communities are going to need.

6 We are here in West Oakland very lucky in the
7 place we hold at this time, based on the work we've been
8 doing. We have sort of specialized in engaging with
9 government agencies and building partnerships for
10 collaboration and with the private sector.

11 Many communities not only are not well organized,
12 because they haven't had the capacity to do so, but they
13 do not know how this works, how these -- what these vital
14 partnerships look like. So we need to -- we need to be
15 pushing upward. All of us need to be pushing upward with
16 this message, that last year's funding probably isn't
17 enough for next year, and next year's may not be enough
18 for the year after that.

19 But this is fundamental to our society today. We
20 cannot achieve the goals we have in mind for ourselves
21 using the same allocation principles of resources that
22 we've been using for decades and decades.

23 We have to think about how we're going to
24 reallocate the primary sources of funding and how that
25 will reflect on our actual intentions.

1 So I'll leave that for everybody to think about.

2 Thanks.

3 MS. RODRIGUEZ: My name is Mercedes Rodriguez.
4 And I was invited to be a part of the AB 617 by Ms.
5 Margaret Gordon and Brian Beveridge. They always get me
6 involved in community action and I am a community member.
7 I've been in West Oakland since 1974. I'm also an
8 Neighborhood Watch Block Captain for almost 20 years. I'm
9 representing BayPorte Village Neighborhood Watch today.

10 I'm also the President of the West Oakland
11 Library Friends. And I'm on the Board for the West
12 Oakland Walk, which is a part of the Downtown Specific
13 Plan and the West Oakland Specific Plan.

14 So the reason that I'm here is because, after
15 listening to Ms. Margaret and Brian, they gave you all the
16 technical information regarding what we've been doing for
17 the last year, and I've been attending these meetings from
18 the very beginning, and air quality is very important for
19 West Oakland.

20 From my understanding, over this past year, the
21 air quality in West Oakland is one of the worst basically
22 in all of California, not to say just Oakland, you know,
23 but all of California. And in my neighborhood alone, most
24 of the children and older people are suffering from
25 respiratory problems.

1 One of my neighbors, she has all kinds of medical
2 problems. I just talked to her a few months ago and I
3 said, you know what, I'm a part of the AB 617 air quality
4 steering committee board. She says Mercedes, you know
5 what, my doctor told me about a few weeks ago that within
6 the last 18 years is the only time that I started having
7 respiratory problems. And she has a whole slough of
8 medical problems. But only within the last 18 years --
9 and we bought our homes 19 years ago. So she started
10 having respiratory problems once she moved into the
11 neighborhood of West Oakland. Didn't have those problems
12 before.

13 So air quality is very important for us. In West
14 Oakland, we have schools. We have children. We have a
15 lot of elderly people. In my neighborhood, there's a lot
16 of elder people. In fact, where I live at there's three
17 senior citizens facilities in my general area. All of
18 these people are suffering some -- from some kind of
19 asthma or respiratory problems.

20 We need to get this resolved. The AB 617 air
21 quality board steering committee they've done tremendous
22 work over this past year. The steering committee is made
23 up of community members, public officials, even a youth
24 group is a part of our steering committee. We have all
25 sectors of the community at the steering committee.

1 One lady in particular, Pat McGowan, I was
2 talking to her. She retired recently, but she was a part
3 of it from the City of Oakland. She actually came out to
4 my residence on three separate occasions when I told her
5 about the quality of air that I'm experiencing from the
6 truck exhaust. I live across the street from Jack London
7 Gateway Shopping Center. That happens to be a place where
8 big rigs park in order to get food from the Kentucky Fried
9 Chicken place and also Jack London -- what do you call it?
10 Jack in the Box or McDonalds.

11 I don't even eat there. I've lived in that
12 neighborhood for 40 some years. I don't even eat Kentucky
13 Fried chicken or McDonalds. I'm into health.

14 (Laughter.)

15 MS. RODRIGUEZ: I eat vegetables, salad. That's
16 my main meal. Fruits. I don't drink coffee. I drink
17 herbal tea. So I'm for health.

18 My chimney -- I keep my -- I even wash my own
19 house. I have a power washer. However, the chimney -
20 even though I don't use my fireplace. In 20 years, I've
21 uses it twice - it's full of soot from the trucks that
22 are -- that -- the refrigerated trucks that keep their
23 motor going right in front of the house.

24 And as I said, three senior citizens facilities
25 are right in that two-block area. So we need to do

1 something about air quality. It's very, very important
2 for our community.

3 The children, the schools -- there's a school a
4 couple of blocks away from where the Jack London Gateway
5 Shopping Center is. Those trucks are passing by there on
6 a continual basis. They actually need a place where they
7 could go on the port, so that they could get their food
8 and stuff. I had a tour of the port yesterday, we did.
9 Okay. We had a tour of the port. They need to have
10 facilities for people to eat there, the truckers, so that
11 they won't have to go into the community and keep those
12 refrigerated trucks going.

13 As a community member and a neighborhood watch
14 block captain, I have to watch out for what's going on in
15 my neighborhood. I work closely with the Oakland Police
16 Department. And one of the things that I did was, as a
17 result of those trucks parking, I actually went to the
18 City of Oakland and told them you need to do something
19 about it.

20 Their result was they put signs up on both sides
21 of the street at my request. No trucks 7,000 to 10,000
22 pounds. Do you know the trucks park right in front of
23 those signs with the refrigeration unit going sometimes
24 for up to an hour. And this is all times of the day and
25 night.

1 I've also talked to the parking enforcement.
2 They could make tons of money, if they would just give
3 those trucks tickets, because they're illegally parked
4 there. And I am very bold. So I'll go up to them and
5 say, look, don't you see the sign. I've always been like
6 that. I'm from New York. I'm not -- I don't scare
7 easily.

8 (Laughter.)

9 MS. RODRIGUEZ: I really do not scare easily. So
10 I would go up and approach them and say, look, I have your
11 driver's license infor -- your vehicle information, who
12 owns the truck, the license information. You're not
13 supposed to be parked here. Can you please move?

14 Well, we're going to move as soon as we finish
15 our lunch. That's not good enough. When I call OPD, by
16 the time they get there, I have all of the information,
17 but they will not do anything about it, because the
18 vehicle is no longer there.

19 So a part of this AB 617 plan, we need to make
20 sure that enforcement is a part of it. Because without
21 the enforcement, what is the use of it. Right now, we
22 don't have enforcement, even though we have all of the
23 mechanisms there in order for the law to do what it's
24 supposed to do, but it's not being down.

25 Like I said, Pat McGowan came to my house, my

1 location, three separate times, so she understands. She
2 understood what the problem was, but It hasn't been
3 resolved yet. So once this plan -- hopefully, you do
4 adopt the plan, because it's a wonderful plan. We've been
5 working on it for over a year, well over a year, all of
6 the organizations together. It's an excellent plan.

7 Everything that we recommended was taken into
8 consideration. So please look at this plan, think about
9 all the effort that we put into it. And I've never missed
10 one meeting. Every single meeting I've attended from the
11 very first meeting, which is what -- which was at the West
12 Oakland Library. The same room that I have my West
13 Oakland Library friends meeting on a monthly basis. So
14 this plan is excellent.

15 The people that worked on it did a great job as
16 far as I'm concerned. I don't -- maybe other people have
17 different opinions. But as far as I'm concerned, I don't
18 have anything bad to say about the process that was used,
19 the locations that we were at. Everything was in perfect
20 order. Ms. Margaret also always provided food, as she
21 says.

22 (Laughter.)

23 MS. RODRIGUEZ: So I would recommend that you
24 adopt the plan, and hopefully the enforcement will be a
25 part of that, because we need the enforcement. The plan

1 is great. It's wonderful, as far as I'm concerned, but we
2 need enforcement to go along with it. Plus, we're going
3 to need funding for it. My co-worker, my co-steer person
4 will follow me.

5 MS. MACDONALD: Thank you very much. My name is
6 Karin MacDonald. And I am the co-steer person. I'm also
7 a neighbor and a steering committee member.

8 I am going to piggyback onto some of the things
9 that my neighbor just outlined and also my neighbors, of
10 course, Brian and Ms. Margaret.

11 My representation came -- I'm basically
12 representing the Prescott Oakland Point Neighborhood
13 Association. Prescott Oakland Point is a neighborhood
14 right up -- up here, right up the street. And we're
15 eligible for inclusion in the National Register of
16 Historic Places if we ever were to get it together.
17 That's where all the beautiful Victorians are. It's
18 really a pretty wonderful place when you're looking at the
19 architecture. It's not so great when you're leaving your
20 house and you actually have to breathe.

21 But you've heard all about this. I've lived here
22 also for about 25 years. Bought my house about 20 years
23 ago, 21 years ago now. And as Mercedes has just pointed
24 out, many of us are also involved with many other
25 activities that are neighborhood based. And I'm guessing

1 you hear this everywhere there's neighbors involved.

2 It's -- you know, it's kind of the same old people that
3 are -- that are involved with a lot of the things here.

4 This particular process was an interesting one.
5 I -- my -- you know, my last participation on kind of a
6 greater level that had to do with agency collaboration was
7 on the Redevelopment Board for West Oakland. So that was
8 an interesting one also.

9 This one here was different. It seemed like we
10 had more responsibilities. And I'm hoping you're
11 interested in hearing this, by the way. As neighbors -- I
12 think we had four neighbors on the committee, maybe
13 three -- four -- or four neighbors that we're on the
14 committee.

15 We were also kind of responsible for
16 communicating everything about the plan, and whatever was
17 going on to our neighbors. And that was a lot of work and
18 really a huge responsibility. I mean, we're clearly
19 not -- this isn't a full-time job for us. I mean, you
20 know, Mercedes has a few jobs, so do I. And sometimes it
21 seems like -- how do I say it? It seem like you're
22 selling stale beer, because people don't want to -- you
23 know, people have better things to do than listen to you
24 about air quality, even though everybody knows it's a
25 problem, but, you know, you walk around with your, you

1 know, fancy maps, or, you know, a report that is this fat
2 and good luck to you.

3 (Laughter.)

4 MS. MACDONALD: So but -- but nevertheless, I
5 think we all learned a lot, a lot more than we probably
6 thought we would learn about science. But one thing I
7 always point out is we're not -- you know, we're not
8 professionals in that particular field. We're educated
9 people, but we're not -- you know, we're not air
10 scientists, or -- you know, I took botany when I had the
11 opportunity. It was definitely not -- you know,
12 definitely didn't seek out science. So this was a little
13 bit of a shock to the system, some of the explanations.

14 So I think when you're looking at maybe dealing
15 with other communities, one thing that would be -- that I
16 would recommend is just to really emphasize more
17 explanations on a -- you know, on a better understandable
18 level. I don't think you can implement anything like this
19 at all, if you don't have, you know, an organization like
20 the West Oakland Environmental Indicators Project as a
21 trusted resource, as people that are living, you know, in
22 the neighborhood that are well known, and that can provide
23 some translation services so to speak.

24 We definitely had problems bringing in people,
25 you know, with different language backgrounds and

1 different ethnicities. But we had problems bringing
2 anybody in -- everybody in. It was difficult, definitely.
3 Sometimes you're kind of suffering from doing too good a
4 job representing your community, because everybody goes,
5 well, if you're there, we don't have to worry about it.
6 But, you know, it's not a preferred scenario. Clearly, we
7 would have liked to have packed the rooms a little bit
8 more.

