

**Meeting Highlights\***  
**AB 617 Stockton Community Steering Committee Meeting #18**

*March 9, 2021 | 5:00 pm - 7:00 pm*

*Virtual Zoom Meeting*

**Action items for the Stockton Community Steering Committee (CSC):**

- None

**Action items for San Joaquin Valley Air Pollution Control District (District):**

- Share voting rosters with CSC for validation purposes

**Welcome and Introductions**

*Erica Manuel, Facilitator & Executive Director/CEO, Institute for Local Government (ILG)*

*Ryan Hayashi, Deputy Air Pollution Control Officer, District*

Erica welcomed the Stockton CSC participants, introduced the ILG facilitation team, and flagged that the CSC will vote on the remaining CERP measures at the meeting.

Ryan expressed his excitement and appreciation of the CSC for their commitment and participation.

Erica presented a refresher on the CERP development process and congratulated the CSC on their accomplishments thus far.

**Discuss Port Measures**

*Ryan Hayashi, Deputy Air Pollution Control Officer, District*

*Jeffrey Wingfield, Director of Environmental & Public Affairs, Port of Stockton*

Ryan presented an overview of the Port measures and provided a recap of how the Port measures came to be considered. Presentation highlights included:

- CSC members indicated the Port was one of their top sources of concern
- The District worked with the Port to identify the sources of pollutants and opportunities for reductions
- At no time did the Port or their staff request to have incentive measures specific to the Port be added to the CERP
- The District takes several steps to hold incentive recipients accountable, including the need to submit an application and provide information showing the level of use of equipment and that the majority of incentive agreements require the applicant to pay a significant share of the total cost
- The three Port measures developed were based on the types of equipment and amount emissions generated by them at the Port:
  - Zero and near-zero emission technology at port for commercial harbor equipment

- Tug boat replacement
  - Marine exhaust emissions controls for ocean going vessels
- A fourth measure, the Community Engagement Committee (CEC) addressing Port operations, stemmed from the CSC's desire to be more closely involved in operations at the Port
- The District explained that the AB 617 legislation does not provide expanded legal authority and requires explaining the goals, objectives, and importance of AB 617 to improve air quality in selected communities to voluntarily bring agencies with oversight over sources of concern in helping develop and implement measures to reduce air pollution and emission exposure.

Jeff acknowledged receipt of an email with names of CSC members with specific requests to be able to support providing incentive funding for emission reduction projects at the Port of Stockton the day prior to the CSC meeting. In response, Jeff shared the following:

- The Port is committed to cleaning the Port property and improving air quality
- The Port staff acknowledges there are trust issues with the Stockton community that they are actively working to improve
- The Port representatives on the CSC are committed to conducting outreach, setting up the a community environmental committee to enhance community outreach and dialogue
- As the Port representative, he could not commit to the requests in the email
- While the objectives of the email align with the purpose of the CEC, he was not in a position to make decisions on behalf of the Port Commissioners without their approval
- The Port will maintain its commitment to property improvements, air quality improvements, and public engagement whether the Port measures are added into the CERP or not

**Comment:** Who is the top manager at the Port?

**Port Response:** The Port Director is Richard Aschieris and the board is comprised of seven appointees from the San Joaquin County Board of Supervisors and the Stockton City Council.

**Comment:** The CSC wants to help the Port become the greenest port in California and wants to fund some of these emission reduction projects. Some of the assurances the CSC got at the previous meeting about exploring additional oversight and meeting regularly gives us confidence in moving forward. The CSC wants to pursue a transparent accountability strategy.

**ILG Response:** Thank you. Both the CSC and the Port are interested in authentic engagement.

**Comment:** The importance of the Port language in the email can't be neglected; we should include that language in the CERP and get assurances from the Port Commissioners.

**District Response:** The District appreciates the time every community member spends on AB 617, and we are thankful to Jeff for involving the Port Commissioners in this process.

