



AGENDA REPORT

TO: DEANNA J SANTANA
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Oakland Army Base Construction-Related Air
Quality Plan

DATE: January 17, 2014

City Administrator
Approval

Date

1/27/14

COUNCIL DISTRICT: #3

RECOMMENDATION

Staff recommends that the City Council accept

An Informational Report on the Construction-Related Air Quality Plan Approved by the City Administrator for the Oakland Army Base Development Project.

EXECUTIVE SUMMARY

City staff and Prologis CCIG Oakland Global, LLC, the master developer for the Oakland Army Base development project, have prepared a Mitigation Monitoring and Reporting Program Project Manual for Complying with Construction-Related Air Quality Requirements ("Air Quality Plan") to reduce potential air quality impacts during the construction of the horizontal infrastructure for the Army Base project. The mitigation measures for the project require that the City Administrator approve the Air Quality Plan, and that staff provide an informational report to the City Council on the Air Quality Plan after the City Administrator approves the Plan.

BACKGROUND/LEGISLATIVE HISTORY

The Standard Conditions of Approval / Mitigation Monitoring and Reporting Program ("SCA/MMRP") approved by the City Council for the Army Base project contains requirements for reducing the potential environmental impacts of the project, including requirements for the following plans and strategies to reduce impacts related to air quality and trucking, which are required to be approved by the City Administrator

- Construction Management Plan (SCA AIR-1)
- Construction-Related Air Pollution Controls (SCA AIR-2)

Item _____
CED Committee
February 11, 2014

- Truck Management Plan (Mitigation 4 3-7)
- Maritime and Rail-Related Emissions Reduction Plan (Mitigation 4 4-3b)
- Truck Diesel Emission Reduction Plan (Mitigation 4 4-4)
- Transportation Control Measures (Mitigation 4 4-5)
- Energy-Conserving Fixtures and Designs (Mitigation 4 4-6)
- Demonstration Projects (Mitigation 5 4-1)
- Parking and Transportation Demand Management (SCA TRANS-1)
- Construction Traffic and Parking (SCA TRANS-2)
- Traffic Control Plan – Hazardous Materials (Mitigation 4 3-13)

ANALYSIS

On December 5, 2013, the City Administrator approved the Air Quality Plan for the construction phase of the horizontal infrastructure portion of the project^{1,2} Key elements of the approved Air Quality Plan are

1 Off-Road Equipment

The California Air Resources Board (“CARB”) Off-Road Diesel Regulations establish requirements to reduce emissions from diesel-powered off-road construction equipment The Regulations are phased-in over time The Army Base project will accelerate compliance with the Regulations by complying with the Regulations one-year ahead of CARE’s schedule

2 On-Road Vehicles

CARB’s On-Road Truck Regulations establish requirements to reduce emissions from diesel-powered trucks traveling on streets and highways The Regulations require the use of exhaust filters on trucks to reduce emissions The Army Base project will comply with the Regulations

¹ The subject Air Quality Plan only pertains to the construction of the horizontal infrastructure of the project (streets, utilities, etc) Air Quality Plans related to the construction and operation of the vertical components of the project (buildings, permanent facilities, etc) will be developed later when the vertical components are designed, which are not expected to occur until at least 2015

² The approved Air Quality Plan, along with a version of the Air Quality Plan showing changes from the previous draft Air Quality Plan in underline and strike-out, is located on the City’s website <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

3 Electric Power

Portable equipment will be powered by electricity from the project site's grid instead of diesel-powered generators, thereby reducing emissions

4 Alternative Fuels

The City and developer are exploring ways to increase the use of alternative fuels for off-road equipment in the project (e.g., compressed natural gas, liquid petroleum gas, and hybrid technology)

5 Truck and Vehicle Travel and Parking

The Air Quality Plan requires project trucks to use designated truck routes to and from the project site and establishes truck and other vehicle staging and parking areas at the project site

6 Vehicle Idling Restrictions

Project vehicles will comply with State law which limits idling to five minutes

7 Dust Control

The project will implement measures to control project-related dust including watering disturbed areas, erecting wind barriers, limiting vehicle speeds, and covering storage piles and truck cargo compartments

8 Signage

Signs will be posted at the project site containing information related to project construction requirements and complaint procedures

9 Compliance Program/Record-Keeping

The Air Quality Plan includes a compliance program to ensure that vehicles associated with the project comply with all applicable air quality requirements. The program will include a gate check component to control vehicle access to and from the project site, and a vehicle decal component (i.e., "sticker program") that will provide vehicle decals to project-related trucks determined to be in compliance with project air quality requirements so that compliant vehicles can be easily identified.

PUBLIC OUTREACH/INTEREST

The SCA/MMRP (Mitigation Measure PO-1, Stakeholder Review of Air Quality and Trucking Plans) requires the City and master developer to conduct a public process in the development and review of the Air Quality Plan. Attached is the text from Mitigation Measure PO-1 accompanied by a flow chart summarizing the process (see *Attachment A*). On July 3, 2013, a draft of the Air Quality Plan was released to community stakeholders and interested public agencies for a 17-day public review period. The City received two comment letters on the draft Air Quality Plan – one from the Bay Area Air Quality Management District (“BAAQMD”) and one from the Port of Oakland. These letters and the City’s response letters are attached (see *Attachment B*).

Mitigation Measure PO-1 also requires the City and master developer to convene a quarterly meeting of stakeholders to discuss the status of the Air Quality Plans. Stakeholder meetings have been held on September 25, 2013, and January 15, 2014.