9 Let me say just a few things very quickly about
10 implementation. And again, I'm going to echo some of the
11 items that were already discussed here. We're definitely
12 going to need funding to implement this plan. And one
13 thing that I'm really concerned about personally is when
14 you're looking at this plan and you're looking at these
15 strategies, what's -- what really pops out is that there
16 is a necessity for a lot of political will to make things
17 happen.

18 So it's not all about money. It's really also
19 about politics. Some of this could really, very easily be
20 done if the will were there, because I think funding
21 strategies are in place and, you know, if that -- if the
22 will were there, this could happen.

23 So we can use all the help that anybody wants to
24 provide, but we're really open to collaborating with
25 everybody. We're willing to show up. We're willing to

1 say something, if that helps. We're willing to bring a
2 few neighbors with us, but something really needs to
3 number.

4 And where I see that issue, the political will
5 issue, really most clearly is when we're talking about
6 580. So we're sending all of I-580. So right now, all
7 the trucks are going onto 880. I mean, 880 is -- you
8 know, if you can avoid it, you do, because it's -- it's
9 like the hell freeway. You know, you don't want to
10 breathe. You kind of breathe in and then you try to
11 breathe out when you're off it.

12 There -- it's just lots of trucks. And then 580,
13 there was no trucks on 580. Well, what a miracle, you
14 know. Who has political power here? We all know how this
15 works. So there is probably things that could be done, if
16 the political will were there. We would really like to
17 see some sort of, perhaps, a pilot program, look at like
18 certain lanes perhaps, just look at something, just make
19 something happen there. Because that's going to make a
20 big -- a big difference for us.

21 And then also, we will really -- yeah,
22 enforcement, of course. That's a huge one, because we
23 have all heard -- you know, we've been there before.
24 We've all been on I don't know how many committees. This
25 is perhaps unique. It's definitely unique.

1 It was a lot of work. It's great. You know, we
2 now really have something. We can walk around with it.
3 We can say, hey, this is your responsibility. Please do
4 it. But, you know, again, if we don't have enforcement of
5 some of these issues, then this was all for nothing. We
6 really, really do need enforcement. And again, this goes
7 back to funding and political will, so it kind of just all
8 rolls into one.

9 And finally, for the implementation committee,
10 and for implementation strategies, I think an ongoing
11 commitment by various agencies to provide staffing, and
12 really staff just like we had for this process, staff who
13 really are interested in making this happen, because we
14 were really golden with the staff that we had. We had
15 really great people that were participating from these
16 agencies.

17 I mean, again, I know that Mercedes had, you
18 know, a colleague who -- you know, an agency member who
19 came over and came to her house repeatedly. And I know
20 that somebody who's sitting right here came by my house
21 when I was complaining about certain things, and was
22 riding his bike up and down the street to figure out a
23 particular source of pollution. So thank you very much.

24 (Laughter.)

25 MS. MACDONALD: So, you know, it's just very

1 important. So thank you very, very much for your
2 attention. I hope you'll adopt this plan.

3 AIR POLLUTION SPECIALIST SCODEL: All right.
4 Thank you to Ms. Margaret and Brian for your
5 presentations. And thank you to Mercedes and Karin for
6 your comments and sharing your perspectives.

7 So West Oakland is one of the first set of ten
8 communities, selected under the Community Air Protection
9 Program. And today's action by the Board marks an
10 important milestone in the statewide effort to improve air
11 quality in impacted communities.

12 So as we work to implement these community scale
13 efforts, we're already identifying lessons learned to help
14 improve the program overall and deliver emissions
15 reductions.

16 I'm going to talk briefly about CARB staff's
17 review and recommendations on, *Owning Our Air: The West*
18 *Oakland Community Action Plan*. These recommendations are
19 specific to West Oakland, but can also inform local
20 efforts in other communities. And I think we already sort
21 of heard that raised by Mercedes and Karin and what they
22 were sharing.

23 So CARB staff reviewed the plan with a few things
24 in mind. We looked at comparing it to the statutory and
25 the blueprint criteria. We considered the comments and

1 perspectives that we heard at steering committee meetings
2 and other outreach events. And we also reviewed the
3 public comment letters submitted on the plan itself and on
4 our staff report.

5 --o0o--

6 AIR POLLUTION SPECIALIST SCODEL: So one of the
7 best ways for our program as a whole to improve is by
8 identifying key strengths that can benefit other
9 communities.

10 In West Oakland, there were several aspects that
11 we want to highlight, and Ms. Margaret and Brian have
12 already touched on some of these.

13 First, the District partnered with the West
14 Oakland Environmental Indicators Project, a well
15 established community-based organization with a strong
16 community network and technical capacity. This enabled
17 them to form a community steering committee before West
18 Oakland was even selected by the CARB Board and to hit the
19 ground running.

20 And then to support their joint leadership of the
21 process, the District and the West Oakland Environmental
22 Indicators Project signed a partnering agreement that
23 clearly defined roles and responsibilities for the
24 process. And you heard a little bit about that already.

25 The steering committee operated collaboratively

1 and focused on achieving consensus. And many steering
2 committee members mentioned that they felt heard and
3 appreciated throughout the process, and that their
4 viewpoints were taken seriously.

5 And so we're pointing out the West Oakland model
6 as one approach to community leadership and engagement,
7 that really ensured community voices were at the center of
8 decision making.

9 --o0o--

10 AIR POLLUTION SPECIALIST SCODEL: We've heard
11 broad support for the plan. And today we're recommending
12 that the Board approve it.

13 However, we've also heard concerns about
14 implementation, particularly about prioritization, and
15 resources. The plan has enormous potential to reduce
16 exposure to air pollution in West Oakland. So strong
17 implementation, coupled with clear mechanisms to attract
18 progress and measure success will be essential.

19 To strengthen implementation, we've identified a
20 set of recommended actions for the district, the steering
21 committee, and CARB to continue to work together on.
22 These actions fall into three main areas, reduction
23 strategies, tracking progress and enforcement, and
24 technical enhancements. And so now I'll just touch
25 briefly on those three areas.

1 Under reduction strategies, our recommendations
2 are focused on prioritizing the list of strategies
3 included in the plan and detailing how implementation will
4 work. For example, the steering committee has raised
5 land-use and transportation as major issues to address.
6 And the plan includes numerous strategies for local
7 agencies with authority in these areas, like the City of
8 Oakland and the Port of Oakland.

9 To ensure that these strategies are implemented,
10 we are recommending that the District work with the
11 steering committee and CARB to identify which strategies
12 will require new commitments from other agencies, and to
13 define specific engagement mechanisms to secure those
14 commitments.

15 Under tracking progress and ensuring effective
16 enforcement, our recommendations are focused on
17 identifying clear mechanisms to support tracking progress
18 that everyone can understand and follow. For example, the
19 plan includes a set of example metrics, but recognizes
20 that more work is needed to fully define how they will
21 measure progress.

22 We're recommending that the District, the
23 steering committee, and CARB build on these examples to
24 define clear action-based metrics. And as part of that
25 progress, it will be important to identify data sources

1 AIR POLLUTION SPECIALIST SCODEL: You know, we
2 recognize that the plan is the result of an extensive
3 community collaboration that we've already heard a lot
4 about already, and we commend the steering committee
5 district for all their work.

6 With these considerations in mind, staff
7 recommend that the Board approve the West Oakland
8 Community Emissions Reduction Program and direct the
9 District to work with the community steering committee and
10 CARB on the identified actions.

11 We're also recommending that the Board direct the
12 District to provide updates on these actions in the annual
13 reports required by AB 617.

14 So this concludes the staff presentation. The
15 CARB staff and we have District staff, as well as the
16 community members seated at the table will be happy to
17 respond to any Board member questions before we turn to
18 public comment.

19 Thank you.

20 CHAIR NICHOLS: Questions?

21 Oh, public comment. All right. Let's -- all
22 right. Let's turn to the public next. That's fine. I
23 think that's -- that will help enrich any discussion that
24 we may wish to have.

25 So let's begin with David Wooley.

1 MR. WOOLEY: Good after -- evening, everyone.
2 I'm David Wooley.

3 Is it on?

4 I think so. I'm Director of the Environmental
5 Center at the Goldman School of Public Policy. And we've
6 been involved -- the Environmental Center has been
7 involved in this for quite a long time. Back in 2016 and
8 '17, my predecessor convened a stakeholder process that
9 explored these issues of -- particularly of air pollution
10 hot spots. And I think that effort contributed to the
11 passage of AB 617.

12 I joined the effort about two years ago, when
13 we went -- began into the implementation phase,
14 participated in most of the co-lead meetings, on virtually
15 all of the steering committee meetings as an observer.
16 And under a grant from the District, we have been
17 preparing an independent study of the air quality -- of
18 the community engagement on the plan, and including
19 surveys of the participants. And Lily MacIver, who's the
20 principal researcher on the will speak later I believe.
21 She's a graduate student at Public Health and Planning
22 Schools at UC Berkeley.

23 This was a very successful effort. And it
24 produced a comprehensive plan. And I expect an effective
25 abatement plan, if there's strong support for the

1 implementation. The District staff, the steering
2 committee, and WOEIP were very effective.

3 I want to just highlight a couple of things that
4 are important to use to think about in other community
5 efforts. One is the co-lead model of a community group
6 with the District was very effective. And I recommend
7 that that be replicated in other communities.

8 I'm a supporter of the development of the new
9 exposure modeling effort. It gives important information
10 allowing greater ability to target abatement actions at
11 the neighborhood level. And it should be used in other AB
12 617 communities, where there are complex and diverse air
13 pollution sources in the inventory.

14 Everybody that we talked to wanted more time for
15 this. And this is complex. It takes time to do the
16 engagement. And that's one of the things we keep hearing,
17 that more time for this kind of activity is important.

18 And going forward, strong funding for this will
19 be very important. And I know that there's a -- there's a
20 complex competition essentially for funding in one case
21 for financial incentives for pollution controls. But I
22 think we need to find a balance between those demands and
23 the demands to really empower these communities.

24 One -- could I just say one more thing.
25 There's -- I think there's a nationally important story

1 going on here. You know, I've been involved in Clean Air
2 Act work since before the 1990 amendments. And I know
3 this is the unfinished businesses, these air pollution hot
4 spots. And I think that this process was effective and
5 can be used in other states and communities. And the
6 irony is that I think that although environmental justice
7 concerns were, at one point, a threat to some of the
8 underpinnings of the carbon controls in California, in the
9 end, AB 617 is a new driver for also getting at these
10 carbon emissions. And my guess is that any national
11 attempt to deal with climate will also have to have this
12 important environmental justice an equity element to it.

13 So I recommend that you recommend that you
14 approve this plan.

15 Thank you. And sorry for the over time.

16 MR. BROWN: Good evening, Chair Nichols and
17 members. My name is Bob Brown. I represent the Bay Area
18 on behalf of the Western States Petroleum Association.
19 Thanks for allowing me the opportunity to share a few
20 comments. AB 617 represents really the first of its kind
21 opportunity to bring together a broad group of
22 stakeholders and to advance a very important conversation
23 around community air quality.

