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CITY OF OAKLAND



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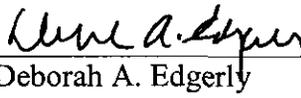
April 13, 2006

Rules and Legislation Committee
Oakland City Council
Oakland, California

RE: Supplemental Information Report on Assembly Bill 1101 – Diesel Magnet Sources; Introduced by Members Oropeza and Horton

On March 16, 2006 the Rules and Legislation Committee heard a report from Public Works Agency, Environmental Services Division staff on Assembly Bill 1101. Staff recommended support for the Bill, if amended. During the discussion, the Committee directed staff to contact the Bay Area Air Quality Management District and the Port of Oakland to request information on their position(s), if any, on the proposed legislation.

The responses received from the Bay Area Air Quality Management and Port of Oakland are attached.


Deborah A. Edgerly
City Administrator

Attachments



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

April 12, 2005

The Honorable Jenny Oropeza
Chair, Assembly Committee on Transportation
State Capitol, Room 112
Sacramento, CA 95814

RE: AB 1101 (Oropeza) -- Support

ALAMEDA COUNTY
Roberta Cooper
Scott Haggerty
Nate Miley
Shelia Young

CONTRA COSTA COUNTY
Mark DeSaulnier
Mark Ross
(Secretary)
Michael Shimansky
Gayle B. Uilkema
(Vice-Chairperson)

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Chris Daly
Jake McGoldrick
Gavin Newsom

SAN MATEO COUNTY
Jerry Hill
Marland Townsend
(Chairperson)

SANTA CLARA COUNTY
Erin Garner
Liz Kniss
Patrick Kwok
Julia Miller

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Dear Assembly Member Oropeza:

The Bay Area Air Quality Management District supports Assembly Bill 1101, which is scheduled to be heard in the Assembly Transportation Committee on April 18th. We thank you for authoring this important measure, which would address the largest clusters of diesel particulate emissions, called "diesel magnet sources."

Diesel engines produce diesel particulate exhaust, which has been formally identified as a toxic air contaminant and linked to a wide variety of health problems. Most of our risk from air toxics is from exposure to diesel particulate. Ports, rail yards, distribution centers, and airports--- diesel magnet sources--- have high levels of diesel engine use and thus emissions. These facilities generally pose significantly greater health risks to adjacent communities than traditional stationary sources of air pollution.

Stationary sources with air toxic emissions, such as metal plating facilities or refineries, are covered by risk assessment, notification, and mitigation requirements. AB 1101 would establish a corresponding program for covered diesel magnet sources. Under this bill, these sources would prepare emission inventories, assess the risk their emissions pose to the public, notify the public of significant risks, and reduce those risks where they are too high. Given that the risks and exposures from diesel magnet sources are dramatically greater than from typical stationary sources, which are already complying with these requirements, we feel that this measure is sorely needed. We also feel that the measure is a balanced and reasonable approach to the problem, since it only applies to the very largest diesel magnet sources.

Sincerely,


Jack P. Broadbent
Executive Officer

cc: Members, Assembly Transportation Committee



PORT OF OAKLAND

To: Rules Committee Members
Oakland City Council
From: Port of Oakland, Governmental Affairs
Date: April 5, 2006
Re: AB 1101 (Oropeza) – Port Response

It is our understanding that the Rules Committee of the Oakland City Council has requested information pertaining to the Port of Oakland's position on AB 1101 (Oropeza), legislation enabling ports, airports and railyards in California to be eligible for classification as "diesel magnet sources" and therefore be subject to additional regulatory authority and oversight from local air pollution control districts.

Over the last decade, the Port of Oakland has worked to improve air quality on many fronts, from designing more efficient terminals to installing exhaust controls on diesel equipment. The Port is committed to reducing the air quality impacts of its existing operations wherever feasible, and to work with our business partners to find ways to encourage them to reduce emissions as well.

While the Port of Oakland has not taken a position on this particular legislation, advocacy groups representing industry members, such as the California Trade Coalition, have argued that the legislation could create inconsistencies between state and local regulatory agency decisionmaking throughout the state, and that the bill attempts to require port and airport facilities, among others, to mitigate emissions from sources they have no control over such as independent truck drivers and Class I railroads.

In addition, the Port of Oakland is currently engaged in an emissions inventory of its maritime operations, and plan on sharing the results of this study with interested parties, including the Bay Area Air Quality Management District, the California Air Resources Board, and community partners. We have also been informed that the Air Resources Board will be undertaking a Health Risk Assessment for goods movement-related activities at the Port of Oakland later this year. As the statewide Emissions Reductions Plan proposed by CARB continues to move forward we are happy to keep the Council apprised of its developments. This plan contains many elements of the proposed legislation and would be applicable statewide.

We understand that the relevant Senate committees do not plan on taking up this bill until June, and that amendments may be offered by the bill's author. We'll continue to monitor this legislation and can provide updates on any changes to the legislation if the Council desires.