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April 27, 2021

Peterson Vollmann
Planning & Building Department
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

RE: Oakland Waterfront Ballpark District– Draft Environmental Impact Report

Dear Mr. Vollmann,

Bay Area Air Quality Management District (Air District) staff has reviewed the Draft Environmental Impact Report (DEIR) for the Waterfront Ballpark District Project (Project). The Project would construct a new open-air waterfront multi-purpose Major League Baseball (MLB) ballpark with a capacity of up to 35,000-persons (Ballpark); mixed use development including up to 3,000 residential units, up to 1.5 million square feet of office/commercial, and up to approximately 270,000 square feet of retail uses; an approximately 50,000 square foot indoor performance venue with capacity of up to 3,500 persons; up to approximately 280,000 square feet of hotel space including up to 400 rooms in one or more buildings and supportive conference facilities; a network of approximately 18.3 acres of privately-owned, publicly-accessible open spaces; and a maximum of approximately 8,900 total parking spaces at full buildout.

Air District staff acknowledges the Project sponsor's stated intent to develop a Project that would generate transformative economic and community benefits for Oakland. The Project is located in a community the State of California has identified as disproportionately impacted, disadvantaged and low-income under Senate Bill 1000 and by CalEPA's CalEnviroScreen tool. Therefore, it is imperative that the Project does not adversely impact air quality and community health.

The Air District and the West Oakland Environmental Indicators Project (WOEIP) worked with a community Steering Committee to develop the West Oakland Community Action Plan (WOCAP), adopted by the Air District Board of Directors and the California Air Resources Board in 2019. The WOCAP sets goals and targets for reducing exposure to fine particulate matter ($PM_{2.5}$), diesel emissions and cancer risk from toxic air contaminants. Any increases in local $PM_{2.5}$, diesel emissions or cancer risk would be inconsistent with the WOCAP and would hinder progress toward the agreed upon targets set by the West Oakland Steering Committee and the Air District. The Air District believes additional on-site mitigation measures are feasible, and that the City should require the Project to commit to incorporating all "recommended" mitigation measures specified in the DEIR, along with additional measures detailed in this letter.

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Construction and Operational Impacts and Consistency with the West Oakland Community Action Plan

The Air District is concerned that additional emissions associated with the construction and operations of the Project may adversely impact local residents. In addition, the Air District is concerned about the cumulative construction and operational impacts to the Community from this and other nearby projects that may occur simultaneously. The DEIR anticipates that Project construction and operational-related reactive organic gases (ROG), nitrogen oxides (NOx), and particulate matter (PM₁₀) emissions will be significant even after incorporating all best available on-site emission reduction measures. To address this, the Project is seeking to potentially fund off-site emissions reduction projects as part of the Criteria Pollutant Mitigation Plan (Mitigation Measure AIR-2e).

The Air District strongly supports the implementation of all available on-site emission reduction measures before relying on off-site measures. Such measures are technically feasible and commonly practiced, and should be required. Therefore, the Air District recommends the City require the Project to commit to incorporating all “recommended” mitigation measures and the following additional measures to further reduce PM_{2.5}, diesel emissions and cancer risk:

- Require all shuttles to be zero-emissions, and offer regular shuttle service between BART and residential units/hotels;
- Increase electric vehicle charging infrastructure to at least 50% of all parking spaces;
- Provide a car-share station;
- Require tenant lease agreements to specify that all heavy-duty trucks and fleets entering the Project site are model year 2014 or later and transition to fully electric by 2035;
- Implement a non-motorized zone around the ballpark during game days;
- Implement additional TDM and TMP measures to go beyond the 20 percent vehicle trip reduction requirement and encourage mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing.
- Fund additional public transportation infrastructure to achieve a maximum of 15-minute headways for all transit routes;
- Provide a bike-share station;
- Install fully protected, class 4, bicycle lanes to and from BART and other nearby activity centers;
- Install an adequate number of showers and locker room facilities in commercial buildings to further encourage tenants to use bicycling;
- Require the use of alternatives to diesel power generators such as battery storage or hydrogen fuel cells whenever possible;
- Ensure exhaust stacks for cooking, boilers and generators, and any other polluting equipment are at heights that would not impact sensitive receptors.

To minimize construction impacts, the Air District believes additional on-site emission reduction measures are possible beyond the proposed mitigation measures (AIR-1a, AIR-1b, and AIR-1c) to control fugitive dust, engine idling, and emissions from off-road equipment during construction. The Air District recommends the following measures be incorporated:

- Work with the City of Oakland and the Port of Oakland to ensure that large construction projects that overlap in time with Project construction do not overburden the West Oakland Community;
- Adopting a less intensive and overlapping Project buildout schedule;

- Committing to use zero-emissions construction equipment including trucks, if available, otherwise use equipment with the best available PM and NOx control technology offered at the time of construction;
- Require construction operations use grid power whenever possible;
- Reducing the potential for offsite migration of fugitive dust by installing on-site particulate matter (PM) monitoring along the construction perimeter and ceasing construction activities when measured PM concentrations exceed agreed health thresholds or during high wind events; and
- Committing to implement “recommended” mitigation measures in AIR-2e by including these as Project design elements to avoid deferred mitigation.