24 We've appreciated the opportunity to be a part of
25 that conversation from the development of the blueprint,

1 to participation in the steering committee and communities
2 where we operate, Richmond of course being one. And
3 Richmond -- thank you, Member Gioia, for you leadership in
4 that area as well, because it provides an important
5 example of allowing a productive conversation to occur, a
6 very diverse stakeholder group. And also shout-out to the
7 Bay Area Air District for both their work and support in
8 making sure the community and the community steering
9 committee is front and center, and them as a public agency
10 offering the support to help, you know, steer the data and
11 the science to help drive that conversation.

12 And the people who live and work in the community
13 are running the process. Folks are getting a voice in how
14 that process is designed and carried forward. And I think
15 it's -- really, I think the Bay Area in looking at other
16 regions in California offers a nice model for how to
17 operate this program going forward. I've certainly seen
18 that in West Oakland as well.

19 We recognize there are many lessons learned from
20 this first year of implementation. And just like you
21 would have with any program, there's a lot of work to do,
22 certainly looking at source apportionment and
23 prioritization of the many projects that have been
24 enumerated here.

25 We certainly aren't always going to agree on

1 everything. But what's important really is that people
2 are coming together to have hard conversations. And
3 that's really the only way we're going to be able to find
4 solution by -- by having those conversations and working
5 together.

6 So there's a lot more work to be done. We are
7 certainly convinced that if we can continue working
8 together and continue this type of engagement, that we'll
9 be able to find real solutions and be successful. So
10 thank you again.

11 MR. TORRES: Hello. My is Christian Torres. I'm
12 with Comite Civico Del Valle. You usually find my
13 director Luis before you, but today I'm here.

14 I'm going to read a quick letter that we
15 submitted today. This is on behalf of the AIRE
16 collaborative, which is a group of organizations
17 throughout the state of California that are working in AB
18 617 communities. One of our partners is West Oakland
19 Indicators Project.

20 Dear, members of the. Board, the AIRE
21 Collaborative would like to expose it's support for the
22 approval and implementation of, *Owning Our Air, the West*
23 *Oakland Community Action Plan* drafted by the West Oakland
24 Environmental Indicators Project in partnership with the
25 Bay Area Air Quality Management District.

1 This action plan outlines key strategies to
2 reduce emissions and exposure to emissions that are in no
3 way unattainable as well as strategies to improve health
4 program access as a clearly disadvantaged community. The
5 plan has been tailored for West Oakland, but this
6 community action plan will also serve as a model for other
7 communities to follow. We need a model like this as an
8 example and template of community working with its air
9 district and CARB to continue to define the intent of AB
10 617.

11 West Oakland faces different challenges than the
12 ones that our -- that other AIRE partners face through the
13 state. However, all of these communities share one
14 similarity they have to confront historical and systematic
15 adversity and marginalization. The implementation of this
16 Community Action Plan will not it eradicate decades of
17 environmental injustices overnight, but it is the right
18 step -- the right step into a more equitable future.

19 We're asking for you to approve this plan and
20 commit to its implementation.

21 And I'd like to add something that's a little
22 personal to me, because of the way the AB 617 is working,
23 and that is that there needs to be more funding into this
24 project. As mentioned, by Ms. Margaret, by Brian, by the
25 community members, by staff, there needs to be more

1 support.

2 I myself work as co-chair on one of the steering
3 committees for the AB 617 communities which will host you
4 in two months. And we can tell you, the money that is
5 being put into this program is not enough, and there needs
6 to be more support. Working with local stakeholders is a
7 tough issue to have. But with the right support, I know
8 it's available. Thank you.

9 MR. BERENSHTEYN: Good afternoon. My name is
10 Roman Berenshteyn. I'm here on behalf of the Bay Planning
11 Coalition. We're a policy advocacy group that represents
12 over 150 members around the Bay Area with a shared goal of
13 building a more environmentally sustainable and
14 economically viable region. And we'd like to express our
15 support for the plan and recognize Brian Beveridge,
16 Margaret Gordon, and all of the plan partners for all of
17 the hard work that went into putting this plan together,
18 and teeing it -- teeing it up to become the first AB 617
19 community plan to be adopted in the state.

20 This plan is a monumental step for both improving
21 regional air quality and helping eliminate some of
22 disparate health impacts felt in the West Oakland
23 Community and will surely serve as a strong precedent for
24 future AB 617 community plans.

25 So we're excited that the plan has come this far,

1 and we look forward to being a supportive partner as the
2 plan enters the implementation phase.

3 Thank you.

4 MR. ABOUDI: Good evening. My name is Bill
5 Aboudi. I'm with AB Trucking. We operate a drayage
6 company. So all those trucks that they're talking about
7 were not drayage trucks, because we're clean trucks,
8 right?

9 We were the first to go through the clean truck
10 program back in 2010.

11 Thank you.

12 We took a jump. We've learned from that rule a
13 lot. I am an AB 617 steering committee member and I've
14 been working with West Oakland for many, many years. This
15 program, AB 617, the way it was set up in West Oakland is
16 a collaborative process. That's the way it should be.
17 Everybody is at the table. Everybody's concerns are
18 addressed.

19 So we are in the trucking business, but we are
20 also concerned about the health impacts of the equipment
21 that we're using to do our jobs. We've learned a long
22 time ago that proximity is the cause. And we are the
23 closest to that equipment and that diesel emission. So we
24 do support the efforts of this program.

25 There are some things that we've addressed. Land

1 use was a major part of that. We have trucking companies
2 that are business models are shifting and we need a lot of
3 land space. And not one trucking company at the port has
4 long-term leases to be able to have the infrastructure for
5 going forward and getting to the electrification or any
6 type of other fuel, unless you have a place that you're
7 going to be.

8 And month-to-month rentals of space for trucking
9 companies just does not work, if you're going to try and
10 clean the air. So that's why we have resistance of moving
11 to any other mode except for diesel because of that. So
12 we have to think very clearly as we're making these rules.
13 We need other partners to come in and make sure that the
14 infrastructure is put in to address those issues.

15 Just as a point, I think last Board meeting at
16 the port, they had month-to-month renewals. They have to
17 come up and renew the leases and advise the Board that --
18 when they reach a year. And there was almost 250 acres is
19 what they claim to be truck parking on month-to-month. So
20 that just tells you the issue that we're dealing with.

21 I'm running out of time, so I'll say thank you.

22 CHAIR NICHOLS: Thank you.

23 MS. MACIVER: Hi, everyone. Thank you for the
24 opportunity. And I'd really like to commend the
25 community, Karin and Mercedes who are here, Brian and Ms.

1 Margaret. As David mentioned, I'm working with him and
2 we're doing a study on the process. I'd like to commend
3 the process, and especially the sharing of decision-making
4 power between the Air District and the community, which
5 contributed to the success of the process. I echo Ms.
6 Margaret, and Brian, and the community in general's
7 concern over implementation and funding.

8 I'd like to ask the Board to please advocate for
9 strong baseline funding for AB 617. Implementation needs
10 more support. We need to also increase the resources to
11 pay community members to participate, for the air
12 districts to build out their staff, and the staff's
13 competency, as Ms. Margaret mentioned, for community
14 collaboration and engagement, and for the new modeling
15 that the Air District is doing. That takes a lot of time
16 and effort at this hyper-local level.

17 I fear that if consistent funding is not secured,
18 AB 617 risks replicating historic patterns of policy
19 volatility, that fail to deliver promised change and
20 degrades community's trust in government.

21 I define policy volatility as when a policy is
22 not enforced, not properly resourced, or when a policy is
23 repealed or undermined. Why is this important? As
24 researchers, we believe that AB 617 is an important
25 evolution in policy and air law. AB 617 processes give

1 communities an opportunity to -- well, communities that
2 have seen a lot of historic injustice to heal themselves.

3 Government rarely, if ever, has this function,
4 holding space for community healing. It has been the
5 opposite. Government policies have caused harm, have
6 caused environmental injustice, et cetera.

7 AB 617 I think is revolutionary. It reverses
8 this trend. It creates a venue for West Oakland and other
9 communities to restore justice by improving the air and
10 preventing racial and class based health disparities.

11 Thank you.

12 MR. MAGAVERN: Good evening. Bill Magavern with
13 Coalition for Clean Air in support of the staff
14 recommendation.

15 And I want to congratulate WOEIP and all the
16 community members, as well as the Air District for your
17 successful partnership. And I think this is really the
18 kinds of community-driven process that AB 617 is supposed
19 to engender.

20 We also think that the additional staff
21 recommendations from the CARB staff will help to make the
22 implementation of the plan more effective and improve
23 enforcement. And as we look at all of the Community
24 Emission Reduction Plans across the state, I think what we
25 most need to see in those is, first of all, a

1 community-driven process, and secondly, tangible
2 reductions in emissions and exposures that go above and
3 beyond what was included in existing rules and policies or
4 those that were part of other plans.

5 This is supposed to address the cumulative
6 impacts of air pollution in the most impacted communities.
7 So we really need to see the 617 plans adding to what was
8 already on the books and giving the needed relief to those
9 communities.

10 Thank you.

11 MR. WAN: Good evening, CARB members. I'm Danny
12 Wan. I'm the Executive Director of the Port of Oakland.
13 So first of all, welcome to Oakland and particularly our
14 neighborhood West Oakland. And the Port, you may know, is
15 many of the 500 employees and the people who fill the
16 85,000 jobs the port generates, as we work, and many hours
17 in West Oakland. So we consider ourselves part of the
18 community here. Along with the neighbors and residents,
19 we are the West Oakland community. So welcome.

20 And this is why the Port of Oakland congratulates
21 and supports the community, CARB, and the Air District in
22 empowering this community in partnering CARB in
23 determining our own environmental and economic future
24 here.

25 And so we've heard much about the plan and

1 implementation of it. You heard from the community that
2 the implementation is absolutely important. I am proud
3 that the Port has a very good record of implementation.
4 From 2005 and 2017, the Port has reduced our DPM emissions
5 by about 80 percent. And we're which shooting for 85 by
6 2020.

7 And we -- and the drayage trucks you visited our
8 port this morning, you see many of the drayage trucks.
9 Well, those are the trucks that are already complying.
10 They're compliant. And in that same period of time, our
11 trucks have reduced their emissions by 98 percent. And
12 our ships, over 80 percent of our ships are plugged in
13 when they're parked at the port.

14 And I just visited Asia and many of the Asian
15 shipping lines inform me that they're actually very proud
16 that they have accomplished that accomplishment complying
17 with an 80 percent rate. And it is a California-specific
18 requirement that these folks have invested a lot of money
19 into.

20 Now, that's not to say we're going to need to do
21 more. The Port has adopted its own 2020 and beyond plan,
22 in which the goal is zero emissions. So we need to
23 emphasize electrical infrastructure. And we're already
24 examining many of the measures that's the community plan
25 to adopt as our own as part of our 2020 air emissions

1 plan. So certainly, we're committed to future
2 implementation of the community plan as well.

3 And last point, and many of the community members
4 also pointed out, in order to implement this, we need
5 collaboration. The Port is absolutely committed. I just
6 became the Executive Director, what, two weeks ago.

7 (Laughter.)

8 MR. WAN: I am -- of course, I'm committed to
9 talking to West Oakland Indicators Project, the community,
10 in terms of talking them ahead of time before we go too
11 far down any projects that may impact the community. That
12 is absolutely key. Collaboration means transparency in
13 terms the of Port's plans, and in terms of consulting with
14 the community ahead of time before the decision is already
15 made. That's certainly a commitment you'll hear from me.
16 And I know that Ms. Margaret, and Brian, and I have
17 already had a conversation about starting that process.