Key issues from the comment letters and the stakeholder meetings are discussed below.

1 Small Fleets

CARB’s On-Road Truck Regulations establish requirements to reduce emissions from diesel-powered trucks traveling on streets and highways. The Regulations require the use of exhaust filters on trucks to reduce emissions. The Army Base project will comply with the Regulations. Small fleets of three or fewer trucks are exempt from the Regulations. For dirt hauling operations, the Bay Area construction industry is served by small independent truck operators which would be exempt from the CARB Regulations. BAAQMD and community stakeholders have expressed concern about the use of small fleets in the project and have requested that these small fleets also comply with the CARB Regulations. Requiring filters on the small fleet dirt haulers is infeasible because these truck operators are independent and “on-call,” they do not work through a contract bid process. Dirt haulers work on many different jobs from day to day, making it difficult, if not impossible, to identify which trucks will be working on the Army Base project and to require these trucks to install filters. However, all trucks will be required to access the project site using designated truck routes in order to limit impacts to nearby neighborhoods and any truck with an engine that is clearly in a state of disrepair or emitting visible levels of particulate matter will not be allowed onto the project site.

2 Soil Import by Truck

The Port of Oakland requested that a discussion and analysis regarding the importation of soil to the project site via truck be included in the Air Quality Plan. The City in its response letter to the Port clarified that the requirements in the Air Quality Plan, and the methods for complying with those requirements, apply to all project-related trucks,

including trucks importing soil to the site. The components of the Air Quality Plan, including the Traffic Control Plan, Dust Control Plan, Equipment Emissions Reduction Program, and Idling Policy contain measures to reduce the potential impacts of trucks importing soil. These measures include, among others, designated truck routes and truck staging areas, directional signage, posted speed limits, dust control measures, and idling restrictions, as well as a record-keeping system.

3 Sticker Program

Community stakeholders requested that the project include a sticker program so that the project and community members could easily identify project trucks that are complying with project air quality requirements. In response, the draft Air Quality Plan was revised to include such a program.

COORDINATION

The Air Quality Plan was prepared by City staff and the master developer. Since the proposal involves the Army Base project, the Air Quality Plan and the stakeholder process are being coordinated with the City's Army Base project team comprised of various City departments including the Office of Neighborhood Investment, Department of Planning and Building, Public Works Agency, City Administrator's Office, and City Attorney's Office. This report has also been reviewed by the Budget Office.

COST SUMMARY/IMPLICATIONS

There are no new direct costs associated with the development and implementation of the Air Quality Plan beyond those already contemplated in the development of the Army Base project when the project was approved by the City Council in 2012. The costs associated with developing and implementing the Air Quality Plan are included in the project budget.

SUSTAINABLE OPPORTUNITIES

Economic: The Air Quality Plan will facilitate implementation of the Army Base project. In addition to the construction and operation jobs typically associated with new development, the Army Base project includes a Community Benefits Program with beneficial contracting and jobs requirements including funding for local jobs programs and construction wage and labor requirements.

Environmental: The Air Quality Plan will facilitate implementation of the Army Base project which the City Council determined to have beneficial environmental effects including the remediation of site contamination and increased access to open space. The Plan itself will reduce potential air quality and trucking impacts related to the construction of the infrastructure of the project. The project will also be subject to other environmentally-friendly construction and operation requirements, such as stormwater management requirements and green building requirements. The potential adverse environmental impacts of the project have also been analyzed under the California Environmental Quality Act (“CEQA”) as discussed below.

Social Equity: The Air Quality Plan will facilitate implementation of the Army Base project which includes the Community Benefits Program and environmental benefits discussed above and the Air Quality Plan itself will reduce potential air quality and trucking impacts on nearby residents.

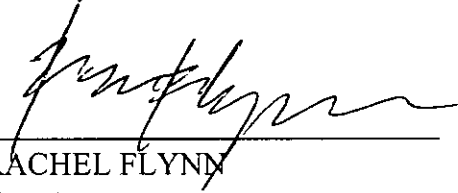
CEQA

An Environmental Impact Report was certified in 2002 when the Oakland Army Base Area Redevelopment Plan was adopted. An Initial Study/Addendum was prepared in 2012 when the City Council approved the Lease Disposition and Development Agreement with the master developer and the current master plan for the project³. The actions of the City Administrator to approve the subject construction-related air quality plans implement the previously imposed Standard Conditions and Mitigation Measures.

³ The 2002 EIR and 2012 Addendum are available on the City’s website at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

For questions regarding this report, please contact Darin Ranelletti, Planner III, at (510) 238-3663

Respectfully submitted,



RACHEL FLYNN
Director
Department of Planning and Building

Reviewed by
Scott Miller
Zoning Manager

Prepared by
Darin Ranelletti
Planner III

Attachments:

- A *Mitigation Measure PO-1 Regarding Stakeholder Process (and accompanying summary flow chart)*
- B *Public Comment Letters and City Response Letters*
 - 1 *Letter from Bay Area Air Quality Management District ("BAAQMD") (July 22, 2013)*
 - 2 *City Response Letter to BAAQMD (September 23, 2013)*
 - 3 *Letter from Port of Oakland (September 26, 2013)*
 - 4 *City Response Letter to Port of Oakland (October 31, 2013)*

ATTACHMENT A

*Mitigation Measure PO-1 Regarding Stakeholder Process
(and accompanying summary flow chart)*

OAKLAND ARMY BASE PROJECT

Text of Mitigation Measure Adopted by City Council on July 16, 2013 Regarding Stakeholder Process

