

# **Community Air Protection Program**

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## **West Oakland**

### **Community Emissions Reduction Program**

#### **Staff Report**

**Release Date: November 14, 2019**

**CARB Governing Board Hearing Date: December 5, 2019**



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## Staff Recommendation

Staff recommends that the California Air Resources Board (CARB or Board) approve the West Oakland community emissions reduction program developed pursuant to Assembly Bill (AB) 617<sup>1</sup> and direct the Bay Area Air Quality Management District (BAAQMD) to take additional actions to strengthen implementation.

## Background

CARB established the Community Air Protection Program (Program) to implement AB 617, which requires new community-focused action to reduce air pollution. On September 27, 2018, the Board selected West Oakland to develop a community emissions reduction program as one of ten initial communities. The Board also approved the *Community Air Protection Blueprint* (Blueprint) which, among other things, establishes criteria for developing and implementing community emissions reduction programs, contained in the Blueprint Appendix C and summarized in the *Checklist for Community Emissions Reduction Program Evaluation*<sup>2</sup> (Checklist).

CARB staff reviewed the *Owning Our Air: The West Oakland Community Action Plan (Plan)*<sup>3</sup>, adopted by the BAAQMD Governing Board on October 2<sup>nd</sup>, 2019. This staff report summarizes the results of CARB staff's review and evaluation of the Plan to determine if it meets the criteria established in AB 617<sup>4</sup> and the Blueprint, reflects community priorities, and is likely to reduce exposure to air pollution in the community.

## Plan Overview

BAAQMD partnered with the West Oakland Environmental Indicators Project (WOEIP) as co-leads to convene a community steering committee and develop the Plan. The steering committee has 18 members<sup>5</sup> and met 14 times between July 2018 and July 2019.<sup>6</sup> BAAQMD and WOEIP also hosted a Town Hall in August 2019.

The Plan focuses on reducing exposure to fine particulate matter (PM<sub>2.5</sub>), diesel particulate matter (DPM), and carcinogenic toxic air contaminants (TACs) from sources such as port-related activities, trucks, industrial sources, road dust, and residential burning. The steering committee, BAAQMD, and WOEIP identified 89 specific strategies. The strategies are summarized in Figure 1, which is an excerpt from the Plan summary.<sup>7</sup>

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<sup>1</sup> Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017.

<sup>2</sup> Begins page C-41.

<sup>3</sup> To review the Plan, Plan Summary, and associated documents, visit <http://www.baaqmd.gov/ab617woak>

<sup>4</sup> California Health and Safety Code §44391.2.

<sup>5</sup> See page B-6 in the Plan appendices for the community steering committee roster.

<sup>6</sup> For additional information on the West Oakland community, see Chapter 2 of the Plan, available at: <http://www.baaqmd.gov/ab617woak>

<sup>7</sup> For the full list of strategies and further study measures, see Chapter 6 of the Plan, available at: <http://www.baaqmd.gov/ab617woak>

Figure 1. Excerpt from *Owning Our Air: The West Oakland Community Action Plan – A Summary*

## KEY STRATEGIES



### Move polluting businesses & activities away from residents

Relocate California Waste Solutions and CASS, Inc. to the former Oakland Army Base.

Use incentives and subsidies to relocate businesses that do not conform with zoning designations.

Relocate truck yards and truck routes away from residences.

Enforce ordinances that restrict truck idling, truck parking, and truck routes.

Prohibit new truck yards and truck service, repair, and fueling businesses in residential areas in West Oakland.



### Move toward a zero-emission port

Transition to zero-emission drayage truck operations by 2035.

Amend statewide at-berth regulation requiring more ocean-going vessels to plug in.

Fund cleaner tugboat engines.



### Fund clean trucks

Offer more incentives to replace diesel trucks with cleaner engines or zero emission engines.



### Clean up industry

Increase frequency of compliance inspections.

Consult with the community to identify unpermitted sources of air pollution.

Enhance the Air District's enforcement referral process and update complaint policy.

Consider amending existing regulations on metal recycling and foundry operations.



### Reduce car trips & road dust

Improve transit service.

Improve design and safety of local streets for pedestrian and bike trips.

Increase street sweeping along roads and highways to decrease exposure to road dust.



### Stop backyard burning

Develop community education and outreach materials addressing the impacts of open burning and backyard wood fires.



## Summary of CARB's Evaluation

CARB staff's review of the Plan follows the framework established in the Blueprint. In addition to the Plan itself, staff also reviewed meeting materials, public comment letters, and responses to comments posted to BAAQMD's website. During the Plan development process, CARB staff attended every West Oakland community steering committee meeting and met regularly with BAAQMD staff. Finally, CARB also hosted a community meeting in West Oakland on October 9<sup>th</sup>, in coordination with BAAQMD and WOEIP, to solicit additional community input to the CARB staff recommendations.

State law gives communities and air districts 12 months to develop a community emissions reduction program following CARB community selection. One year is a very short amount of time to organize a community steering committee, develop a process for operation of the steering committee, establish the technical foundation for understanding the community's air quality status, and develop the strategies to reduce air pollution emissions and exposure.

To ensure that the Plan successfully delivers on the identified strategies, there are elements of the Plan that need additional clarification and detail as the Plan moves from the short time frame provided for development into the implementation phase. While each of the initial communities and their community emissions reduction programs have now been approved by the air districts, the need to focus on strengthening the plans during implementation is a theme that applies to all communities, not just West Oakland.

