



PORT OF OAKLAND

**Securing Project Approval:
Environmental Permits
and Regulations**

**Anne Whittington, AICP
Port of Oakland**

April 22, 2009



Environmental Review of Projects

What prompts environmental review of a project?

- Any project that may have an impact on the environment, and where the public has a right to know about those impacts.
 - Lease between Port and tenant
 - Development or improvement project that requires a discretionary action by the Port
- CEQA for California, NEPA for federal



Environmental Review of Projects

- Levels of CEQA environmental review:
 - Categorical Exemption/Notice of Exemption (1 hour - 1 week)
 - Initial Study/Negative Declaration or Mitigated Negative Declaration (2 months - 6 months)
 - Environmental Impact Report/Notice of Determination (assume 1 year)



Regulatory Agency Permits

- What triggers a regulatory agency permit for a project?
 - Depends upon the location of work and type of project
 - Generally, a development or improvement project within an agency's permit jurisdiction
 - Jurisdiction could be geographical or resource-specific (water quality, air quality, etc.)
 - Permit approvals can take up to a year



Regulatory Agency Permits

- U.S. Army Corps of Engineers, in consultation with:
 - U.S. Environmental Protection Agency (US EPA)
 - U.S. Fish and Wildlife Service
 - National Marine Fisheries Service (NMFS)
- S.F. Bay Conservation and Development Commission (BCDC) in consultation with:
 - California Department of Fish and Game
- Regional Water Quality Control Board (RWQCB)



Regulatory Agency Permits

- State Lands Commission (mineral rights)
- Federal Aviation Administration (cranes)
- Department of Toxic Substances Control
- California Coastal Commission (ocean disposal)
- Bay Area Air Quality Management District (stationary sources)
- City of Oakland (Fire Department)
- Port of Oakland (Building Permit)



Air Quality Policies & Regulations

- What air quality policies and regulations affect businesses at the Port of Oakland?
 - International Maritime Organization (IMO) – voluntary standards covering ship emissions
 - US EPA – engine standards
 - California Air Resources Board (CARB) – regulates nearly all diesel mobile sources along the supply chain and, soon, greenhouse gases
 - Port of Oakland – Maritime Air Quality Improvement Plan with air quality goals



Air Quality Policies & Regulations

- CARB regulations on:
 - Ship main engine and auxiliary engine fuels
 - Shore power for ships at berth
 - Harborcraft
 - Cargo handling equipment on terminals
 - Trucks (both drayage and other heavy duty)
 - Rail locomotives (MOU instead of regulation)

- The cost to Oakland maritime industry to comply with the regulations is \$650 million



Air Quality Policies & Regulations

- Multi-year stakeholder effort to develop the Port's Maritime Air Quality Improvement Plan (MAQIP), approved on April 7, 2009
- The Port's Board of Port Commissioners adopted an air quality goal on March 18, 2008:
 - 85% reduction from 2005 to 2020 in community cancer health risks related to exposure to diesel particulate matter emissions from the Port's maritime operations.



Air Quality Policies & Regulations

The Port's emissions reduction strategies:

1. Target emissions reductions earlier than required by regulations ("early actions"),
2. Support enforcement of regulations, and
3. Target emissions reductions above and beyond those required by law.



Air Quality Policies & Regulations

The Port is committed to these control measures as a way to implement the strategies:

- Early action retrofit/replacement of trucks
- Compliance with shore power regulation (GHG co-benefits)
- Design and operational efficiencies
- Participate in pilot and verification projects



Air Quality Policies & Regulations

Control measures (cont.)

- Construction emissions reduction
- Support enforcement of regulations by CARB and BAAQMD
- Accountability, monitoring and reporting



Effects on Business

- Allow sufficient time and budget to:
 - Conduct environmental review
 - Obtain regulatory agency permits
 - Comply with mitigation measures and permit conditions



Effects on Business

- Track pertinent regulations to:
 - Determine equipment updates, fuel requirements, etc. and schedule and budget environmental compliance
 - Comply with reporting requirements
- Decide where you can go beyond minimum compliance: corporate values, environmental protection, community and business relations