Mitigation PO-1 (Stakeholder Review of Air Quality and Trucking Plans): The City of Oakland (“City”) and Prologis CCIG Oakland Global, LLC (“Developer”) shall engage the public in the development of the following plans required by the SCA/MMRP related to potential air quality and trucking impacts on the surrounding area during construction and operation of the project (the “Subject Plans”)

- SCA AIR-1 (Construction Management Plan)
- SCA AIR-2 (Construction-Related Air Pollution Controls)
- Mitigation 4 3-7 (Truck Management Plan)
- Mitigation 4 4-3b (Maritime and Rail-Related Emissions Reduction Plan)
- Mitigation 4 4-4 (Truck Diesel Emission Reduction Plan)
- Mitigation 4 4-5 (Transportation Control Measures)
- Mitigation 4 4-6 (Energy-Conserving Fixtures and Designs)
- Mitigation 5 4-1 (Demonstration Projects)
- SCA TRANS-1 (Parking and Transportation Demand Management)
- SCA TRANS-2 (Construction Traffic and Parking)
- Mitigation 4 3-13 (Traffic Control Plan – Hazardous Materials)

a Stakeholder List The City shall maintain a list of the names and electronic mail addresses of the stakeholders that have expressed an interest in receiving information on the Subject Plans (the “Stakeholder List”) The Stakeholder List shall include the recipients of the July 3, 2013, letter related to the Construction Management Plan for the Public Improvements (which included SCA AIR-1, SCA AIR-2, SCA TRANS-2, MM 4 3-13 and SCA 4 4-6) and such additional stakeholders that submit a written request to the City to be added to the Stakeholder List

b Quarterly Meetings Beginning in September of 2013 and continuing until such time as the City Administrator has approved all of the Subject Plans, the City and the Developer shall jointly host quarterly meetings to discuss the status of the Subject Plans The City and the Developer shall make a good faith effort to schedule the meetings at a day/time to maximize Stakeholder attendance The meetings shall be noticed via electronic mail to all parties included in the Stakeholder List providing at least ten (10) calendar days’ prior notice of the time and place of the meeting

c Notice of Plan Review The party responsible for the preparation and implementation of the applicable Subject Plan shall provide at least forty five (45) calendar days’ prior notice of the date that a draft of the applicable Subject Plan shall be available for review pursuant to Item (d) below Such notice shall be delivered via electronic mail to the parties included in the Stakeholder List The notice shall include an express reference to the specific SCA/MMRP requiring the applicable Subject Plan The requirement set forth in this item (c) shall not apply to the Construction Management Plan for the Public Improvements (which included SCA AIR-1, SCA AIR-2, SCA TRANS-2, MM 4 3-13 and SCA 4 4-6) because said plans were released on July 3, 2013 However, the subsequent development of plans pursuant to SCA AIR-1, SCA AIR-2, SCA TRANS-2, MM 4 3-13 and SCA 4 4-6 with respect to vertical improvements will be subject to this item (c)