**Comment:** I have lived near the Port for 31 years and they have been a poor neighbor. I am supportive of the Port language that was noted in the email and I hope the CSC stops listening to excuses for why the Port can and can't do something.

**District Response:** AB 617 doesn't give legal authority for the CSC or the Air District to make decisions outside the AB 617 Blueprint. If the Port is saying they can't abide by the language as proposed, the District cannot include it in the CERP.

**CARB Comment:** In a review of the email, there is reference to a developing a program to loan the incentive funds that would support purchase of the bonnet and ships would pay a tax that would be used to pay back the loan and the funds used for community projects. CARB has checked on with their legal department and indicated that it is not something can be done . The incentive programs are meant to be disbursed as grants with matching requirements.

**Comment:** The CSC members are the ones that vote and those votes give us power to move along. If the CSC decides to take the Port out of the equation, will we move forward on the other strategies?

**ILG Response:** Yes, last week, the CERP was approved with the addition of the locomotive and school bus measures. The CERP is moving forward. This meeting is only about whether or not to add the Port measures now that the Air District and Port have indicated that the language in the letter cannot be incorporated into the CERP.

**Comment:** What does the Port need from the CSC to move forward?

**Port Response:** The Port isn't actually asking for anything. The Port is going to continue working on these issues regardless of whether AB 617 funding is included in the approved CERP. Prior to attending CSC meetings, the Port was unaware of the community's desire to be more involved in Port activities, but the Port has learned a lot through engagement with this committee and will continue conducting outreach to work more with the community.

**CARB Comment:** The two types of vessels that come into the Port are bulk ships and tanker ships. Bulk ships don't have a regulatory requirement to clean anything up and the first regulatory deadline for the tankers is 2027. While the CSC has money to allocate to help the tankers upgrade earlier, they will upgrade themselves. Another factor to consider is the technology is new and the vessel owners can choose not to use the equipment.

**Comment:** The CSC needs an extension on CERP approval. We got the key pieces of information in the process two weeks ago. The outreach from the Port should have started much earlier. If CARB would allow for an extension, it would allow for a few more group meetings with the Port and help the community feel good about what goes into the CERP.

**District Response:** Stockton isn't the only city dealing with these timing challenges. There are numerous issues with the way the AB 617 legislation is written, which requires an enormous amount of work to be done in a very short timeframe. As a group, we made a commitment to have the CERP finalized by March and technically, we are already operating outside of the legislative requirements. However, there is still flexibility. If the CERP doesn't include specifics, it gives the District latitude to incorporate what the CSC wants into those projects over time. If the CSC wants to have more community involvement, the proposed CEC measure in the draft CERP should be included and then the CSC can work through the process to achieve their goals. The CSC can develop a subcommittee, meet with the Port, and try to get all the requests the CSC is asking for.

**Comment:** The CERP should include a simple statement that explicitly expresses the desires of the CSC for increased commitments from the Port. Something simple like a mission statement.

**ILG Response:** Thank you.

**District Response:** As an example of open language that could be included in the CERP, we can point to other communities where this tactic has been successful. The District didn't know how exactly the CSC would collaborate with DPR in the City of Shafter. So, in the Shafter CERP, we included language indicating that the CSC and DPR were going to continue to work together and that there would be funding set aside for specific programs. Including open language can provide needed flexibility during implementation and has been successful in the past

**CARB Comment:** The CSC has a CERP that has been approved and now we are talking about how we give the CERP room to grow in the direction the CSC wants it to. The CSC needs to agree on language to include in the CERP now. After CARB receives the District board-approved CERP, we take the full 60 days to do our own review. CARB is very interested in moving ahead now.

**Response from ILG:** Thank you

**Comment:** The Port emissions report was made available to the CSC eight days ago, so any delay of this process is not the CSC's fault. There are voting members of the CSC who have approved the language submitted to the Port. How long would it take to get this language to the Port Commissioners and get an answer?