The Air District acknowledges the Project’s efforts to incorporate certain WOCAP strategies and enforcement measures as part of the mitigation strategy, however, the Air District is concerned that some of the mitigation measures lack specificity and do not provide enough detail about how they will be implemented. The Air District recommends that for all WOCAP strategies proposed as mitigation measures, the DEIR specify the amount of funding or other resources dedicated to implement the mitigation actions, the amount (in lbs./day or tons/year) of each pollutant to be reduced, and the timing for achieving the expected reductions.

In addition, during Project construction, interruptions to trucks headed to the Port may cause delays in the truck entry time to the terminals resulting in additional truck traffic, congestion and idling. The queuing and idling of trucks could result in potential violations of California Air Resources Board (CARB) regulations and/or excess emissions. The Air District recommends that plans be in place to ensure truck traffic to the Port is not impeded in any way by Project construction activity.

Criteria Pollutant Offsets

Please be aware the Air District does not currently have a fee program for offsetting regional criteria pollutant emissions. Offsets are occasionally provided by the Air District’s support foundation, the Bay Area Clean Air Foundation, on a case-by-case basis, depending on project availability. The Air District recommends that references to BAAQMD under Mitigation Measure AIR-2e: Criteria Pollutant Mitigation Plan [“...funding the implementation of an emission reduction project through payment of a mitigation offset fee to the BAAQMD’s Bay Area Clean Air Foundation, or a combination of the two approaches...”] be replaced with “an independent third-party approved by the City, such as the Bay Area Clean Air Foundation.” This will clarify that Project will need to seek other options if the Bay Area Clean Air Foundation has no available projects.

In addition, the DEIR reduced the estimated operational emissions associated with the Project by subtracting the emissions from existing conditions at the Coliseum to determine “net emissions”. The Air District recommends that emissions from activity at the Coliseum that are netted out from the analysis for this Project cannot be used as baseline for future project assessments in the area.

Greenhouse Gas Offsets

Under AB 734, the Project may obtain offset credits for up to 50% of greenhouse gas emissions reductions. The Air District recommends that more onsite GHG reductions be built into the Project design to minimize the need for the purchase of carbon offsets. Additionally, per Oakland’s Equity and Climate Action Plan (ECAP) and the Project DEIR, purchase of carbon offsets should prioritize frontline communities, followed by the City of Oakland, the Bay Area, California and the U.S. The DEIR cites the CARB-approved registries

from which carbon offset projects may be selected, and currently only three projects are available in the Bay Area – two in Sonoma County and one in Napa County. The lack of available offset projects in or near Oakland increases the importance of maximizing on-site mitigations.

The DEIR includes Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan, which includes a “Menu of Additional Emission Reduction Measures” detailing the types of measures that shall be included in a yet-to-be-developed GHG Reduction Plan for the Project. The Air District believes that all additional on-site emission reduction measures must be specific, effective, and actionable, must clearly identify the party(ies) responsible for implementation, must be required, and must be included as design or programmatic elements of the Project, rather than as potential future measures, to avoid deferred mitigation. This will ensure that the Project will align with critical measures in the City of Oakland’s Equity and Climate Action Plan (ECAP), including 100 percent carbon-free electricity and no natural gas uses in all buildings and the Ballpark.

Peaker Power Plant Variant

The DEIR identified a Peaker Power Plant variant that has the potential to become part of the Project depending on cost and feasibility. Under this variant, the existing Peaker Power Plant would be converted from using jet fuel-powered electric turbines to battery storage. Due to the Project’s significant generation of ROG, NOx, PM₁₀, and GHG’s, Air District staff strongly encourages the Project to include conversion of the Peaker plant, as battery storage can serve as backup for all electrical end uses, including electrical vehicle charging stations, in case of a power outage. This would make the Project more resilient and aid in the transition from fossil fuels to renewable energy.

Displacement of Current Howard Terminal Operations

The Air District is concerned about potential impacts to West Oakland residents of rerouted truck trips and/or parking if current truck parking at Howard Terminal is eliminated. The DEIR includes an assessment of potential changes in cancer risks and other health impacts stemming from the loss of 25 acres of truck parking at Howard Terminal. The assessment looks at changes in risk from relocating all current parking to the nearby, smaller Roundhouse facility. However, the Roundhouse facility is already at capacity, and there are no known plans to develop new or additional parking facilities. Additionally, there is a potential for additional constraints on truck parking due to the proposed Eagle Rock Sand and Gravel Facility. Therefore, it is imperative to carefully consider the cumulative impacts of losing truck parking at Howard Terminal, and to assure that there is no potential for increased truck parking on local streets, resulting in truck emissions closer to residents.