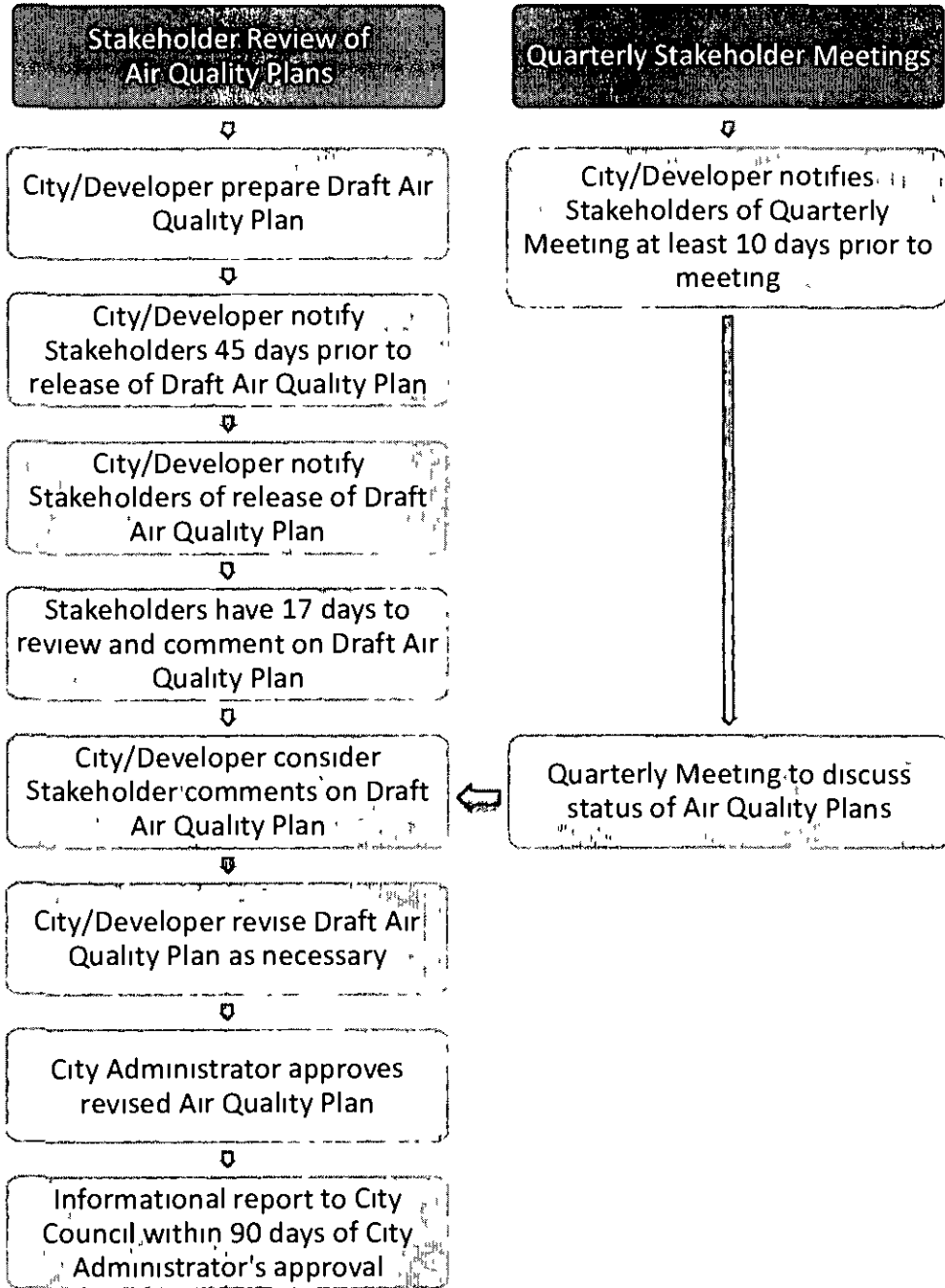
OAKLAND ARMY BASE PROJECT

d Public Review and Comment Period Prior to approving any draft Subject Plan, the City shall provide the parties included in the Stakeholder List with seventeen (17) calendar days within which to review and provide written comments to any draft Subject Plan, and such written comments must be received by the City no later than 5 00 p m on the seventeenth day, provided, however, if the seventeen (17) day period expires on any day other a business day, the expiration date shall be extended to 5 00 p m on the next business day The seventeen (17) day period shall be initiated by the City's electronic mail to the parties included in the Stakeholder List During the 17-day public review and comment period the City shall make the draft Subject Plan available for public review such as posting the document on the City's website

e Informational Council Presentation City staff shall provide the City Council with an informational presentation of each approved Subject Plan within ninety (90) calendar days after the City Administrator's approval of such Subject Plan Such presentation shall include a summary of the public outreach implemented pursuant to this mitigation measure and the requirements and goals of the applicable approved Subject Plan

OAKLAND ARMY BASE PROJECT

Steps in Stakeholder Process as Approved by City Council



ATTACHMENT B

Public Comment Letters and City Response Letters

- 1 Letter from Bay Area Air Quality Management District ("BAAQMD") (July 22, 2013)*
- 2 City Response Letter to BAAQMD (September 23, 2013)*
- 3 Letter from Port of Oakland (September 26, 2013)*
- 4 City Response Letter to Port of Oakland (October 31, 2013)*



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

July 22, 2013

Alisa Shen
City of Oakland, Department of Planning and Building
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Comments on the Oakland Army Base Draft Mitigation Monitoring and Reporting Program (MMRP) Project Manual - Components for Complying With Construction Related Air Quality Requirements (Plan)

Dear Ms. Shen,

The Bay Area Air Quality Management District (District) appreciates the opportunity to provide comments on the Draft Plan to reduce emissions from construction activity at the Oakland Army Base (OAB). There are a number of mitigation measures in the OAB Environmental Impact Reports (2002, 2012) and Standard Conditions of Approval (SCA) that require the City of Oakland (City) and Port of Oakland (Port) to minimize construction dust and exhaust emissions at the OAB to protect residents of the West Oakland community.

The Equipment Emissions Reduction Program (EERP) in Appendix F of the Plan lists a number of emission reduction actions that are required by the SCA/MMRP. However, implementation of the actions cannot be assured due to the "readily available" or "cost effective" caveats within the description of the action. These include:

- Late model heavy-duty diesel-powered equipment will be used at the Project Site to the extent that it is readily available in the San Francisco Bay Area.
- Diesel-powered equipment that has been retrofitted with after-treatment products (e.g. engine catalysis) will be used to the extent that it is readily available in the San Francisco Bay Area.
- Low-emission diesel fuel will be used for all heavy-duty diesel-powered equipment operating and refueling at the Project Site to the extent that it is readily available and cost effective in the San Francisco Bay Area.

The Plan does not include any guidance on how it will be determined if the equipment is "readily available" or "cost effective". Therefore, it is not clear whether the Plan to mitigate construction emissions from the OAB will result in any reductions in diesel particulate matter when compared to business as usual construction activity. The construction emissions analysis in the DEIR used average fleet emission factors based on existing federal or State off-road equipment regulations in identifying significant and unavoidable air quality impacts. To mitigate this impact, the Plan must include emission reduction strategies that would reduce emissions below what was estimated in the DEIR, which were based on existing federal or State laws. The use of late model (2002 or newer) heavy-duty diesel-powered equipment or "diesel-powered equipment that has been retrofitted with after-treatment products" will reduce emissions from the project when compared to the emission estimates in the DEIR. This type of heavy-duty equipment is readily available and should be required for all construction equipment working at the OAB. Simply complying with current regulations does not mitigate or lessen the air quality impacts identified in the DEIR.