18 So you will have our commitment and I support the
19 plan. Thank you very much.

20 MR. PAYDAR: Hello. My name is Naveed Paydar.
21 I'm with the California Public Utilities Commission.
22 Thank you, Board members, CARB, steering committee,
23 community members for all your leadership on this issue.
24 So I've heard a couple times throughout the day already
25 that you guys are looking for collaboration, you're

1 looking for partnership, you're looking for support and
2 resources, and funding. And that's what we have at the
3 CPUC and that's why I'm here to offer --

4 BOARD MEMBER GIOIA: You're here to give us
5 money, right?

6 (Laughter.)

7 MR. PAYDAR: Absolutely, John. And John -- John
8 is a good friend of mine. So we are here, because the
9 Commission is -- the CPUC is committed to social and
10 environmental justice. And we've just last year passed
11 our social and environmental justice action plan, which
12 goes beyond SB 350 to really look at the impacts on
13 disadvantaged communities of all of our programs. So the
14 CPUC we regulate electricity and natural gas and other
15 things. And we have a number of programs that will help
16 meet some of these goals.

17 The CPUC passed their social and environmental
18 justice action plan. Two of our Commissioners spearheaded
19 that. That's Martha Guzman Aceves and Cliff
20 Rechtschaffen. We have an amazing five Commissioners at
21 the CPUC right now, four of which are women, four out of
22 the five. Four of those women are -- three of those women
23 are women of color. Our -- we have a new President,
24 Marybel Batjer, who is amazing.

25 We are here in the spirit of partnership. I

1 brought with me a report that we -- we've developed
2 through Martha Guzman Aceves's office that looks at how
3 you meet these goals that we're here to hopefully approve
4 today and how you can use CPUC programs to help do that.
5 So I have that report right here.

6 I want to pass it out to everyone. She's got
7 one, but I have about enough for the Board members. I
8 also have my business card, so that -- my role also is
9 local government and community liaison. So I'm going to
10 pass out, as many as I can, of my business cards out, so
11 that if you have any questions -- and this -- this is
12 about an 80-page report. And it looks a lot of our
13 programs, but it's really just a primer of our programs.
14 If you have any questions about it, you know, please
15 contact me, contact other CPUC staff.

16 The programs are designed to meet these goals and
17 to have specific set-asides for disadvantaged communities.
18 We have the Solar on Multifamily Affordable Housing
19 Program, which provides free solar on low-income
20 multifamily housing that benefits the tenants. That came
21 out after the Solar on Single-Family Affordable Housing.
22 We have the Electric Vehicle Program that sets aside tens
23 of millions of dollars for disadvantaged communities to
24 install electric vehicle charging stations at their
25 workplaces and at their resident -- at their homes, and

1 many more.

2 And this is -- this report just came out a week
3 ago. So it's got the most comprehensive list of the
4 CPUC's programs that we have right now. And there's a lot
5 of them.

6 So we're here to help. And thank you all for
7 your leadership on this.

8 MR. JACOB: Good evening, Madam Chair and Board
9 members. Mike Jacob with Pacific Merchant Shipping
10 Association. Good to see you again today.

11 We don't have an official position the plan, per
12 se. There are some of the strategies we embrace, such as
13 funding incentives for trucks, and harbor craft, and some
14 things we have concerns with, including Indirect Source
15 Rule.

16 But we wanted to show up tonight to embrace the
17 key strategy component, and which was referred to by
18 several of the other speakers with respect to separating
19 industry and residential uses. That's not only a
20 protection for residents, that's a protection for
21 industrial businesses. And to allow us to do our jobs in
22 a way where we don't have impacts, where we don't have the
23 situations that we need to turn around and mitigate or
24 regulate later.

25 And we think that that is exceptionally important

1 as a strategy for moving forward, both for improving the
2 existing conditions for residential communities in West
3 Oakland, but also for preserving the industrial use of --
4 at the Port of Oakland going forward.

5 Right now, the Port is under some pressure from
6 the City. And there are other considerations with respect
7 to the potential reuse of property at the port, which
8 could have up to 30,000 new residents within our current
9 industrial buffer zone. The application of these
10 strategies will help push back on that type of
11 encroachment that will not only increase our cost of doing
12 business, but also put new residents and sensitive
13 receptors directly into a place where then we'd have to
14 turn around and adopt new rules and new mitigations.

15 And that's something we should be strenuously
16 avoiding. So moving forward, again, we applaud AB 617
17 planning that's going on in West Oakland with respect to
18 the existing residents but we also think it should be
19 applied proactively. You should be looking at how does
20 this maintain industrial buffer zones where they exist
21 right now. And we'd like to make sure that this Board is
22 a key in making sure that that implementation component is
23 not lost too.

24 Thank you very much.

25 CHAIR NICHOLS: Thank you. That concludes the

1 list of witnesses who've signed up to testify.

2 I don't think there's huge amount of suspense
3 about what's going to happen.

4 (Laughter.)

5 CHAIR NICHOLS: I hope nobody is in doubt.

6 But I think it might be useful if Board members
7 had a chance to either ask questions or make comments at
8 this point about where we are in the process.

9 And I'm going to start by asking everybody, I
10 guess, to really address the question of what next? I
11 know it was in the presentation, but it was, let's say, a
12 little bit general, in terms of, you know, going forward
13 from today. We presumably will endorse, adopt, approve
14 the plan. What will you do tomorrow, what should we do
15 tomorrow to then bring this into fruition?

16 I'll turn to you.

17 MR. BEVERIDGE: Tomorrow, I have to go to Santa
18 Clara and do a different job. But in the weeks to come,
19 our next -- our steering committee is still meeting and in
20 the -- at the December meeting, we will take a deep dive
21 into what they think the process of the steering committee
22 looks like in implementation. We have not demanded that
23 the same group of people commit to the next 15 years. But
24 certainly, if that leadership will stay in place, it will
25 be a great advantage as we figure out exactly what the

1 structure is.

2 As we've said, we've had a meeting every month of
3 the steering committee. We have had weekly meetings with
4 the District for planning. We think the planning probably
5 will continue to be fairly intensive. Hopefully, we will
6 find -- we will get into a stride of some kind, and we'll
7 have a kind of standard process.

8 We expect to have a series of subcommittees that
9 will meet, special subject category groups that will meet
10 to dive deeper into our strategies. So the work will
11 continue in a formal and structured way. We know we're
12 required to have a quarterly meeting. We expect to
13 continue our monthly meetings in some form to continue to
14 have facilitation support to carry out those meetings.

15 In -- coming -- in the coming year, we really --
16 we have to begin to dig into these individual strategies.
17 We've said all along that they are -- they are somewhat
18 malleable, especially those that don't fall within the
19 direct purview of the Air District or CARB.

20 CHAIR NICHOLS: Um-hmm.

21 MR. BEVERIDGE: And there was great concern on
22 the part of the city, and business, and a variety of
23 people. It's like do we -- does it have to say exactly
24 this? And we said, well, it's going to say that for now.
25 You know, the wording will be what the wording is, because

1 we have to have wording.

2 But it is a collaborative process to figure out
3 how any particular strategy comes about. So that will
4 continue to be a process of diving deep into subject
5 matter, of finding the resources among a group of
6 stakeholders, of finding the right approaches to these
7 solutions, and always looking at are we moving in the
8 direction of the -- of the intentions of the plan and are
9 we doing that in a way that's equitable, because equity is
10 going to be at the center of this pro -- of this
11 implementation.

12 So we expect in January that we will convene the
13 steering committee and we will begin to discuss the
14 structure and the work itself. The process is so -- as
15 you've heard, much of this is about what is the process
16 that gets us where we need to go, whether it's partnering
17 agreements or it's collaborative models and methodologies,
18 education of the stakeholders, and a shared vision.

19 So we will take the structure we have. We will
20 probably have to make some small modifications, but we
21 don't intend to lose a grip on the key elements,
22 community-centric leadership, and a rich partnership with
23 our local air district.

24 CHAIR NICHOLS: And other than sending checks,
25 which, you know, we should probably want to do, what do

1 you want to see from CARB specifically as our next steps?

2 MR. BEVERIDGE: Do you want to speak on what we
3 want from CARB?

4 MS. MARGARET: Yeah. Well, CARB -- one of the
5 things that we're going to have to have, and I'm just
6 going to put it out there, we've got to have some kind of
7 formal agreement of what is CARB's role and tasks as a new
8 entity sitting at the table with us as co-lead. Is that
9 their role? We're going to have to have this -- going to
10 have to have this discussion, because -- really, I know --
11 I know the people from the last year, but I don't know the
12 people who's going to be sitting at the table. That's a
13 whole different thing. Because CARB staff come to our
14 meetings and they never say nothing. Don't -- I'm
15 serious, they say nothing. They don't criticize. They
16 don't -- you know, so we need to have that really frank
17 conversation, what is your role, what is your task through
18 some form of agreements.

19 Because I cannot, in my own principles, move
20 forward without understanding that, because it might not
21 work.

22 CHAIR NICHOLS: Um-hmm.

23 MS. MARGARET: Some people don't need to be in
24 community. And I'm saying that, some staff do not need to
25 be in community. They need stay in their little

1 cubby-hole --

2 (Laughter.)

3 MS. MARGARET: -- if they got one. Stay at their
4 desk. Don't come out.

5 (Laughter.)

6 MS. MARGARET: All right. I'm just going to say
7 it. Some staff don't -- I have had that experience,
8 because I don't want to --

9 CHAIR NICHOLS: Somebody has to be in a
10 cubby-hole.

11 MS. MARGARET: Yeah, well -- because I'm willing
12 to tell you the thing you turn to come through the door,
13 it's the same thing you turn to get out of here, all
14 right.

15 CHAIR NICHOLS: Um-hmm.

16 MS. MARGARET: So it's just that frank and that
17 blunt that some people do not understand community
18 engagement. They have not had any training.

19 CHAIR NICHOLS: Um-hmm.

20 MS. MARGARET: They don't understand what is the
21 process. And I'm very leery of people coming in that --
22 if that's going to be part of my role to get them to
23 understand these baby steps, let's talk about it.

24 CHAIR NICHOLS: Um-hmm.

25 MS. MARGARET: I don't want to be -- have a

1 hidden agenda behind --

2 CHAIR NICHOLS: Right.

3 MS. MARGARET: -- what we -- what we see as
4 important and have value, and they don't see the
5 importance or have value, because it's based on some
6 statute, or some policy, or some mandate that's inside
7 CARB.

8 CHAIR NICHOLS: Um-hmm.

9 MS. MARGARET: And I need -- we need -- clearly
10 need to understand all those things as we move along.

11 And one of the next things I want to do I've got
12 to gut in touch with the guy from the PUC, all right,
13 because we have other projects -- other projects outside
14 of just with AB 617 that these --

15 CHAIR NICHOLS: Right. He's over there standing
16 up.

17 (Laughter.)

18 MS. MARGARET: All right. We have other projects
19 that -- other projects that could contribute to -- we need
20 funding to contribute to do part of emission reduction,
21 especially one of my favorite programs that I have been
22 instigating for a long time is indoor filtration.

