

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5000**

APPROVED MINUTES

Summary of Board of Directors
Meeting of the Ad Hoc Committee on Port Emissions
9:30 a.m., Thursday, January 22, 2009

1. **Call to Order – Roll Call:** Vice Chairperson Dan Dunnigan called the meeting to order at 9:43 a.m.

Present: Vice Chairperson Dan Dunnigan, Committee Members Yoriko Kishimoto and Mark Ross

Absent: John Gioia and Brad Wagenknecht

Arrived After Roll Call: Chairperson Nate Miley and Committee Members Tom Bates, Scott Haggerty and Gayle B. Uilkema

Others Present: Chairperson Pam Torliatt

2. **Public Comment Period:** There were none.

Vice Chairperson Dunnigan requested Item 4 be moved up on the agenda due to the lack of a quorum.

4. **Update on Activities Related to the Port of Oakland**

Deputy APCO, Jean Roggenkamp, indicated that the following Port of Oakland actions had been previously reported at the December 3, 2008 Board of Directors meeting:

- A decision was made to postpone \$5 million in funding already committed to the Air District for drayage truck clean-up;
- A decision was made to postpone consideration of the Maritime Air Quality Improvement Plan (MAQIP); and
- A decision was made to postpone consideration of user fees to fund emission reduction projects and infrastructure improvements.

Per the Board's direction, staff met with Mayor Dellums' staff and drafted a letter to Mayor Dellums for the Chair's signature expressing the Board's serious concerns regarding the Port's actions.

The Port sent a letter to the Air District requesting that the \$2 million in funding already transferred to the Air District be returned and notified the Air District that they were canceling the Memorandum of Understanding between the Air District and the Port. The ARB forwarded a letter to the Air District indicating that I-Bond monies would be postponed due to the State's financial difficulties.

Ms. Roggenkamp said the Port scheduled consideration of the revised version of the MAQIP for January 29, 2009. The plan was changed to reflect recent Port actions. The Air District is continuing to prepare to enforce the ARB rules.

Mr. Broadbent noted that the Air District was moving forward with the processing of grant applications for truck retrofits with use of TFCA dollars. Grants Manager, Damien Breen reported that staff has 750 applications.

Committee members discussed with staff the interaction with the Teamsters, the newly revised and approved retrofit devices, the application process, extension of the retrofit deadline in order to process grant applications and enforcement of CARB rules. It was suggested that the Air District review the issue of the Port spending funds on shore side power projects versus truck retrofits, ask the Teamsters to be included as stakeholders, review intellectual property protection, and schedule an update regarding the possibility of a public/private partnership in working with the LA/Long Beach model.

Public Comments:

Anne Whittington, Environmental Assessment Supervisor, Port of Oakland, provided one copy of the revised MAQIP, said specific actions were still underway but the Port cannot fund all air quality improvements associated with maritime activity. She briefly discussed the Port's financial position and anticipated the MAQIP to return to the Maritime Committee on January 29th and then onto their Board on February 3rd.

Committee Members discussed issues of matching funds, the Port's work with the BNSF Railroad switcher and LNG trucks to leverage Caltrans funding, the Port's intention to go to the Board before the end of the year for a container fee to be used specifically for air quality infrastructure projects, economic stimulus projects which included maritime division infrastructure shore power projects, reductions seen in independent truck owner/operators and the future presence of large truck operators, the potential for using the \$2 million on shore side power projects.

Doug Bloch, Change to Win, Oakland, thanked the Committee for their continued diligence, discussed truck drivers leaving the industry, asked the Committee to continue to request that a truck management plan be approved by the Port Board by March/April. He discussed competition in the northwest and noted there was federal legislation for a national container fee being pursued. He supported shore side power projects and continued interaction between Teamsters, the Port and the Air District.

Committee Members discussed northwest competition, health issues, the need for EIR requirements such that the Port could expand in the future if needed, and supported public/private partnerships, federal legislation, utilization of TFCA and I-Bond monies and retrofit of trucks as cost effective in achieving reductions.

Mr. Broadbent confirmed with the Committee that next steps would include:

- Setting up meeting with Board Members and Commissioners and staff;
- Drafting a letter to encourage adoption of the Truck Management Plan;
- Encouraging the Port to spend the \$2 million on shore side power projects that could address emission projects in the short term, (and hold the larger discussion in closed session);
- Moving forward with retrofitting the trucks;

- Returning and exploring a public/private partnership project.
- 3. **Approval of Minutes of November 17, 2008:** Director Bates moved approval of the minutes, seconded by Director Haggerty; carried unanimously without objection (Director Uilkema abstained).
- 5. **CLOSED SESSION: POTENTIAL LITIGATION** (Government Code Sections 54956.9(b) and 54956.9(c): *Pursuant to Government Code Sections 54956.9(b) and 54956.9(c), a need exists to meet in Closed Session to discuss potential litigation regarding two matters.*
- 6. **OPEN SESSION**

District Legal Counsel Brian Bunger said the Committee received an update in Closed Session and gave direction to staff.

Public Comments:

Ellen Johnick, Bay Planning Coalition, reported that the Coalition has been working on the approval process of the MAQIP, will be presenting testimony on February 3, 2009 and have also worked on an inventory of the other four ports to identify what their emissions are and to identify next steps in planning for emissions reduction to include the San Francisco, Benicia, Redwood City and Richmond ports. They also worked together to develop an amendment to their MOU they have with the Air District to share the work needing to be done on the inventory. Air District staff will be donating time on the inventory, Redwood City and Benicia ports to date have voted to spend money to complete the project, and she agreed to provide a report back to the Committee in the next few months on their progress.

- 7. **Committee Member Comments/Other Business:** There were none.
- 8. **Time and Place of Next Meeting:** At the Call of the Chair.
- 9. **Adjournment:** The meeting adjourned at 12:04 a.m.

Lisa Harper
Clerk of the Boards