- ALAMEDA COUNTY**
Tom Bates
Scott Haggerty
Nate Miley (Vice-Chair)
Tim Sbranti
 - CONTRA COSTA COUNTY**
John Gioia
David Hudson
Mary Piepho
Mark Ross
 - MARIN COUNTY**
Susan Adams
 - NAPA COUNTY**
Brad Wagenknecht
 - SAN FRANCISCO COUNTY**
John Avalos
Edwin M. Lee
Erie Mar
 - SAN MATEO COUNTY**
Carole Groom (Secretary)
Carol Klatt
 - SANTA CLARA COUNTY**
Ash Kalra (Chair)
Liz Kniss
Jan Pepper
Ken Yeager
 - SOLANO COUNTY**
James Sperring
 - SONOMA COUNTY**
Teresa Barrett
Shirlee Zane
- Jack P. Broadbent
EXECUTIVE OFFICER/APCO


The District has identified a number of feasible strategies that should be required of all construction activity within the OAB to meet the City and Port's obligations within the environmental documents for the OAB and the Bold Vision Redeveloping the former Oakland Army Base, to be as given as possible and to lessen impacts to the West Oakland community from construction and operation at the OAB

Recommended Construction Emission Reduction Strategies

- 1 All off-road equipment shall meet Tier 4 Interim engine standards. If Tier 4 Interim engines are not available, off-road equipment shall meet Tier 3 engine standards. If Tier 3 engines are not available, off-road equipment shall meet Tier 2 engine standards. In no case shall any **off-road** equipment not **meet** Tier 2 engine standards.
- 2 The Dust Control Plan (Appendix E) does not provide the level of detail that is specified in SCA AIR-2 Construction-Related Air Pollution Controls. For example, SCA AIR-2 calls for a ban on dry power sweeping. The Dust Control Plan does not identify if the sweeping will be wet or dry (p. 130). SCA AIR-2 calls for the watering of exposed areas twice a day. The Dust Control Plan calls for watering "as needed to maintain dust control" (p. 127).
- 3 Appendix F, page 2, bullet 5 states that low-emission diesel fuel will be used for all heavy-duty diesel-powered equipment as available. This bullet point is not needed, as Ultra Low Sulfur Diesel is required by state law and readily available.
- 4 Page 10, Section 3.1.4.3, 1st paragraph should state that trucks must be compliant with the CARB On-Road and Off-Road Diesel Regulations.
- 5 All on-road trucks shall be equipped with CARB-verified diesel particulate filters.
- 6 If alternatively-fueled or hybrid off-road equipment becomes available and is cleaner than Tier 4 engines, all contractors should be required to participate in a demonstration of this equipment, provided grants to implement the demonstration are available.
- 7 All staging and recycling areas shall be placed to the west of Maritime Street (See Traffic Control Work Plan Figure TCP-1).
- 8 If materials such as asphalt and concrete are recycled from this Project for use at another site, all recycling activities must take place at another location and not on any property at the Oakland Army Base.
- 9 Where access to alternative power sources is available, portable diesel engines shall be prohibited. Grid power electricity should be used to provide power at construction sites, or propane and natural gas generators may be used.
- 10 All dredging equipment shall be electric powered.
- 11 All category 1 and 2 engines in harbor craft used for construction projects must meet U.S. EPA Tier 2 or 3 marine engine emission standards.
- 12 All equipment that enters the site must be confirmed as compliant with the MMRP Project Manual Air Quality Component. This could be accomplished through gate checks or some other monitoring measure and shall be recorded.

District staff is available to assist in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Environmental Planner, at (415) 749-5169.

Sincerely,


Jean Roggenkamp
Deputy Air Pollution Control Officer

cc Anna Lee, Alameda County Public Health
Jack Kitowski, California Air Resources Board
Casey Farmer, Councilmember EcElhancy's Office
Jason Overman, Councilmember Kaplan's Office
Jared Blumenfeld, EPA
Richard Grow, EPA
Richard Sinkoff, Port of Oakland
Brian Beveridge, WOEIP
Margaret Gordon, WOEIP

CITY OF OAKLAND



250 FRANK H OGAWA PLAZA, SUITE 5313 . OAKLAND, CALIFORNIA 94612-2034
Office of Neighborhood Investment (510) 238-7661
Oakland Army Base FAX (510) 238-3691
TDD (510) 839-6451

VIA U.S. MAIL AND ELECTRONIC MAIL

September 23, 2013

Ilean Roggenkamp
Deputy Air Pollution Control Officer
Bay Area Air Quality Management District
939 Elms Street
San Francisco, CA 94109
jroggenkamp@baaqmd.gov

Re: Response to BAAQMD Comments on Oakland Army Base Draft Mitigation Monitoring and Reporting Program (MMRP) Project Manual – Component for Complying with Construction Related Air Requirements (Plan)

Dear Ms Roggenkamp

On July 22nd you provided comments on behalf of the Bay Area Air Quality Management District (BAAQMD) concerning the Oakland Army Base Draft Mitigation Monitoring and Reporting Program (MMRP) Project Manual – Component for Complying with Construction Related Air Requirements (Plan), which was subject to a 17-day public review process

I thank you for your comments. In consultation with 44 Energy Technologies, our air quality consultant, the development team, including the City, California Capital Investment Group, and Architectural Dimensions, has addressed each BAAQMD comment, as discussed below. For clarity, each BAAQMD comment is restated in normal type, followed by our response in *italics*.

1. All off-road equipment brought on-site shall meet Tier 4 Interim engine standards. If Tier 4 engines are not available, off-road equipment shall meet Tier 3 engine standards. If Tier 3 engines are not available, off-road equipment shall meet Tier 2 engine standards. In no case shall any off-road equipment not meet Tier 2 engine standards.