Therefore, CARB staff is recommending approval of the Plan with additional Board direction to CARB staff, BAAQMD, and the community steering committee to begin Plan implementation immediately, while taking specific steps to strengthen implementation of the Plan. These recommendations draw directly from the core principles of the Board-approved Blueprint.

Staff has organized the results of this review into two categories:

- Key strengths of the Plan, which highlights areas staff found particularly noteworthy; and
- Recommended actions to strengthen implementation, including areas where additional discussion, information, clarification, and detail will help ensure the Plan is successful and achieves emissions reductions in West Oakland.

### Key Strengths

Community steering committee members expressed strong support for the Plan and emphasized a number of key strengths – most notably the community-driven process used to develop the Plan. CARB staff agrees that the co-lead partnership between WOEIP and BAAQMD and the collaborative process used to develop the Plan are clear examples of the community leadership AB 617 envisioned. The partnering agreement the two parties signed enabled WOEIP to work with BAAQMD to direct and oversee the process, set meeting agendas, and provide participatory educational briefings for the steering committee. WOEIP's strong community network allowed the community to form a steering committee quickly and to hit the ground running. By meeting weekly, the co-leads maintained ongoing communication and partnership. Community steering committee members repeatedly

mentioned how important it was for them to have a trusted community voice advocating for them with agency partners.

## Recommended Actions to Strengthen Implementation

Although CARB staff heard broad support for the Plan, several community steering committee members raised concerns about implementation, particularly about prioritization and resources. The Plan itself and BAAQMD's response to comments document<sup>8</sup> note several issues to discuss during implementation, including metrics to track progress and defining specifics of proposed strategies. CARB staff recognizes that the Plan is the culmination of an extensive amount of work in the first year of a new program. However, in future efforts, BAAQMD should work with the community steering committee to define issues relating to implementation during the Plan development process as well as the periodic status reports required under AB 617.

To support implementation moving forward, CARB staff has developed a set of recommended actions in three key areas: reduction strategies, tracking progress and enforcement, and the technical foundation. Progress in implementing these recommendations should be included in the annual progress report required by the AB 617 statute.

### Reduction Strategies

The Plan includes an extensive set of emissions and exposure reduction strategies, which are generally responsive to community concerns and recommendations. However, the proposed strategies are generally high-level, and the community steering committee recognized that prioritization and further definition of these strategies was a critical next step. To help clarify and refine the list of strategies, staff recommends that CARB staff, BAAQMD, and the community steering committee work together to undertake the following actions during the early phase of the Plan implementation process:

1. Prioritize the strategies and further study measures and develop an implementation plan for the highest priority strategies.
2. Identify the strategies that require commitments from other agencies to implement and include engagement mechanisms with other agencies.
3. Consider and discuss potential strategies to reduce impacts from new or modified sources in the community.
4. Discuss prioritizing potential project types for incentive funding, including stationary sources, and an identification of funding sources for incentive-based and other strategies, including AB 617 incentive funds.

In addition, staff recommends the BAAQMD:

5. Provide annual updates on opportunities to expedite implementation of air district regulations, including reducing emissions and risk from magnet sources.

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<sup>8</sup> Available beginning on page 457 of the board agenda for the October 2<sup>nd</sup> BAAQMD Board hearing, available here: <http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>

## Tracking Progress and Ensuring Effective Enforcement

Tracking progress and effective enforcement are key to successful implementation of any community emissions reduction program. The Plan includes a discussion of metrics to track progress and an enforcement plan. The example metrics included are appropriate for discussion but high-level. Without specific progress metrics for the identified strategies, it will be difficult for BAAQMD, the community steering committee, and other partners to evaluate progress over time. Staff recommends that CARB staff, BAAQMD, and the community steering committee work together to undertake the following action as part of implementing the Plan and reporting on progress to better enable the community steering committee, CARB, BAAQMD, and the public to evaluate Plan effectiveness over time:

6. Develop metrics to track progress that:
  - are clear and action-based;
  - use the “examples of potential tracking metrics” in the Plan as a starting place;
  - identify data sources and tracking frequency; and
  - track progress at sensitive receptors across West Oakland.

In addition, CARB staff recommends the BAAQMD:

7. Provide a list of which strategies in the Plan will provide quantifiable emissions or exposure reductions that would contribute towards achieving the Plan’s emissions reduction and equity-based targets, and which pollutants they are designed to reduce.
8. Provide a three-year inspection history for permitted stationary sources in West Oakland to complement information on complaints and notices of violation that are currently contained in the Plan.

## Technical Foundation

The Plan uses a community-scale air quality dispersion model to estimate local source contributions to PM<sub>2.5</sub> and DPM concentrations, as well as cancer risk from carcinogenic TACs in West Oakland.<sup>9</sup> CARB recognizes the value of looking beyond emissions inventories to understand where air pollution impacts people in the community. Given the technical complexity and associated computational demands, modeling work must complement robust emissions inventory and monitoring data. For example, BAAQMD has indicated that they did not have adequate time to incorporate certain emissions sources and pollutants into the air quality model. To help characterize air quality in West Oakland and support tracking progress, staff recommends BAAQMD undertake the following work and share this information with the community steering committee as part of Plan implementation:

9. Work with CARB to complete and analyze the emissions inventory to illustrate source attribution in the community.
10. Develop a clear timeline and approach to incorporate all emissions sources and pollutants present in West Oakland into the community-scale air quality model.

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<sup>9</sup> CARB staff did not evaluate the model itself in the review.