**Port Response:** The Port might have some information to the CSC within a week, but there is no guarantee.

**Comment from Rebel Consulting (Port of Stockton representative):** The Port is still forming the details around the CEC and how the communication channels will work. The CSC can get in touch with us through the Port website and submit feedback or ask questions that will go directly to Jeff's team. The website's navigation has been improved, and we are using the feedback from this group to implement changes.

**District Response:** There are comments about delaying the CERP, but last week the CSC approved the CERP unanimously. The CSC has had the information around emissions at the Port since January, and there was a dedicated meeting to discuss it. The timing of the final emissions report wasn't ideal, but the District wanted to be transparent and share all the information with the CSC. There will be a lot of information continuing to come in and will be used to inform decisions, which is why the CERP is a living document.

**Comment:** What is the tonnage reduction of the Port measures compared to the other measures? If the CSC includes a generic mission statement like proposed earlier, what would the next steps look like to develop more detailed action items? Is funding not disbursed until those specifics are agreed upon?

**District Response:** The overall emissions reductions from all the measures, including the Port measures, is 918 tons. Not including the Port measures, it is 817 tons. The District can put together a generic Port emission reductions measure and talk about the involvement of the CSC

in discussing possible projects. That way, there is funding committed and more opportunity to discuss what the funding opportunities look like.

**Comment:** The CERP has many great and innovative measures that deserve a chance to be tried while the CSC has the funding and framework to do it. The Port can be integrated in other ways, not just through the CERP.

**ILG Response:** Thank you

**Comment:** The CERP needs to incorporate a generic statement saying the CSC wants the Port to continue with their greener measures and that the CSC would like to be involved with that. AB 617 is about getting cleaner air for Stockton. I would like to see those measures included in the CERP and I hope everyone will consider that tonight.

**Response from ILG:** Thank you.

**Comment:** I work for SSA Marine, a global terminal operator, and we have projects all over California. There is not a date to implement zero-emission cargo equipment, but SSA Marine found it important to start moving in that direction. Working closely with the community, the Port, and CARB to get these types of things done has been really helpful. SSA Marine is bringing six more zero-emission forklifts to Stockton in the next year and a half. I appreciate everyone working on this because we can't do it alone.

**Comment:** Port Commissioners are refusing to read public comments from the community and the Port is spending money on consultants who are tone deaf. The CSC wants to work with the Port, but not one Commissioner has attended one of these meetings. As a community, will we ever have any respect? The CSC wants to leave the door open for continued collaboration with the Port.

**Port Response:** From this point, the Port wants to make the history of injustices better. I can't speak for the Commissioners, but I have brought up the issue of the public comments and the response has been they aren't singling out this group, it's the direction that they are taking right now during COVID. I will continue to bring that up. The Port is committed to reducing our emissions and making a positive change for this community.

**District Response:** The measure is open to what the CSC has proposed. Let's work on the things the CSC wants and make that the model for community and Port engagement.

***The District shared an alternative Port incentive measure with generic language for consideration for inclusion in the CERP:***

This strategy would explore potential incentives for the Port of Stockton to replace older, heavy-duty diesel equipment and/or install advanced control technology, beyond existing requirements. The District will work with the Port of Stockton, CARB and the CSC to determine the types of equipment eligible for incentives in order to reduce emissions and determine the types of equipment eligible for incentives in order to reduce emissions and resident exposure to toxic and criteria air pollutants in and around the Port of Stockton.

*The CSC requested a formal vote on the alternative Port incentive measure. A “yes” vote would include the CEC Port measure (P.1) and the alternative Port incentive measure in the CERP; a “no” vote would keep Port measures out of the CERP.*

*The ILG facilitation team conducted a roll-call vote and tracked the votes in real time. The motion did not pass, with 19 CSC members voting “no” on the motion, and 10 CSC members voting “yes”. As a result, there are no Port measures included in the CERP.*

**Comment:** Since we have not included the Port in the CERP, going forward, the assistance that we have obtained with the District to try to encourage the Port and get the CSC involved with the development of that CEC will no longer occur?