23 CHAIR NICHOLS: Um-hmm.

24 MS. MARGARET: And within the neighborhood
25 especially where the hot spots is. And I live in the hot

1 spot.

2 CHAIR NICHOLS: Um-hmm.

3 MS. MARGARET: And I live in a building that's --
4 it's a newer building that's 25 years old, but we have
5 no -- the electrical system that we have does not support
6 indoor filtration.

7 CHAIR NICHOLS: Um-hmm.

8 MS. MARGARET: So I'm really, really looking for
9 how do we work with the housing provider and the other
10 nonprofit housing providers in the neighborhood to support
11 the most vulnerable and the most impacted have indoor
12 filtration.

13 Our school is going to have it.

14 CHAIR NICHOLS: Um-hmm.

15 MS. MARGARET: Our school is have -- one thing,
16 after all these years, our public school in our
17 neighborhood will have indoor --

18 CHAIR NICHOLS: That's great.

19 MS. MARGARET: -- indoor filtration after all
20 these years. But that's one of -- those are the things I
21 see that's important for next steps.

22 MR. NUDD: Can I respond to Ms. Margaret real
23 quick.

24 CHAIR NICHOLS: So while we're being candid,
25 where is the city, where is Oakland? I mean, a lot of the

1 measures that we're talking about here are directly
2 related to local --

3 MS. MARGARET: The City does not have -- the City
4 does not have control of the school district.

5 CHAIR NICHOLS: No. No. No, I'm not -- this is
6 not about that specific issue, but just more generally.

7 So go ahead if you -- this is a free-flowing
8 conversation and others will join me soon.

9 MR. HILKEN: Sure. Absolutely. Chair Nichols,
10 the City has a huge part to play in this. You saw that
11 one slide that sort of summarized --

12 CHAIR NICHOLS: Um-hmm.

13 MR. HILKEN: -- the different types of controls.
14 A lot of them are city measures, land use and
15 transportation measures.

16 CHAIR NICHOLS: Um-hmm, right.

17 MR. HILKEN: They've been great partners. The
18 City has been on the steering committee. And we
19 continue -- my staff met with them this morning, so
20 there's already a -- to your answer questions what happens
21 tomorrow.

22 CHAIR NICHOLS: Um-hmm.

23 MR. HILKEN: I think it's working with some of
24 those key partners, the City and the Port --

25 CHAIR NICHOLS: Um-hmm.

1 MR. HILKEN: -- to sort of drill down and where
2 is there common ground between the priorities that the
3 steering committee is laying out --

4 CHAIR NICHOLS: Right.

5 MR. HILKEN: -- and plans and programs that the
6 City and the Port have in mind already, and let's --

7 CHAIR NICHOLS: Um-hmm.

8 MR. HILKEN: -- let's -- let's join those
9 together, what does the City and Port plan on doing and
10 where are the steering committee priorities? And let's
11 drill down and focus on those. But this -- I'm not sure
12 if the City has a representative here tonight, but they've
13 been very good partners and we have -- we'll continue to
14 work with them and they've made their commitment very
15 clear.

16 CHAIR NICHOLS: Great. That's great to hear.

17 MS. MARGARET: The City staff did show up for the
18 tour yesterday.

19 CHAIR NICHOLS: Um-hmm.

20 MS. MARGARET: We did have City staff on the
21 tour.

22 MR. NUDD: And, Chair Nichols, I want to just
23 interject a couple of things. I think one of the big
24 challenges in the City of Oakland and a lot of these other
25 impacted communities is going to be resources on the city

1 and county side, right?

2 These are communities that have experienced
3 disinvestment and underinvestment for decades.

4 CHAIR NICHOLS: Right.

5 MR. NUDD: And so their capacity to participate
6 in the planning and the implementation of these measures
7 is going to be challenging.

8 You asked earlier about the role for CARB moving
9 forward in the implementation. To riff on what Ms.
10 Margaret was talking about with the indoor air filtration,
11 that's a new kind of thing, right? The Air District has
12 never stood up a indoor air filtration program. CARB has
13 never done one as far as I know. Our read of the statute
14 that's associated with the investment with the incentive
15 funding is that this is something that should be fundable
16 under the incentive program.

17 So the flexibility of the CARB staff and the
18 willingness to work within the community's desires and the
19 community's direction --

20 CHAIR NICHOLS: Um-hmm.

21 MR. NUDD: -- is going to be very helpful as we
22 move into implementation.

23 BOARD MEMBER BALMES: And in terms of indoor
24 filtration, if I could jump in, it would also be very
25 helpful for those bad air days with -- due to wildfires.

1 MR. NUDD: Yeah. We're --

2 BOARD MEMBER BALMES: Ms. Margaret, go to the
3 school next time there's a bad wildfire.

4 MR. NUDD: Yeah, we're hopeful -- we're hopeful
5 if we can stand up a program and a model in West Oakland,
6 we should be able to expand that to the impacted
7 communities throughout the air district. And hopefully,
8 we'll get some funding for wildfire centers as well.

9 CHAIR NICHOLS: I'm going to be quiet and call on
10 other people who want to speak. And I think just --

11 MR. BEVERIDGE: I wanted to -- I wanted to add
12 one thing. One of my steering committee members passed me
13 a note with the word "advocacy" on it. And I think it's
14 going to be very important that boards like yours advocate
15 across the governmental chain and up to the Legislature.
16 Because what we've done here is an unusual thing and not
17 everyone really understands what it is. They don't
18 understand it's a plan. A lot of people know about plans,
19 but they don't understand the process that got us here.
20 And it is somewhat, I would say, innovative, if not
21 revolutionary.

22 And I think that that's a powerful element of a
23 role that this Board can play, and that the Agency as a
24 whole can play. And I think figuring out how to partner
25 more, there's some needs to transfer, allocate, or pass

1 some authority probably. Our cities need to better
2 understand how to enforce air quality regulations.
3 Frankly, they don't know how to do it at all, because it's
4 never been under their purview really.

5 So it's something as simple as how to write a
6 ticket for a truck that's idling. They don't know how.
7 They don't know if they should. They don't know what reg
8 they should use. So I think there -- there's some real
9 strong need for education from the Agency to municipal
10 governments and to the enforcement agencies within
11 municipal -- municipalities.

12 CHAIR NICHOLS: Great. Thank you.

13 BOARD MEMBER RIORDAN: Madam -- oh, excuse me.

14 Sorry, I was going to call on John and then you.

15 BOARD MEMBER RIORDAN: Okay.

16 BOARD MEMBER GIOIA: First, I want to thank Ms.
17 Margaret, Brian, Mercedes, and Karin all for your really
18 eloquent presentations and your whole time. And Ms.
19 Margaret, thank you for also providing advice to those of
20 us in Richmond and the AB 617 process there. I think
21 that's been very helpful.

22 I think we all know Oakland has had a head start
23 on every other community in California working on this,
24 because you've been working on this for years. And it
25 shows in this plan, a really thoughtful plan. And I'm

1 happy to say this is the second time I'll be voting to
2 approve the plan. The first time was as a member -- is as
3 a member of the Bay Area Air Quality Management District.

4 And so I just want to make a few comments,
5 similar to some comments -- to some comments I made there.
6 I think the work is just starting or a different phase of
7 the work. And where the rubber meets the road is going to
8 be how this plan gets implemented. Because AB 617 un --
9 didn't really change the authority of any agency. What it
10 did is set up a community process for the community to
11 identify the pollution reductions that need to occur.

12 So the next step -- and that's why I think in
13 looking at sort of -- in the CARB staff report under some
14 priorities, I think what's going to be really key is both
15 listed as, one, prioritize the strategies and further
16 study measures, and develop an implementation plan for the
17 highest priority strategies. And two, identify the
18 strategies that require commitments from other agencies to
19 implement and include engagement.

20 I mean, your plan I thought was really well
21 thought out, because not only did you list your 89
22 strategies, you listed which agency is responsible for
23 implementing that strategy, whether it's the City of
24 Oakland, the Port of Oakland, the Air District, or the Air
25 Board, or the County, all of them have a role.

1 And so as you indicated, advocacy is important.
2 And so while resources is important, I think equally
3 important is action and political will of the Air District
4 Board members on which I serve, this Board, the Oakland
5 City Council, the Port of Oakland, because ultimately, the
6 plan is only as good as these other partner agencies
7 implementing what's in the plan.

8 So I don't want to -- I don't want to undervalue
9 the importance of money and resources, which we all need
10 to advocate at the Legislature. But let's not undervalue
11 the political will that it's going to take, because when
12 you go either to our Air District Board or to the City of
13 Oakland and say we need this new policy or regulation,
14 remember, that's going to be a whole public process, and
15 there will be interest groups on all side of that process.

16 So there may be interest groups who said, okay,
17 this plan is fine. It's just a plan. But when it comes
18 time to implementing the plan and passing a new law or
19 regulation, that's where folks will fight. And you know
20 that, because as a community you've already fought. But
21 one thing I said this morning and I'll say again, the West
22 Oakland community has shown an amazing ability to advocate
23 and make a difference. Because I said -- you know, we're
24 at the 40th anniversary of Loma Prieta and folks remember
25 that this community fought rebuilding the freeway, which

1 was four blocks away from here along Mandela Parkway,
2 because of all the diesel -- I remember and -- that fight
3 from folks in this community.

4 They convinced Caltrans and others to relocate an
5 interstate freeway. That's a big deal. And if Oakland --
6 West Oakland can convince federal and State folks to
7 relocate an interstate freeway from out of their
8 community, I think you can be successful in getting all of
9 us collectively to successfully implement this plan.

10 So I think, again, there's a lot of work. And
11 I'm glad to see the -- I mean, the Port's commitment here.
12 And I know Danny Wan has a commitment here. I mean,
13 your -- you were elected by residents in West Oakland to
14 the East Bay MUD Board many years ago, so it's unique.
15 You understand what it's like. We served together on the
16 East Bay MUD Board many years ago. And then you were on
17 the Oakland City Council really working to better West
18 Oakland as well. So it's great to see you in that
19 position and commitment with the Port.

20 And I know the community is going to -- is going
21 to hold your feet to the fire, as they should. And it
22 would be nice to see someone from Oakland here. I know
23 it's good to hear that they were involved in the process.
24 But land-use issues are going to be really important,
25 right?

1 And so I'm really excited, but it's -- I'm
2 waiting to see and help in the next -- really in the next
3 phase of this. And I know we're all committed
4 collectively to make that happen. And finally, I want to
5 thank the Air District and its staff, both current and
6 former Air District staff, who I see are here, who really
7 a worked hard to work and support the community on this.
8 And I know that's the same approach that you're all taking
9 in Richmond.

10 And I've gone to every, except one, AB 617
11 meeting in Richmond. And I know we've got a long ways to
12 go in Richmond and we're watching closely what you've done
13 here. And I think it's helped informed us. And so we
14 always welcome your advice, but every community is going
15 to do it differently. So thank you for really a
16 successful effort and we'll now roll up our sleeves to
17 really what's the most important part is getting the
18 action to get it done.

19 CHAIR NICHOLS: Mr. Riordan and then Dr. Balmes.

20 BOARD MEMBER RIORDAN: Thank you.

21 First of all, let me congratulate all of you for
22 being a role model. This is, I think, an excellent plan.
23 And particularly, I think it's because you've had a lot of
24 experience. And it has made for a plan that hopefully
25 other communities can follow.