The Air District acknowledges the City of Oakland’s Truck Management Plan (TMP) efforts to address truck travel and parking in West Oakland, and we support the City’s continued implementation of the TMP. To ensure effective implementation of the TMP, the Air District recommends that the DEIR list out specific measures that will prohibit trucks from traveling and parking on residential streets. In addition, to provide a conservative analysis, the health risk assessment should include a scenario where one to three drayage trucks are regularly parked in front of or otherwise adjacent to the off-site maximum exposed individual receptor. The assessment of impacts from dispersed truck parking that is closer to residents, combined with a more conservative assessment of the Roundhouse site, will provide decision makers with a better understanding of potential impacts from any truck relocation, and the need for further mitigation as part of the Project.

Exposure to Toxic Air Contaminants

The Project proposes to construct buildings near the property boundary immediately adjacent to the Schnitzer Steel facility which are much higher than the current stack height at Schnitzer. The DEIR states the proposed high-rise buildings are expected to create winds exceeding 36 mph during the daylight hours. There is a potential that the current design could result in the modification of air flow resulting in changes to local pollution levels in the area, possibly creating potential health impacts to nearby receptors from Schnitzer Steel emissions. As such, Air District staff recommends modeling local pollution concentrations and health impacts to nearby receptors based on building downwash effects associated with the Project's high-rise buildings.

Air District is also concerned that Ballpark attendees who will be approximately at the same height as the roof line of the adjacent mixed-use buildings may be exposed to the diesel exhaust from the proposed rooftop generators while testing. The Air District recommends replacing diesel back up generators with battery storage or hydrogen fuel cells. Alternatively, at a minimum, the Project should restrict the hours of testing to non-game.

The Air District supports the City of Oakland's Standard Conditions of Approval requiring that the Project sponsor install MERV-16 filters, or the most protective level of filtration should the proposed building exceed health risk thresholds based on an updated HRA during final design of the proposed building. This will ensure further protection to future residents at the Project site from cumulative impacts resulting from present and future Port operations, vehicle congestion, Schnitzer Steel operations, rail operations, and Interstate 880.

Compliance with BAAQMD Rules and Permitting Requirements

The Air District recommends that the DEIR discuss measures that would be taken to ensure compliance with the following Air District Rules and Regulations that may pertain to the Project:

- Regulation 1, Section 301, Public Nuisance from odors resulting from multiple sources including the use of diesel-powered heavy machinery, such as loaders, excavators, pile drivers, etc.
- Regulation 6, Rule 1, Visible Emissions from construction activities such as demolition and excavation.
- Regulation 6, Rule 6: Prohibition of Trackout for construction sites where the total land area covered by construction activities and/or disturbed surfaces at the site are one acre or larger.
- Regulation 8, Rule 3 Limiting quantity of volatile organic compounds in architectural coatings.
- Regulation 9, Rule 7, Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.
- Regulation 9, Rule 8, Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines.
- Regulation 11, Rule 2, Asbestos Demolition, Renovation and Manufacturing, which entails, but is not limited to, a thorough asbestos survey by a certified asbestos consultant, removal of all regulated asbestos if present, and make a renovation and/or demolition notification.
- Regulation 12, Rule 4, Visible emissions from sand blasting operations.

The following Air District Rules and Regulations may apply for removal of the current Howard Terminal soil remediation cap and if the Project decides to incorporate the Peaker Power Plant Variant:

- Regulation 8, Rule 40 Aeration of Contaminated Soil and Removal of Underground Storage Tanks
- Regulation 8, Rule 47, Air Stripping and Soil Vapor Extraction Operations

For more information on the above rules and regulations, and for requesting an inspection to use portable engine equipment registered under California Air Resources Board Portable Equipment Registration Program (PERP), please contact the Air District's Compliance and Enforcement Division at (415) 749-4795 or compliance@baaqmd.gov.

Furthermore, the DEIR states that Air District permits will be required for all diesel backup generators at the Project site. In addition to generators, Air District permits/registrations may be required for the following equipment:

- Natural gas fired boilers;
- Any soil vapor extraction and/or air stripping operations associated with the proposed site remediation;
- All future tenants (e.g., restaurants, coffee roasters, dry cleaning operations, etc.) should be informed that owners/operators of air polluting equipment must apply for all required BAAQMD permits/registrations prior to installation.

For more information on applying for an Air District Permit, please visit the following webpage for further instructions: <https://www.baaqmd.gov/permits/apply-for-a-permit> or contact Barry Young, Senior Advanced Projects Advisor, at byoung@baaqmd.gov or (415) 940-9641 to discuss permit requirements.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Areana Flores, Environmental Planner II, 415-749-4616 aflores@baaqmd.gov or Matthew Hanson, Environmental Planner at 415-749-8733 mhanson@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Chair Cindy Chavez
BAAQMD Secretary John J. Bauters
BAAQMD Director Pauline Russo Cutter
BAAQMD Director David Haubert
BAAQMD Director Nate Miley
CARB Executive Officer Richard Corey
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