**ILG Response:** Correct, and there will be no CEC measure either.

**District Response:** The District is reminding all CSC members to use the chat box respectfully. Most members adhere to that decorum, but it is not appropriate to call people names or disrespect the hard work of the facilitators. Those kinds of comments are unacceptable in this forum and are not allowed.

#### **Review & Discuss Additional CERP Language**

*Ryan Hayashi, Deputy Air Pollution Control Officer, District*

Ryan shared the proposed CERP language for the technical subcommittees to support implementation of the CERP and for the request to provide health studies:

*“The District will continue to work with the CSC to receive community input as program guidelines are developed and projects are implemented within the community. To support implementation of the Stockton CERP, the District, CARB, and other implementing agencies will coordinate with the CSC to establish subcommittees as needed to provide more focused technical advisory support in the development of strategies approved under the CERP. In addition to the technical support provided by the District, CARB, and other supporting agencies, these subcommittees may provide opportunities for technical advisory support from third-party experts, including academia, engineers, technology providers, and others as necessary. As experience is gained in implementing the measures obtained in the CERP, it may become evident that certain measures are more successful than others in reducing emissions and/or exposure, and are more popular with the community. Committee input on these considerations, and discussions about funding availability and cost-effectiveness/benefits of these projects may lead to the CSC recommending adjustments to strategy goals and/or funding amounts to achieve overall emission reduction goals of the CERP. A possible example includes the collection and sharing of community air monitoring data, which could lead to additional discussion with the CSC, which could lead to additional CERP strategy development. During CERP implementation, the CSC will be provided regular updates on implementation progress and their feedback and guidance requested. Based on the updates, it is possible that new strategies could be identified or revisions to existing strategies may be appropriate. As a CSC priority, it is recommended that District, CARB, and OEHHA support Stockton-*

*specific health studies supported by community air monitoring data, CERP implementation, and ongoing air quality strategy implementation to assist in ongoing AB 617 implementation as outlined and appropriate under the CARB Blueprint.”*

**Comment:** Who is appointing the technical advisory group? What is the timeframe that they are coordinating with the CSC?

**District Response:** The District would work directly with the CSC on the implementation of the specific measures and to clarify which subjects require technical support. We reached out to other Districts to understand what is working for them and the proposed measure replicates their best practices. The District would bring in the experts and provide feedback to the CSC as we are developing plans and projects.

**Follow-up Comment:** If the District chooses the experts, doesn't that defeat the purpose of an independent technical advisory group? Should that not be up to the CSC?

**District Response:** It's a collaborative process. The District takes advice and provides recommendations. If the CSC has individuals that they want to get expert feedback from, the District will certainly be open to it.

**Comment:** If it's going to be authorized by AB 617, a technical advisory group should be designed by CSC members. Committee input is not the same as CSC-designed, so this measure does not reach my standard of compliance with other technical advisory groups I have seen designed elsewhere.

**ILG Response:** Thanks for that feedback.

*The CSC requested a formal vote on the technical advisory group language. A “yes” vote would support the statement as provided by the District; a “no” vote would result in an amendment of the language.*

*The ILG facilitation team conducted a roll-call vote and tracked the votes in real time. The motion passed, with 13 CSC members voting “yes” on the motion and 12 CSC members voting “no”. The TAG language was added to the CERP without amendments.*

### **Wrap Up/Next Steps**

*Erica Manuel, Facilitator & Executive Director/CEO, ILG*

Erica thanked the CSC and acknowledged it was the last meeting before the CERP moves forward to the District board for a formal vote. Ryan reiterated that the CSC's voices will be heard throughout the implementation process and the District will continue to work with the CSC.

### **Reminders**

The next CSC meeting is April 7 on Zoom. All the presentations, meetings highlights, transcripts and the Zoom meeting recording will be posted online.

*\*Refer to meeting audio to review the full details and comments from the meeting.*

**Public Comment from YouTube**

**Comment from Laura Rosenberger Haider:** Class 8 drayage trucks in the Ports of LA & Long Beach fueled by hydrogen made from renewable Green hydrogen are being tested.