1 But just in a more casual way, let me ask a
2 question of you four who are sitting here. There are
3 communities that are identified in other parts of the
4 state, who have not been active in their quest for cleaner
5 air. What advice might you give, just a very quick what
6 would you do? What would you suggest for a community
7 that's sort of just beginning?

8 MS. MARGARET: First, you've got to learn --
9 first thing first was that how do you keep people at the
10 table to develop the trust and the relationships. What
11 steps does it take to do that? And also have neutral
12 facilitation. Not to have somebody from the community,
13 not somebody from the agencies be at the head of the
14 table.

15 And it's a shared process. If it's not a shared
16 process of the good, bad, and the ugly, it does not work.
17 You've got to be able to have certain mechanisms in place
18 for -- to get a shared process and a shared momentum of
19 how you're going to move forward, not move back, but move
20 forward.

21 And people have got to put their stuff on the
22 table. If you're not going to put your stuff on the table
23 and you go back, you go back and write something or say
24 something, and it get back, and you had opportunity to say
25 it in front of everybody, that is going to be a problem.

1 So trust, relationship building, having a system
2 that's set up that is a shared process, shared value,
3 shared -- going beyond just input and feedback. That's
4 what I see is very important.

5 And also understand the research and the data.
6 Very first thing, you have to be -- have somebody ongoing,
7 if nothing else to interpret it in such a way -- and it's
8 not dumbing down, but to be able to talk at you -- with
9 you and not at you.

10 BOARD MEMBER RIORDAN: Okay.

11 CHAIR NICHOLS: That's great. Thank you.

12 MR. BEVERIDGE: I would say, and this is the
13 essence of our work, educate ourselves and share it with
14 your neighbors. And then let people decide what's
15 important to them. If we share the right information,
16 people will say I understand. That must -- that's
17 important to me too. Finding the knowledge is sometimes a
18 challenge. Starting from scratch you find some graduate
19 students who need a project. You ask them a question.
20 Go -- you know, go research this for us, if you would.
21 Write us a little report. You know, you just start to
22 educate yourself and you find sources of knowledge around
23 the issues that you need. And as you begin to share that
24 with your neighbors, that's the essence of organizing.

25 We always talk about how do we organize a

1 community? Well, you start to talk to each other. That's
2 the first way you organize, and you start to share
3 something besides your anxiety.

4 (Laughter.)

5 MR. BEVERIDGE: You begin to share knowledge,
6 even if it's your own intrinsic knowledge, and you build a
7 body of knowledge that you can begin to share with others
8 and you can begin to use in places like this. And
9 eventually, we find partners who can help us expand on
10 that knowledge. And I would say that's a good starting
11 place.

12 Do you have any thoughts?

13 MS. RODRIGUEZ: I would say that basically you
14 need to find people that have the same like mind as you,
15 people that are interested in the same types of air
16 quality that you are. Once you have a group of people
17 that are interested, they can branch out to other members
18 in the community to find out if they're interested, so
19 that they could go to the public and find out ways in
20 order to accomplish a goal. They also will have to work
21 with public agencies and also community agencies in order
22 to get something like that to happen.

23 But the key is to all -- everybody to work
24 together. If they don't work together, nothing is going
25 to happen. That's how we were able to do so great with

1 this AB 617. The CARB, West Oakland Environmental
2 Indicators Project, the City of Oakland, community
3 organizations, we all worked together over this long year
4 in order to get this AB 617 draft here for you. So
5 working together is the key.

6 BOARD MEMBER RIORDAN: Thank you.

7 MS. MACDONALD: I think if you're starting with a
8 community that perhaps is not as well organized with
9 respect to environmental concerns, I would say that having
10 some peer learning, basically bringing in somebody like
11 West Oakland Environmental Indicators to give a
12 presentation, I think you're going to be work -- there are
13 going to be activists wherever you go. There are people
14 that are interested in something. And those are people
15 that know specific segments of their communities and
16 probably have some trust of certain segments of the
17 community. I think that that is a good place to start,
18 and then bring in somebody from another community, either,
19 you know, perhaps neighbors other steering committee
20 members to talk to them, and explain the process to them.

21 I think this kind of neighbor to neighbor, peer
22 to peer knowledge and information sharing is very
23 powerful, in particular when you're asking people to make
24 a long-term commitment to something, and when you're
25 asking people to really put a lot of time into something

1 that they don't know will work. We've all been on -- I
2 mean, we've all written plan, after plan, after plan. And
3 they're all at the West Oakland Library, as we always say,
4 you know.

5 So hopefully this one here will be, you know,
6 getting a little bit more airtime and will actually be
7 implemented. But I think that is probably the same for
8 other communities. They may not be as active, but I think
9 that is where I would start.

10 BOARD MEMBER RIORDAN: Thank you all very much.
11 Appreciate it.

12 CHAIR NICHOLS: Dr. Balmes.

13 BOARD MEMBER BALMES: Thank you, Chair Nichols.

14 So I'll start by saying that I'm going to build
15 on some of the comments from my colleague Supervisor
16 Gioia. And to try to save time, I agree with almost
17 everything he said about the fact that there's going to be
18 a lot of political will that's going to be needed to get
19 these various governmental agencies to work on
20 implementing the plan.

21 It's been a real pleasure and honor of mine to be
22 the Chair of the AB 617 Consultation Group, of which Ms.
23 Margaret is an active participant. And if I've learned
24 one thing from Ms. Margaret, and I've learned more than
25 that, it's land use, land use, land use, and that's

1 complicated.

2 We heard testimony earlier today up front about
3 the -- about how there's no long-term facilities for
4 truckers -- long-term lease -- lease available for
5 trucking companies at the Port of Oakland. I'm not
6 blaming anybody, but that's an Issue. If electrification,
7 which we need for the port trucks can occur.

8 Certainly, the City of Oakland has a lot to say
9 about land use. And I'll just say that the bulk terminal
10 that is right adjacent to the port and is another
11 potential source of exposure to the citizens of West
12 Oakland is a whole nother issue. And obviously, the city
13 has been fighting to prevent coal at that terminal. But
14 even if there's something other than coal there, it's
15 going to be an issue for exposures to the community.

16 So I really am very proud of what you all have
17 done. In terms of working together, working with the
18 District, I'm proud of the district as well, but -- and
19 I'm also proud of CARB staff for not saying anything.
20 Maybe they should do a little bit more, but they
21 haven't -- they've been trying to not get in your way.
22 And we'll learn how to be better partners in the future
23 during implementation. You know, I heard you, Ms.
24 Margaret, about your concerns.

25 But, you know, it's -- CARB, the District, and

1 your steering committee, you know, it's not enough, as you
2 know. I'm not telling you anything you don't know. So
3 I'm not sure how to best advocate for that -- the
4 cross-governmental agency collaboration that we need,
5 other than to advocate. And I certainly am willing to do
6 that. I'm willing to go to meetings of local and city
7 council with you, if that's necessary, or meetings with
8 other Oakland staff. I'm committed --

9 BOARD MEMBER GIOIA: He went to the Richmond City
10 Council, so he's -- he means what he says.

11 (Laughter.)

12 BOARD MEMBER BALMES: Because I'm committed to AB
13 617, the success of this, because it -- as several people,
14 my colleagues, at UC Berkeley, glad you're here, Mr.
15 Magavern and others, this is potentially transformative
16 effort that has residents and application outside of
17 Oakland in other AB 617 communities in California, but
18 outside of California.

19 If we ever get a federal administration that's
20 interested in environmental justice again, AB 617
21 successful implementation is key to moving forward
22 elsewhere.

23 So I just want to say that I'm very proud of what
24 you've done and I want to continue to support you in any
25 way I can. I'm a busy guy, but I am -- I'm serious about

1 going to meetings, if you need me.

2 Thank you.

3 CHAIR NICHOLS: Yes, I'll call on Ms. Takvorian
4 and then Ms. Mitchell.

5 BOARD MEMBER TAKVORIAN: Okay. Thank you. Thank
6 you, all. A lot has been said. Congratulations.

7 BOARD MEMBER GIOIA: Speak closer.

8 BOARD MEMBER TAKVORIAN: Sorry. Is that better?

9 CHAIR NICHOLS: Yes.

10 BOARD MEMBER GIOIA: Yes.

11 BOARD MEMBER TAKVORIAN: I've generally not been
12 accused of being too quiet, but --

13 (Laughter.)

14 BOARD MEMBER TAKVORIAN: -- that's a good day.

15 I don't remember when you and I met first Ms.
16 Margaret, but I remember that we were all angry about
17 something. And Ms. Margaret was leading us to try to
18 figure out a solution. So you're continuing to do that.

19 I guess -- I know it's been said, but I'm not
20 surprised at all that you all are in the leadership here,
21 because you've been doing for decades. And so I just want
22 to be super clear for anyone who's not, that this didn't
23 happen in any year, or a year and a half, or two years.
24 You know, you all have been working on this for a very
25 long time. And so this really represents some of the best

1 work -- the best environmental justice work in the State
2 of California.

3 And I think we are looking at a model that many
4 of the rest of us in environmental justice communities can
5 emulate, and we can also try to support, that it should
6 really be going a whole lot further than it's going, even
7 in your own plan. And that's not a criticism. It's a
8 stark reality that our communities are suffering. They've
9 suffered for decades.

10 And while this plan is a great reflection of
11 collaboration, and partnership, and patience - I want to
12 give you kudos for patience - it doesn't get those kids
13 that we were talking about this morning that have been
14 born -- last week, I think you're great grand child -
15 cleaner air by the time they're out of elementary school,
16 right?

17 So it's -- I know that we have to work the
18 process, but we really, really, really need to do
19 something that's moving us forward faster than we're
20 moving at this point. And I think -- I think we all agree
21 with that. So the question is how do we do that?

22 Because CARB -- and you asked, Ms. Margaret,
23 about what CARB's role would be. Well, 617 is not just
24 about creating a plan, it's about creating emission
25 reduction. It's about getting the actual reductions in

1 our communities. So the rubber needs to meet the road
2 here. We have an obligation, I think, to make sure that
3 happens.

4 So that's -- you've done all this hard work. I
5 think CARB needs to ensure that we're with you all the way
6 in -- with the authority that we have, along with the Air
7 District to make it happen.

8 And so I have a question for staff, and that is,
9 you know, when do we hear back? How can we hear back soon
10 for some -- to -- for the implementation of some of these
11 elements of the plan that are so critical. Because while
12 I'm thrilled that there were a number of people standing
13 here that are saying they support the plan, it would be
14 great if the City of Oakland were here saying, and here's
15 the parcel that we're going to allocate for this truck
16 stop, and here's -- and we're not going to allow this kind
17 of housing to be built right next to the port, again like
18 we saw on the tour yesterday, and the list goes on.

19 So I would love to be at another meeting in a
20 year, where folks are standing up and making those
21 commitments -- specific commitments that will get us those
22 specific reductions, because I know that's what you're
23 asking for in the plan.

24 And we want to support that. And so I wonder if
25 that wouldn't be supportive to say in X period of time

1 we'll back here and hope that that's what the lineup looks
2 like at that point.

