

US EPA ARCHIVE DOCUMENT

A F T E R N O O N S E S S I O N

(2:00 p.m.)

MR. LEE: Good afternoon. We are going to start again and we are going to talk about EPA's response to the NEJAC's Goods Movement Report which was the result of several years of a lot of hard work by both members of the NEJAC and the workgroup that was formed to look at the issue. And that workgroup had a lot of different diversity of persons including many community people in goods movement communities around ports and other areas.

I just want to say that this is an example of the commitment at EPA to really take your recommendations seriously and to provide a response, and ultimately a written response.

The panel today is just going to talk about our plans, our initial reactions to some of the recommendations and plans to fashion a comprehensive response. So I will -- I think many of you know the persons on the panel and I will let the other ones who are there introduce themselves in the interest of time.

So I guess we will start with Gina?

EPA Plan for Responding to the NEJAC Goods Movement Report

by Gina McCarthy, EPA Office of Air and Radiation

MS. MCCARTHY: Yes and you will be happy to know that I am just introducing the subject matter so we will not

mess up your afternoon agenda as well.

Again I am Gina McCarthy and I am the Assistant Administrator for the Office of Air and Radiation. Thank you for letting me be here and for letting us talk about the goods movement effort that we have. And to thank NEJAC for all of their terrific work in pulling together that report. And we are going to talk today about how we respond to that.

And you have some experts up here who will talk about all of the various programs we have. And we consider this to be the beginning of the next part of the discussion with you. But the report was extremely well done and very informative and it had some really precise recommendations that we will touch on a little bit today. But we know we have an obligation to hit all of them at some point and reach an agreement on how we are going to be moving these issues forward.

As you know, the goods movement is an area that is of tremendous interest to Administrator Jackson. It should be no surprise to anyone that it is a priority area for us and for me personally in 2010 to move these issues along.

I did actually get to the Port of Long Beach with the Administrator and I remember after giving out some diesel money and looking at some of the work that we were doing through our SmartWay Program, she looked at me and said "yeah, but what actions are we taking?" And so it was another one of

those areas where there was a "wow" moment for me where I knew we had a great foundation that we had laid but we needed to get that next level of reduction.

You know we have put forward a bunch of rules that address diesel vehicles. We have also been pushing the envelope on trying to get low-sulfur diesel available so that it supports some of the retrofit technologies that are out there. And we are doing pretty good at moving our engine standards forward but with all of the diesels that are out there in the real world now, we know we need to do more. And we also know that in particular many of the populations in the communities that we all care the most about, are actually in these transportation hubs. They are immediately impacted by some of the emissions in these areas and that is why we want to make it a specific focus of attention. That is why we wanted to do the NO2 NAAQS as a roadway standard and get some monitors to support this effort moving forward.

We do have grant money available. We need some great feedback on how well they are moving the reductions forward. How we can adjust that program in the future. We are going to be carefully considering all of your recommendations. And this initiative, we hope, will really be an opportunity for us to fill some data gaps we have on emissions related to transportation. We will understand some of the localized exposures better. We will get the data on

the ground in terms of what kind of public health concerns we have to address and we will begin to make some additional progress moving forward.

So with that in mind I would like to introduce Rob Brenner, a man who needs less introduction than I do, so it is rather obnoxious that I am actually introducing him. But you know him well and he will talk about the process and timing for us to take a look at the report that you did and how we can thoughtfully respond to that.

Presentation

by Rob Brenner, EPA OAR Office of Policy Analysis and Review

MR. BRENNER: Thanks Gina. After your nice compliment this morning, you can introduce me any time.

Let me just say that there is something pretty important to be aware of with respect to this program which is it is already underway. As Gina mentioned, we are starting to do it and that makes this different from the kind of project where we talk to you about our plans and how we are going to develop our plans and then you will see some results.

As you will see as we begin talking here, there are a lot of results already taking place and then we are going to hopefully get better and better over time as we continue to work with you to implement these 41 specific recommendations that you have given us.

So the way we are going to do this is I will talk a

little bit about our process for responding, and then you are going to hear some specific things that are underway and that we are planning to do with communities from Rick Parkin from Region 10 and from Enrique Manzanilla from Region 9. And then Gay MacGregor is going to wrap up by talking about some of the national measures beyond the ones Gina just mentioned that are also underway.