Response: The Developer has committed to require all project contractors to accelerate compliance with the CARB off-road regulation one year in advance of schedule. The Developer has prepared specific bid language regarding the accelerated timeline along with a detailed list of compliance requirements. In

In addition, the Developer has added language that notifies small and medium sized off-road fleets that they should achieve the same emission reduction levels as large fleets, and if not, requires them to apply for incentive funding, and/or apply for equipment lease/loan programs made available by the prime contractor. The emissions related bid language is included in an attachment to this letter.

The Developer believes the majority of the diesel activity, as measured by horsepower-hours, will be conducted by large fleets. The bid specification requires the large fleets to use Tier 3 and Tier 4 equipment if it is readily available in the Bay Area. To this end, the Developer is committed to collecting and sharing the information with BAAQMD on a periodic basis throughout the project.

The Developer believes the vast majority, if not all, equipment used by all contractors on site will be Tier 2 or newer; however, we respectfully suggest that a prescriptive requirement on equipment vintage may be in conflict with the local labor agreements to which the City of Oakland is bound.

2. The Dust Control Plan (Appendix 3) does not provide the level of detail that is specified in SCA AIR-2 Construction Related Air Pollution Controls. For example, SCA AIR-2 calls for a ban on dry power sweeping. The Dust Control Plan does not identify if the sweeping will be wet or dry (p 130). SCA AIR-2 calls for the watering of exposed areas twice a day. The Dust Control Plan calls for watering "as needed to maintain dust control" (p 127).

Response: The Developer plans to use wet power sweeping equipment for dust control. Wet power sweeping will be employed whenever construction activities impacting roadways are taking place. The Developer plans to water exposed areas twice a day while construction activity is taking place unless it is raining or the exposed areas are already saturated with water.

The Developer is familiar with best practices for dust control and intends to deploy these and other measures as needed.

3. Appendix F, page 2 bullet 5, states that low-emission diesel fuel will be used for all heavy-duty diesel-powered equipment as available. This bullet point is not needed as Ultra Low Sulfur Diesel is required by state law and readily available.

Response: Agreed. The project will use commercially available Ultra-Low Sulfur Diesel (ULSD) fuel on the project for both on-road trucks and off-road trucks and diesel powered equipment.

4. Page 10, Section 3.1.3.2, 1st paragraph, should state that trucks must be compliant with the CARB on-road Regulations.

Response Agreed

- 5 All on-road trucks shall be equipped with CARB-verified diesel particulate filters

Response The Compliance Manager plans to enforce the CARB Truck and Bus Rule. Compliance with the CARB rule requires by 2014 that fleets of more than three trucks must be 2007 and newer and as such will be equipped with a diesel particulate filter.

For the dirt hauling operations, the Bay Area construction industry is served by small independent truck operators. If these fleets are three vehicles or less, they may not be required to have diesel particulate filters until 2017. Because these drivers are independent and "on-call," they do not work through a contract bid process. Dirt haulers work on many different jobs from day to day, making it difficult, if not impossible, to identify which trucks will be working on the OAB development project, and to require these trucks to install diesel particulate filters. However, under no circumstances will the Compliance Manager allow any trucks whose engines are clearly in a state of disrepair or are emitting visible levels of particulate matter onto the project site.

- 6 If alternative fueled or hybrid off-road equipment becomes available and is cleaner than Tier 4 engines, all contractors should be required to participate in a demonstration of this equipment, provided grants to implement the demonstration are available.

Response Agreed. We look forward to working with BAAQMD and other agencies to find funding to demonstrate advanced ultra-clean and energy efficient off-road equipment.

- 7 All staging and recycling areas shall be placed to the west of Maritime Street (See Traffic Control Work Plan Figure TCP-1)

Response As shown in Figure TCP-1, the project will have three staging areas and one recyclable materials area. Two of the three staging areas are east of Maritime Street and the recyclable materials area is also east of Maritime Street. Since the initial construction activity will focus on roadway and utility infrastructure along Maritime Street, it is most efficient to locate the staging and recyclable materials near this street to reduce truck traffic and emissions. However, the west side of Maritime Street is occupied by commercial enterprises that will continue to operate during the construction, leaving the eastern side of Maritime as the best choice. Please note that these locations are still at least 1,000 feet west of the I-880 freeway.

- 8 If materials such as asphalt and concrete are recycled from this project for use at another site, all recycling activities must take place at another location and not on any property at the Oakland Army Base

Response Agreed To be clear some materials recovered during the construction activity will be recycled and used on-site If materials will be used off-site, they will be recycled off-site

- 9 Where access to alternative power sources is available, portable diesel engines shall be prohibited Grid power electricity should be used to provide power at construction sites, or propane and natural gas generators may also be used If not available, then a minimum of Tier 3 or Tier 4 diesel generators shall be used

Response Agreed Power will be required to operate submersible water pumps Most of these pumps will be powered by electricity coming from the utility grid The one exception is a moving water pump, which will be powered by a 15 kw (~20 Hp) diesel engine Since this diesel engine is so small, it falls below the CARB off-road regulatory threshold and its emissions will be minimal

- 10 All dredging equipment shall be electric powered

Response Agreed The project does not anticipate open water dredging during the construction phase of the project However, excavation of bay mud will be required in the repair of the outfall at Wharf 5 and retrofits at Wharves 6, 6 1/2, and 7 This work will be performed using a standard shore based excavator The work will be done by a large contractor and it is anticipated that a Tier 3 or Tier 4 diesel engine powered excavator will be used