3 CHAIR NICHOLS: Okay. Ms. Mitchell.

4 MR. BEVERIDGE: I wanted to say where we are
5 looking for these other agencies, like the City and other
6 agencies that are called out, to, in some way, certify
7 this plan, whether it's through a resolution at city
8 council, or some administrative act. I don't know what it
9 looks like, but that's something that we think is one of
10 the ways to put some teeth to it.

11 We need -- we need more than happy thoughts and,
12 you know, nice things said about it. So that's
13 something -- that's one of our next advocacy challenges is
14 to get those agencies that aren't mandated legally to do
15 this work to say, yes, we're committed to it in some
16 formal way.

17 BOARD MEMBER TAKVORIAN: So is it helpful to you
18 if CARB joins you in that expression?

19 MR. BEVERIDGE: Yes.

20 (Laughter.)

21 BOARD MEMBER TAKVORIAN: So when can we do that?

22 OCAP DIVISION CHIEF MAGLIANO: So as Anna said,
23 there are requirements for annual progress reports that
24 have to be submitted. And that would be in the October
25 time frame.

1 But I think as we go through the Board hearing,
2 all of these Emission Reduction Programs, it may be useful
3 to identify things that you might specifically like to
4 hear back and be tracked. And we could come back sooner
5 for a report back to the Board, say in the summer, just to
6 make sure that we are seeing ongoing progress on these, in
7 addition to the annual progress reports.

8 BOARD MEMBER TAKVORIAN: Okay. So we could
9 invite all of those agencies that are -- have some
10 responsibility in the plan, and the other plans going
11 forward. Because the other thing to say is you all are
12 really leading the way and on the cutting edge, but we've
13 got another plan that will be presented next month, and
14 the month after that. So we're trying to set the
15 framework here for what this is going to look like.

16 And I think it would be great if those
17 organizations and agencies could come forward at that
18 time. We would invite them to come, because, you know,
19 there's legislators that might be interested in buffer
20 zone ordinances along the lines of the guidance that CARB
21 did, what, 15 years ago.

22 So, you know, there's other ways to get this to
23 happen - so you can't take the advocate out of me
24 completely here.

25 (Laughter.)

1 BOARD MEMBER TAKVORIAN: - that we -- that we
2 could explore. But we'd prefer not to do that, if the --
3 if the municipalities could go forward. So let's express
4 that invitation now and hope that they will be here with
5 us.

6 Thanks, Karin.

7 MS. MARGARET: One of the first steps that we
8 need as far as engaging the city, we need to have a
9 meeting with the Mayor, the city administrative head, the
10 head of planning, head of the Oakland Department of
11 Transportation, the City Council President, and the
12 president -- the city council member for West Oakland. We
13 need to have that meeting ASAP.

14 BOARD MEMBER MITCHELL: Thank you. I think
15 you've done wonderful work here to put the plan in place.
16 But the biggest challenge is in front of us, and that is
17 how do we implement this plan?

18 But -- and through your plan, we see that you've
19 outlined -- you've outlined the strategies and then you've
20 outlined who's responsible for those strategies. And all
21 those people that are responsible for the strategy need to
22 be at the table. They need to maybe sign this resolution
23 that you have mentioned Brian and we have to work through
24 them. There may be some more people that aren't in there.
25 But I think your terminal operators, your fleet operators

1 should be part of this whole project with the ports.

2 But I also want to say that as this plan started
3 coming forward, the name that stood out was this name Ms.
4 Margaret. And I thought, well, Ms. Margaret. What is Ms.
5 Margaret? This sounds like a legend. This sounds like --

6 (Laughter.)

7 BOARD MEMBER RIORDAN: -- an icon of some kind.
8 And why is it Margaret? Does she have a last name? It's
9 just Ms. Margaret. Everybody knows Ms. Margaret.

10 (Laughter.)

11 BOARD MEMBER RIORDAN: And I will say having met
12 Ms. Margaret, I can see why she's known that way. She is
13 a legend in the community and she certainly has been a
14 moving force over all these years. And I want to
15 congratulate you on what you have done here and to get
16 your community involved. And Karin, Mercedes, very
17 competent people who were part of this process. I'm so
18 glad to see that we have people like you stepping up.

19 And I do think what Diane has said, that whatever
20 we can do as either Air District Board members, or CARB
21 Board members to help you implement this is important. It
22 may be that a CARB person goes to the city council meeting
23 for the City of Oakland and helps push forward the -- a
24 resolution or a plan for them to commit to be involved in
25 implementing the plan or what other agencies. We have the

1 Port of Oakland here, so I think we're going to have them
2 on board as well, so -- but all of these different
3 agencies that we need to help us get this plan in place,
4 we need to have the commitment from them, and we'll help
5 you get that.

6 CHAIR NICHOLS: So, yeah, go ahead.

7 BOARD MEMBER GIOIA: So I have a specific ask
8 right now of CARB staff. One of the things the Board
9 directed staff to do - I know I advocated strongly for
10 this - is the development of a Freight Handbook that would
11 actually have -- be a toolkit on strategies and policies
12 for both city and county land-use agencies and local
13 communities. We're working on some of these strategies
14 already in North Richmond for any new warehouses.

15 So what's the timing of that? Because we -- the
16 CARB staff has been working hard on developing a document
17 which can be used by advocates and help city and county
18 planners as you look at the land-use policies. So what's
19 the timing of that, Richard? I know that that's -- that's
20 actually something concrete that we can do to help -- to
21 help local communities.

22 EXECUTIVE OFFICER COREY: It is, Supervisor. And
23 it came from direction of this Board. We have a draft.
24 We actually are having it reviewed by OPR, as well as some
25 other --

1 BOARD MEMBER GIOIA: By the Governor's Office of
2 Planning and Research.

3 EXECUTIVE OFFICER COREY: The Governor's Office,
4 and plan to get a draft out shortly after that. So in the
5 near term, the next few weeks, we plan to get that draft
6 out, the concept, the write-up that really lays out with a
7 focus initially on large warehouses, because really that
8 was the conversation of -- at the same time we were
9 focusing on correcting 617 communities and really reducing
10 emissions and exposure, what steps were being taken to
11 avoid creating new ones?

12 CHAIR NICHOLS: Actually, we could use some help
13 from the folks here to get that document out of the Office
14 of Planning and Research, because they are not happy --
15 well, I don't want to put it too strongly. But the idea
16 that CARB is out there developing guidelines in the
17 land-use area that relate to air quality wasn't
18 necessarily met with enthusiasm by our colleagues.

19 So I think the idea that the communities want
20 this document would be something that would be useful for
21 them to hear.

22 Go ahead.

23 VICE CHAIR BERG: So staying on the subject of
24 implementation, because as you have correctly said, the
25 devil is in the detail, and we have our partners here with

1 the District, one year goes by and all of this work --
2 you're going to have a lot more meetings, how are we going
3 to look at -- how are you going to look at the priorities
4 and the time frames? And Air District staff, and CARB,
5 how are we going to specifically measure success in
6 responding to priorities and time frames?

7 So first, community members, if you can help me
8 understand how are we going to establish the priorities
9 that you want to address first and kind of, you know, how
10 are you going to look at the time frames? And then I'm
11 going to call on both of our agencies as to how are we
12 going to report out those time frames, so that we're on
13 the same page with you, and that we're measuring the same
14 thing, so when we're back here a year later, we're not
15 talking past each other.

16 MS. MACDONALD: Let me start by answering this in
17 a more general way and then I think Brian is going to be
18 very specific and a lot more elegant.

19 For us, the -- when you're look at the
20 strategies, you're seeing that we have identified the
21 various agencies or jurisdictions that are responsible or
22 that have power to implement them. I think part of that
23 reasoning is that when we're looking at priorities, I
24 think we'll be looking at priorities within these
25 responsibility areas, because -- just because something is

1 more important and this specific agency is responsible for
2 it does not mean that everybody else, who may not be
3 responsible for something as important, should just be
4 sitting there and twiddling their thumbs. So I think
5 there's going to be, you know, multiple avenues of
6 approaching that. That's at least going to my suggestion.
7 So I think that is one thing.

8 Thank you to everybody who said that they are
9 going to help us with the city. I want to just say
10 something. It may not be popular here in the room,
11 because we're all holding hands and singing Kumbaya, it is
12 one thing to come to a meeting and go on a bus on a nice
13 bus tour, and it is a totally other thing to actually then
14 figure out how to implement something like this.

15 So whatever -- please, please do come to the city
16 council meetings. Please invite them to your meetings.
17 Please ask them for progress. Please ask for specifics.
18 Whatever you can do to help us, we really appreciate your
19 help. And that is probably not just to -- not just for
20 the City of Oakland but for some other agencies also, but
21 definitely for the City of Oakland.

22 So I'm going to pass it on to Brian.

23 Thank you.

24 MR. BEVERIDGE: I think one of the first things
25 we have to do is be -- as you're saying the word priority,

1 prioritization is going to be very important. The plan
2 looked at a multiplicity of other plans. One of the
3 things -- exercises we did with our steering committee was
4 to say here's a whole bunch of other plans. Here's what
5 they all say they're going to do. Let's not duplicate
6 work. Let's not re -- let's not renegotiate or, you know,
7 rediscuss things that are already in the pipeline
8 somewhere.

9 Let's -- we did -- we didn't use the word, but we
10 did a gap analysis essentially saying what's missing in
11 all these other plans? Let's focus on that in our plan.

12 So one of the first things to do will be to say
13 what's already in the pipeline? What's already being done
14 that moves this plan forward? It is -- as I'm sure you
15 know, one of the great challenges is just having the right
16 hand know what the left hand is doing. It's like, oh,
17 that agency was doing that. I wish we'd known before we
18 started this initiative over here.

19 So that will be one of our primary things. We
20 also want to set a fairly short timeline for action. I
21 think we're going to say what can we -- you know what
22 things can we really move in 18 months, not five years?
23 Well, we do have a five-year sort of threshold mark and
24 another five years.

25 So we're -- we're thinking in terms of this

1 rolling sort of 18-month timeline for action. So we'd be
2 looking for things that are, I won't call it, low-hanging
3 fruit as such, because that suggests that they're easy.
4 But we will be looking for things that -- that the people
5 around the table can say that's doable in six to 12
6 months.

7 We'll be looking for -- sort of lost my train,
8 but -- oh, we also have to determine, because as you've
9 probably read, some of our strategies aren't sort of like
10 this many pounds of reduction of something. So we're
11 going to have to discuss metrics to achieve some of these
12 strategies. And we have had some deep discussion about
13 metrics, and measurements, and achievements in the course
14 of our steering committee meetings, and some things, where
15 it says such and such agency will pass a policy. Well,
16 the first question will be did they pass it? You know,
17 the next question will be did they fund it? The third
18 question will be did it do any good?

19 And so we're going to have to figure out a set of
20 metrics for a different -- for some different kinds of
21 policies than what we have all -- typically been
22 addressing in -- where air quality is concerned.

23 I think as we move from emissions reduction at a
24 tailpipe or smokestack into some of these areas of
25 exposure reduction, we have to do some real thinking.

1 We're probably going to need some more expertise to come
2 to the table and help us to figure out what are we going
3 to measure to know year to year, decade to decade if we're
4 making any progress.

5 MS. MARGARET: And I would add that we have to
6 have continuous air monitoring to see if the -- if the --
7 if what we asked about regarding the emission reduction is
8 really coming together.