So as I said, this is one where we really started this program a while back as our Diesel Retrofit Initiative. We were trying to figure out what we could do to retrofit dirty diesel engines. And what we wanted to do was find a way to move towards what is our ultimate vision when it comes to diesels. Our ultimate vision is to try to replace the over 10 million dirty diesel engines that are out there to either retrofit or replace all of them. And that is a vision, that is a goal that we are trying to move toward. It is going to be very hard to do, but if we are going to get there we need to figure out ways to ramp up the programs we have.

And so looking at the programs, we realized if we were going to do more with respect to diesels, that it was important to think about, well, where are the transportation nodes, the kinds of places where these engines are being used because so many of them are being used for transportation purposes for moving goods and for moving people. And when we looked at the transportation nodes, the ports, the truck

stops, the rail yards and the bus yards, they are located by and large near low-income and minority communities.

So the way for us to ramp up this effort to go after the engines and to fulfill our goals of trying to do additional work in low-income and minority communities was to go after a goods movement initiative. It would enable us to both get at engines and get at the communities that can really use this kind of assistance.

(Slide)

So the next slide shows how we are trying to get organized in EPA to be successful. As you see at the table here, not only do we have co-leads from the regional offices and they have a history of working with us on what we call the West Coast Collaborative where we have done a lot of work with diesel retrofits up and down the West Coast. But we are also bringing in people from other headquarter offices.

As Gina mentioned we have been working closely with the Office of Environmental Justice and the broader Office of Enforcement within which OEJ is housed. We will be working with our scientists in ORD to make sure that we are demonstrating the health benefits that are being achieved and learning how to go after additional opportunities to get additional health benefits. We are working with the office in OPEI that is dealing with land use and community strategies. And of course we are bringing together our different offices

within the Air Program.

So you are going to see in this case a coordinated effort across the agency to try to reach the goals that we will be talking about.

And the other reason that it is important for us to be coordinated is I want to try to draw a link back to the conference that took place earlier this week on air and environmental justice issues. And Omega did a report out at the end of the conference on the goods movement track which you were very much a leader in, and there are a couple of suggestions that you made that I want to bring into this discussion here because I think they were very important and we are not going to accomplish them without this kind of teamwork here we are talking about.

One of the points you made that I thought was very important was getting the participants into communities. Gina just mentioned the impact of going to a community that houses a port or another one of these types of facilities. On a smaller scale it is true for things like truck stops, it is true in many other instances that you are aware of involving buses, involving railroad yards, and locomotives. And once you see it, once the people involved in this see it, it tends to be a tremendous motivator and it makes it a priority on their daily personal agenda for what are they going to do to try to make a difference for the environment.

This is not just for people at EPA. We also want to bring into the community some of the other groups who will be involved in this initiative.

So for example, the pollution control equipment providers, we have had tremendous help from the people who build the pollution control equipment. Not surprisingly they have an environmental reason to do it and they have a business reason to provide that equipment. And they have become partners working with us. And several of them, Terry Goff and Caterpillar most notably, have helped in the development of this report.

And we want to make sure that they are with us in visiting these communities because as you mentioned Omega, one of the things that would make this a total homerun would be if there are jobs provided in the communities as we do these retrofit efforts, the people who install the retrofit equipment on these facilities. Certainly it would seem to be possible to make sure we draw from the communities for these definitely green-type jobs.

We also need to bring in other agencies. We have talked already about DOT and Gina has mentioned connections she has there that can help. CEQ, Ed Chu, came up to me after the session this morning and volunteered CEQ's best efforts to make sure we are engaged with DOT and now that will happen; I am very confident and it is important especially as we move

toward new legislation in the transportation arena. And we want to make sure some of the concepts from our goods movement work are incorporated into that legislation which will start to move pretty soon up on the Hill.

And then we really need your help in an area that we also talked about which is effective communications. How do we make sure we get the word out effectively to communities? We had that discussion when it came to regulations this morning. We need to have that discussion again, if not now, then later on through emails and follow-up discussions of your advice on how best to reach out to the communities engaged in ways that will provide for meaningful participation on the part of the communities. We have some ideas which we will be sharing with you.

(Slide)

And then finally in the next slide, one thing we are going to do to keep the communication going in this area, is we are going to give you a timeline and we are going to do our level best to meet it in terms of responding to those 40-some recommendations that you made to us.

There are recommendations that span the arena from environmental management systems to suggestions on collaborative processes, science-based suggestions, monitoring suggestions, financing, you really did a tremendous job of looking at all the different dimensions of this work.