- 11 All category 1 and 2 engines in harbor craft used for construction project must meet U.S. EPA Tier 2 or 3 marine engine emissions standards

Response Agreed The project does not anticipate using harbor craft during the construction phase of the project

- 12 All equipment that enters the site must be confirmed as compliant with the MMRP Project Manual Air Quality Component This could be accomplished through gate checks or some other monitoring measure and shall be recorded

Response Agreed The developer is committed to a robust compliance program which will be overseen by the project Compliance Manager (see p 7) The Compliance Manager will be responsible for the following activities reviewing fleet information to ensure CARB rule compliance working with the contractors on an activity monitoring program, setting up a gate check program, and

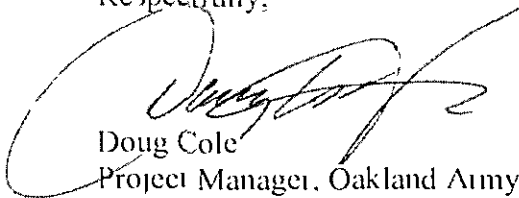
potentially introducing a truck and vehicle labeling program that ensures compliance

The Developer feels strongly that active enforcement and monitoring of CARB compliance status will result in reduced emissions above and beyond "normal" conditions where enforcement and monitoring is not present

In summary, we appreciate BAAQMD's thoughtful comments. We also are mindful of the fact that West Oakland is heavily impacted by diesel emissions from truck traffic and Port Operations. We are striving to minimize construction project emissions, while creating simultaneous economic and environmental benefits to the city and the region.

Please let me know if you have questions or need additional information regarding this important topic.

Respectfully,



Doug Cole
Project Manager, Oakland Army Base

Attachment: Specification Requirements Related to Construction Activity Emissions

Cc (via electronic mail)

Jack Broadbent, BAAQMD
Henry Hilken, BAAQMD
Dave Vintze, BAAQMD
Fred Blackwell, City of Oakland
Mark McClure, CCIG
Anna Lee, Alameda County Public Health
Jack Kitowski, California Air Resources Board
Casey Farmer, Councilmember McElhaney's Office
Jason Overman, Councilmember Kaplan's Office
Lared Blumenfeld, FPA
Richard Grow, EPA
Richard Sinkoff, Port of Oakland
Brian Beveridge, WOLIP
Margaret Gordon, WOEIF

Specification Requirements Related to Construction Activity Emissions

Oakland Army Base Project

The following requirements are summarized from the Standard Conditions of Approval requirements that are part of this contract. The contractor shall be in compliance with the following requirements:

A. General Emission Related Requirements

- 1) All heavy-duty diesel powered trucks, portable generators, and off-equipment greater than 25 Horsepower will be subject to all applicable California Air Resource Board (CARB) Regulations. The off-road regulation compliance schedule will be accelerated by one year. Some specific requirements of the CARB regulations are included in Section B, however, all requirements listed in the regulations must be followed. Consult the CARB website (www.arb.ca.gov) for details and complete requirements.
- 2) All construction equipment must be properly tuned in accordance with manufacturer's specifications. Maintenance on vehicles will be regularly performed by a certified mechanic. Only properly working equipment will be allowed on site.
- 3) Construction equipment maintenance and regulatory compliance will be enforced with inspection and reporting to the Project Compliance Manager. This information may be provided to the BAAQMD and/or CARB upon request. Failure to agree to inspection and/or to take necessary action to correct non-compliance may result in reporting to CARB, penalties, and potential loss of contract.
- 4) The contractor should be aware that the Project Compliance Manager's contact information will be posted and publically available to receive inquiries and address any complaints.
- 5) Ultra low sulfur diesel (ULDS) fuel must be used for all heavy-duty diesel-powered equipment operating and refueling at the Project site.
- 6) Electric infrastructure surrounding the construction sites will be used rather than electrical generators powered by internal combustion engines to the extent feasible. If on-site electricity is required, the responsible contractor must attempt to use grid power. If grid power is not available, the contractor must attempt to use a non-diesel fueled power source.

B. Specific California Air Resources Board (CARB) Regulations

- 1) CCR Title 13, Section 2485- Idling Regulation for On-Road Equipment Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

- 2) CCR Title 13, Section 2025- Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles
- 3) CCR Title 17, Section 93116 - Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater
- 4) CCR Title 13, Section 2449 In-Use Off-road Diesel Vehicle Regulation

Specific requirements include but are not limited to the following

- a Registering and reporting all vehicles to CARB (using the Diesel Off-Road Online Reporting System, DOORS)
- b Proper labeling of all equipment
- c Restrictions on adding older equipment into fleets
- d Disclosures when selling equipment
- e Reductions in fleet emissions must be achieved by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (VDECS, exhaust retrofits),
- f Idling Limits and Written Idling Policy

Consult the CARB website (www.arb.ca.gov) for additional details and requirements

C. Additional Requirements beyond CARB Compliance

- 1) Late model heavy duty diesel powered equipment (Tier 3 or Tier 4) will be used at the Project site to the extent that it is readily available within 100 miles of the project site
- 2) Diesel-powered equipment that has been retrofitted with a CARB Verified Level 3 VDECS will be used to the extent that it is readily available within 100 miles of the project site

D. Specific language for Large Fleet Contractors (Total fleet horsepower > 5,000 Hp)

- 1) Fleet must make Tier 3 and Tier 4 equipment or equipment retrofitted with a CARB verified Level 3 VDECS (diesel particulate filters) available to small and medium fleets for lease or loan to be used on the project