9 CHAIR NICHOLS: Did it happen?

10 MS. MARGARET: And the modeling. We need both of
11 these simultaneously as part of the process. Whatever
12 happens, that has to happen ongoing, because -- and also
13 the ability to get information from the county and the
14 county public health to see if the conditions of people
15 have changed, if they really are -- if they have changed.
16 There's not as many children having asthma attacks and not
17 as many children going to the emergency services for --
18 emergency hospital for services of -- as reduction. We
19 need to have a -- that type of comprehensive process
20 ongoing.

21 We've got to -- those two things have to happen.
22 Now, that's the only way we're going to find out if -- by
23 zip code or census tract that this really has -- really is
24 happening.

25 MR. BEVERIDGE: This might be an area that this

1 body, as well as others, could help with. We have, as
2 you've seen in the maps, this highly granular, highly
3 resolved data at a 60 meter street segment on black
4 carbon, for example. We don't have any data, anything
5 like that for public health. And it's very challenging,
6 because the privacy, and HIPAA, and all of those
7 challenges.

8 But we won't be able to begin to say that if we
9 reduce the concentrations in the middle of my block,
10 whether it had any benefit, unless we're able to link that
11 to public health outcomes. And so this is a challenge
12 that starts at the State on what kind of data is reported,
13 what's collected by hospitals and health programs, what is
14 actually reported, and what's available to researchers and
15 agencies so.

16 I think this is a very important piece, as we
17 look at this notion that everything is becoming more
18 personal. So air quality is now becoming a personal
19 issue. It's not demographic-wide, it's not regional, it's
20 in front of your house or in your living room.

21 And so we can't determine whether you're any
22 better off, unless we know something about what's
23 happening to you in relation to the air quality.

24 CHAIR NICHOLS: So I think that's something that
25 you could task us, or our staff, with doing, which is to

1 help gather what's available and to help figure out how to
2 get what we do need to answer those questions.

3 And it reminds me that one of the first things I
4 meant to say was to congratulate you on the naming of your
5 plan, because you didn't just use the statutory language
6 for what it is. You actually gave it a title, which is
7 called *Owning Our Air*, which I think is brilliant for all
8 the reasons we've been talking about here. So that --

9 VICE CHAIR BERG: Before we leave this topic
10 though --

11 CHAIR NICHOLS: All right. You're interrupting,
12 but go ahead.

13 VICE CHAIR BERG: I know.

14 CHAIR NICHOLS: I'm not leaving this topic.

15 VICE CHAIR BERG: Oh, good.

16 (Laughter.)

17 VICE CHAIR BERG: But I had asked the Air
18 District also to chime in --

19 CHAIR NICHOLS: Okay.

20 VICE CHAIR BERG: -- on the implementation,
21 because I think it's really important that we all leave
22 here with an understanding what everybody is committed to.
23 So I'd love to hear from the District.

24 MR. NUDD: Thank you for that question. My name
25 is Greg Nudd. I'm a Deputy Executive Officer for Policy

1 at the Air District. I apologize. I should have
2 introduced myself earlier.

3 To build on the prioritization criteria that were
4 mentioned before. Because we did that exposure assessment
5 modeling, we can prioritize emission reductions with
6 incentives, based on what gets the most bang for the buck.
7 And so I think we can take those incentive funds and focus
8 them on things like harbor craft, which are not that well
9 controlled, and happen to be at the end of their
10 lifecycle. So I think we can replace some tugboats, make
11 some short-term changes.

12 Other than that, I think really our
13 prioritization is going to be driven entirely by what the
14 community steering committee tells us. In terms of
15 tracking, we have, if you look at the plan, each of the --
16 each of the measures has a rough timeline, which was
17 discussed as when the plan was put together. And, you
18 know, our expectation in terms of reporting is that our
19 primary customer is the steering committee. And reporting
20 out to the steering committee, this is what we said we
21 going to do, this is what did or didn't do, and here is
22 what we're going to do next to keep up with where we're
23 behind.

24 And I don't know if Henry has anything to add to
25 that.

1 MR. HILKEN: I don't have a whole lot to add. I
2 think Greg, Brian, and Ms. Margaret really covered it.
3 This is a topic that your staff has really been pressing
4 us on also in our conversations. So many of the measures
5 do lend themselves to quantification, as has been said.
6 So rulemaking that you do or grants that we do --

7 BOARD MEMBER GIOIA: Or rulemaking the Air
8 District Does.

9 MR. HILKEN: And rulemaking that we do. We're
10 good at quantifying that and we can provide data on the
11 outcomes of those rules and incentives.

12 Some of the other measures, indoor air filtration
13 or enforcing idling limits, for instance, those are harder
14 to quantify emission reductions. But certainly we'll
15 track progress on actions taken. And as Ms. Margaret
16 mentioned, the measurements, the air quality monitoring is
17 going to be very important.

18 We have a contract with Aclima that's going to be
19 doing more measurements in all West Oakland streets. And
20 the frequency, it will be at a minimum annually. And as
21 Karin mentioned, if there's a desire for more frequent
22 interim reporting, we would certainly work with your staff
23 to do that as well.

24 MS. MARGARET: In closing, I want -- I'll say
25 this, *Owning Our Air* is one of -- a part of one of the

1 principles of environmental justice, of
2 self-determination. If we don't -- you --
3 self-determination is about owning something, is about the
4 leadership, is about including everybody. So *Owning Our*
5 *Air* came about based on the fact that is a principle of
6 environmental justice.

7 VICE CHAIR BERG: And that is what's so
8 impressive about this. So a couple of things, what's
9 really helpful is to know what isn't working, what is
10 disappointing you before a year from now. So if we're
11 missing the mark on something, to know sooner than later,
12 and how we can help on that, I think, would be key.

13 And we didn't talk about one of the number one
14 things, and that is the resources and additional funding.
15 So I'd like to offer that soon, whenever it's -- you know,
16 soon in your meetings, let's start looking at what
17 resources do you need? What budgets do you we need? If
18 we could quantify some things, at least we know what to
19 advocate for. And that would be helpful for me
20 personally. Thank you. And thanks very much to the
21 District.

22 CHAIR NICHOLS: This is not quite done yet, guys,
23 so...

24 MR. BEVERIDGE: We're working on it.

25 (Laughter.)

1 BOARD MEMBER GIOIA: We have lots to say here.
2 So, you know, I get that, you know, what -- the Air Board,
3 Air District all asked to help advocate to Oakland and
4 advocate for each other. But as someone who's been a
5 locally elected public official in Richmond for 30 years,
6 there's nothing more effective, right, and more powerful
7 than the community coming to that elected body and
8 advocating for itself.

9 And as one who's advocated and folks who advocate
10 to me, I think our role as agencies is to give the tools
11 to community to be the most effective advocates as well as
12 our self-helping. And that's why things like the freight
13 handbook are so important, that ultimately the more we
14 empower communities, then when we're all long gone, the
15 community itself - and you've already done this, right,
16 successfully - are more effective.

17 You -- hundreds of people, dozens of people from
18 West Oakland going to the Oakland City Council or to the
19 Port of Oakland Port Commission to advocate is even more
20 effective than us individually going. I'm not saying we
21 shouldn't and we will. But the community is the most
22 powerful. And I say that as someone who hears from the
23 community all the time in Contra Costa County and in
24 Richmond. And looking around at my colleagues on those
25 Boards, I know they're are all impacted more by hundreds

1 of community residents showing up and advocating for
2 themself.

3 And that's the principle of environmental
4 justice, right? And that's why I think our greatest
5 benefit is helping provide the information, the tools to
6 help communities advocate the most.

7 And finally, what I'll say, is I think what's
8 been interesting about this process is sometimes the
9 sources of pollution are not other -- always the ones who
10 we always see or first think about. I think that's what's
11 been so valuable in this process. And I think about that
12 in my own city in Richmond, that the sources of pollution
13 are very complex, and having this process help to find and
14 provided the data to see that it's things that we don't
15 always see and think about. It's not just the stationary
16 sources, right? It's mobile sources and even mobile
17 sources that we don't always appreciate. And that's also
18 what's been valuable about this.

19 MR. BEVERIDGE: I just want to say we're not
20 asking you to go to the city council alone. We're asking
21 you to stand behind us, while we get up and say what needs
22 to be done, because that's -- one of the most powerful
23 things we've learned in our partnering is that you walk in
24 the room with, what I call, broad shouldered friends, and
25 you get up and you say what you need to say. And, you

1 know, your friends just need to listen and be present.

2 And so that it's very powerful when communities
3 have -- when you have our back, when we're stepping up to
4 try and ask for something new.

5 CHAIR NICHOLS: Hear, hear.

6 You know, we're here because of a failure of the
7 Clean Air Act to deliver healthy air, but particularly a
8 failure that affected the communities that we now call the
9 617 communities, and that is a failure of environmental
10 justice. And having been involved with the Clean Air Act
11 from its very beginning in 1970, and the plans that were
12 put together by states and communities, there -- a
13 tremendous amount of progress was made, but it wasn't
14 distributed evenly or fairly.

15 And so we ended up with communities that, in
16 fact, did not get the benefits of what was supposed to
17 have been delivered. The process worked great for a lot
18 of areas. And a lot of the process that got there is very
19 similar in a way to what we're recreating here. It's just
20 that we're creating it with the constituents of people who
21 are the ones who are directly affected now by what didn't
22 work.

23 So I'm mindful of the fact that we can learn some
24 lessons from the battles that went on going back to 1970,
25 including the importance of the data, of course, and

1 publishing, and the results, and having the right kind of
2 monitors get to people, but also by the ability to have
3 accountability and sanctions, if there isn't -- if we
4 don't deliver what we have said needed to be delivered,
5 which didn't really follow through in all of our
6 communities.

7 So I think this issue about gaining political
8 power, as several people have commented, is something that
9 we can't lose sight of. We just -- we have to look at all
10 the tools that we have to use in that regard and make sure
11 that we're working together to develop the kind of power
12 that we need to overcome the basic inadequacies of the
13 system as it exists today to get us where we need to go.

14 I think we've all said, you know, how impressed
15 we are and how grateful we are to this group for having
16 gone first. And I think we can -- we can't say it too
17 many times, but it's just -- it's just the beginning.

18 So if anybody has any additional comments.

19 BOARD MEMBER GIOIA: I'll make a motion to
20 approve the plan.

21 BOARD MEMBER BALMES: Second.

22 CHAIR NICHOLS: Let's do it. We have a motion.
23 We have a second.

24 I believe it's a unanimous, but we'll -- I'll
25 ask. All those favor please say aye?

1 (Ayes.)

2 CHAIR NICHOLS: Any opposed?

3 Any abstentions?

4 Great, we approve the plan with enthusiasm.

5 Thank you.

6 (Applause.)

7 CHAIR NICHOLS: And I think that's it for the day

8 -- the meeting.

9 All right, the meeting is adjourned.

10 (Thereupon the Air Resources Board meeting

11 adjourned at 6:18 p.m.)

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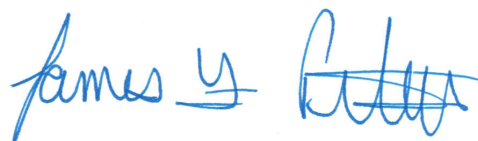
C E R T I F I C A T E O F R E P O R T E R

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Air Resources Board meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed, under my direction, by computer-assisted transcription;

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, 2019.



JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063