And so what we are proposing to do is give you our first set of responses at the end of March for the recommendations that we feel we can provide either an immediate response or one in the next couple of months. These are the ones where we think we can look at them, think through them over the next couple of months, and give you some answers and some pretty clear next steps. And it is draft because we are going to give you a chance to react to them. We are not going to tell you, okay thanks, we are off and running and we are going to do it. We are going to say, here is what we think would be a sensible response and we will give you a chance to react to it.

Then the ones that become more complicated than that, it is going to take us a little more time and sometimes it is going to require interagency coordination. And being candid, some of them may even end up getting stuck because it is going to be hard to figure out how best to work with OMB and other agencies. But we will do our best to get answers.

The ones where they are within EPA's purview, where the problem is just we need to make some hard choices, we need to get the issues framed and teed up and then some hard choices are going to be made.

I think you saw enough this morning of Gina and you know the Administrator's bias towards action to know that if we can get these issues framed, they will get decided. And

the other ones that require additional interagency work, we will reach out and start trying to make that happen too.

So that is the plan and we could talk about that at the end but first I want to give you a chance to hear some more specifics as to what is going on now and what is planned in the regions; so Rick.

Presentation

by Richard Parkin, EPA Region 10

MR. PARKIN: Hello everyone my name is Rick Parkin. I am from EPA Region 10 in Seattle, Washington. I am the Acting Director of the Office of Ecosystems, Tribal and Public Affairs there and in that office we have the Environmental Justice Program, Tribal programs, we have Superfund community involvement, NEPA review and a number of other programs.

I would like to mention some of the steps that regional offices are taking now to address goods movement issues; some things that we have been doing for a while and some things that we are starting to do.

As you know probably better than I, there are a lot of activities in the regions that affect communities and environmental justice communities and so the regions are spread thin and they are not all doing all of the activities all the time. They are shifting their resources around to focus those resources.

And the reason I started this way is because you

might wonder -- it has become obvious that Region 10 did not select a goods movement project or community for our environmental showcase community effort. And we instead selected a community that is impacted by a variety of agricultural activities and has limited, and in some cases no access, to safe and clean drinking water; even though we are the Co-Chair for the Goods Movement Workgroup. So I just wanted to point out that we have these priorities that we have to face.

But we are here to talk about goods movement and I am going to mention mostly voluntary programs that we do through our air programs and I think other speakers are going to touch on regulatory programs. And then after quickly going through some air programs I want to mention a few other tools that regions are using and starting to use to be more effective in addressing goods movement.

So every EPA region has a collaborative with state and local agencies, ports, industries, environmental groups, et cetera working together to reduce diesel emissions. Regions 9 and 10 work together on that so I hope I do not step too much on what you are going to say. We work collaboratively together on the West Coast Collaborative.

So in the ports and marine sector, the West Coast Collaborative has awarded 19 diesel emission reduction grants for over \$20 million. These grants provide shore power to

cruise ships, some roll-on/roll-off vessels, so they can shut down power when they are in port.

We have funded seawater scrubber demonstration projects to reduce emissions. We have funded retrofitting and replacing old port trucks and equipment.

In the trucking sector we have issued, the Collaborative has issued 19 grants for almost \$20 million including such things as aerodynamic treatment of over 1,500 trailers, replacing pre-2004 on-road drayage trucks with 2009 or newer trucks, replacing utility maintenance trucks with diesel/electric hybrids. And in Region 10 we funded a Cascade Sierra Solutions Project to address truck idling concerns in a specific community in South Seattle.

In the locomotive sector, the Collaborative has funded 8 grants for \$12 million to do such things as repowering switcher locomotives and utilizing auxiliary engine-idle reduction technology.

Other kinds of collaboration that we are doing with major ports using other tools besides just air program and diesel collaborative tools, in Region 10 for example we worked with the Port of Tacoma and the major ports of Taiwan to bring them together and they signed a declaration to reduce diesel emissions at all of their ports, sharing best practices, and that sort of thing.

In Region 2 they issued \$7 million worth of ARRA

grants and partnered with the Port Authority and others to finalize a clean air strategy to reduce diesel emissions in Newark, New Jersey.

And back with an international Region 10 example, the Port of Tacoma and the Port of Seattle have partnered with the Port of Vancouver, British Columbia to reduce seaport related diesel emissions by 30 percent and they are aiming for 2010 for that reduction.

And then an example that has been used here a lot over the last two days is the CARE Program and a number of regions have funded many CARE projects that address goods movement activities, traffic, idling in neighborhoods and that sort of thing.