E. Specific language for Medium and Small Fleet Contractors (Total fleet horsepower ≤ 5,000 Hp)

- 1) Although a contractor fleet may be classified as small or medium per the CARB definition, the contractor must attempt to comply with the CARB off-road regulations for large fleets and timelines as follows
 - a) Contractor must agree to seek and apply for incentive funds to install emission reduction controls on uncontrolled equipment planned for use on the project

- b) If the contractor has applied for but not received incentive funding, he/she must show proof of application
- c) If the contractor has applied for and received notification of funding, but has not received funding and/or used the funding, he/she must show proof of funding award and present a plan for using the funding
- d) As an alternative to incentive funding, the contractor may also attempt to lease newer equipment if it is made available by a large fleet contractor for use on the project

E. "Best Value" Incentives

The contractor can score extra points in bid evaluation through "Best Value" scoring. This section of best value will be worth 5 points in the overall scoring of subcontractor packages. These points will be included in the "overall project approach" portion of the scoring.

- 1) Confirmation that all equipment will either meet EPA Tier 3 or Tier 4 standards and/or is retrofitted with a CARB Verified Level 3 VDECS device
- 2) Contractor should make use of GPS technology to minimize the use of diesel fuel and construction activity when performing work. The contractor should provide information to explain how GPS technology can reduce emissions and fuel use.



PORT OF OAKLAND

September 26, 2013

Architectural Dimensions
300 Frank H. Ogawa Plaza, Suite 375
Oakland, CA 94612-2047

Attention: Mr. Jim Heilbronner

PORT COMMENTS TO CITY MASTER DEVELOPER'S MITIGATION MONITORING & REPORTING PROGRAM PROJECT MANUAL, OAKLAND ARMY BASE REDEVELOPMENT PROJECT, OAKLAND, CALIFORNIA

Dear Mr. Heilbronner

The Port has reviewed the City Master Developer's (CMD's) Oakland Army Base Mitigation Monitoring & Reporting Program Project Manual, Draft Rev. 3 (Project Manual), dated August 29, 2013, and received by the Port on September 17, 2013. The Project Manual appears to lack a detailed discussion and analysis relating to the proposed surcharge and associated soil import amount needed during the horizontal development phase of the project.

Based on the City of Oakland's September 25, 2013, quarterly meeting regarding air quality mitigations, we now understand that 600,000 cubic yards (CY) of surcharge will be imported by truck. This is in contrast to the 2.5 million CY cited in the 2012 Oakland Army Base Project Initial Study/Addendum, of which 10%, or 250,000 CY, was to be trucked.

Please include a discussion and analysis regarding the importation of soil via truck to the OAB project site in the appropriate sections of the Project Manual, including the traffic control plan, equipment emissions reduction program, construction-related air quality monitoring work plan, truck diesel emissions program, among others.

Thank you for giving us the opportunity to review and comment. Please contact me at (510) 627-1383 if you have any questions.

Sincerely,

Barry MacDonnell
Port Associate Engineer

cc: Project File
Phil Tagami
Joanne Park
Doug Cole
Frank Kennedy
Dann Ranelletti
Anne Whittington
Jerry Jakubauskas
Donnell Choy
Imee Osantowski

CITY OF OAKLAND



250 FRANK H OGAWA PLAZA, SUITE 5313 . OAKLAND, CALIFORNIA 94612-2034
City Administrator's Office of Neighborhood Investment (510) 238-7661
Oakland Army Base FAX (510) 238-3691
TDD (510) 839-6451

VIA ELECTRONIC MAIL

October 31, 2013

Barry Mac Donnell
Port Associate Engineer
Port of Oakland
530 Water Street
Oakland, CA 94604-2064
bmacdonnell@portoakland.com

SUBJECT: Response to Port Comments on Mitigation Monitoring and Reporting Program (MMRP) Project Manual, Oakland Army Base Project

Dear Mr Mac Donnell

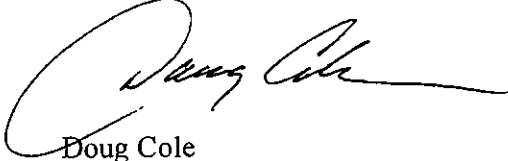
This letter responds to your letter to Jim Heilbronner dated September 26, 2013, regarding the Mitigation Monitoring and Reporting Program (MMRP) Project Manual for the Oakland Army Base project. In the letter you requested that the Project Manual include a discussion and analysis of the importation of soil via truck to the project site.

The requirements in the Project Manual, and the methods for complying with those requirements, apply to all project-related trucks, including trucks importing soil to the site. The components of the Project Manual, including the Traffic Control Plan (Appendix D), Dust Control Plan (Appendix E), Equipment Emissions Reduction Program (Appendix F), and Idling Policy (Appendix G) contain measures to reduce the potential impacts of trucks importing soil. These measures include, among others, designated truck routes and truck staging areas, directional signage, posted speed limits, dust control measures, and idling restrictions, as well as a record-keeping system. Furthermore, all vehicles will comply with applicable regulations of the California Air Resources Board.

Barry Mac Donnell
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Thank you for your comments. We look forward to continue working with the Port of Oakland to implement this important project. Please contact me if you have any questions or need additional information.

Respectfully,



Doug Cole
Project Manager, Oakland Army Base

Cc (via electronic mail)

Fred Blackwell
Phil Tagami
Mark McClure
Jim Heilbronner
Joanne Park
Frank Kennedy
Darin Ranelletti
Anne Whittington
Jerry Jakubauskas
Donnell Choy
Imee Osantowski