So other tools that we use and I am going to talk mostly about Region 10 because I know mostly about us but I know other regions are doing these kinds of things too. And one thing we did in 2009 is our Environmental Justice Program conducted a review of two communities in South Seattle that are affected by a goods movement and by many other things as well.

And that environmental justice review was a very powerful tool for us. We learned of a number of opportunities to enhance the involvement of those communities in our activities and to enhance our own EJ Program integration efforts by doing that review. And that is a valuable tool for

regions.

Another tool that we use in Region 10, and I know it is used in other regions and I think Enrique is going to talk about it as well, is NEPA. EPA has NEPA review responsibilities where we review the EIS's developed by other federal agencies.

And one of the points that has been made at this meeting repeatedly is where are the other agencies? One place where they come to the table on EJ matters and all environmental matters having to do with specific projects is the NEPA table. And Region 10 has taken the opportunity on a number of occasions to become a cooperating agency on major transportation issues. Even when we do not have a federal action we are taking, we can still ask to be a cooperating agency and that gives us early and frequent input. It also gives us some say in decision making and what goes into the document and what is said in the document because our name is going on the cover and so we have some deference there.

So another tool that we have started using in Region 10 and this became pretty obvious to us in our environmental justice review of the South Seattle neighborhoods, a tool that we need to use more aggressively than we have in the past for environmental justice purposes, is our State Performance Partnership Process. Much of the work that goes on in neighborhoods, in urban neighborhoods in Region 10, is

conducted by our partners to whom we have delegated programs. And we need to enhance our participation with them and one way to do that is through the Performance Partnership Process, PPG/PPA process, in which we negotiate activities for the coming year or the coming two years.

So I think covers it; Enrique I will pass the baton on to you.

Presentation

by Enrique Manzanilla, EPA Region 9

MR. MANZANILLA: Good afternoon. My name is Enrique Manzanilla and I am the Director of what is known as the Communities and Ecosystems Division at Region 9. Our office is in San Francisco. And let me expand on a few things that Rick already mentioned.

In my division I have the NEPA Review Program and the Environmental Justice Program amongst many other programs. As you may know, I think, in the state of California there is an extensive goods movement footprint in the state of California.

A few years ago they went through a very ambitious effort to produce a goods movement action plan to consider all these different aspects of goods movement; the environmental public health aspects of goods movement. And they identified, if I recall correctly, four major corridors in California. The Central Valley, in Northern California the Bay Area, the

L.A. Long Beach Inland Empire Corridor, and then the border of San Diego and along the border corridor; I think I got them all.

We are working -- I am going to just quickly review I think the areas that we are trying to engage in with regard to goods movement. First in terms of our NEPA review responsibilities, Clean Air Act, enforcement, collaboration and innovation, and last but not least, community empowerment.

I think when you look in the L.A. Long Beach area and South L.A./East L.A. area, stemming from the ports of L.A., the I710 freeway is a major goods movement corridor. And it is a corridor that has attracted a lot of attention over numerous years.

We are actively engaging with the transportation authorities, both at the federal and state level there, and there is a proposed expansion of that corridor, of I710, and we are actively working with Caltrans to look at all of the different impacts especially from an air quality perspective of that corridor. We worked with Caltrans to include improving air quality in public health as a component of the project purpose and need for that particular environmental impact statement.

One thing that Rick mentioned is that we are working with Caltrans and community groups to encourage the use of the Health Impact Assessment tool within that corridor and within

the EIS for that corridor.

We are also working with community groups to encourage the ports of L.A. and Long Beach to adopt the same HIA process in the work that they do in assessing the impacts of their projects.

Under the Clean Air Act we work with the local jurisdiction there to ensure that the Clean Air Act plan that jurisdiction develops includes ports-related control measures, measures to reduce emissions from in-use diesel, cargo handling, ---, ship auxiliary, and main engine fuel and trucks.

We are very proud to be supporting the leadership and active work of the California Department of Toxic Substances Control in leading a multi-media effort to focus inspection and enforcement authorities along a 23 mile stretch from the ports of L.A. Long Beach via the I710 through East Los Angeles.

And we are working actively with our state and local partnerships but also with the community members. The information, we are acting upon information generated by community members and local governments. So it is a very important collaboration. We are supporting it monetarily with money from our colleagues at the Office of Environmental Justice, an EJ State Cooperative Grant, as well as some of the Showcase Community grant monies.

In terms of collaboration and innovation, we are working to support our state and local partners on the development of a clean air action plan for the Southern California ports. It is a five-year plan which sets out to reduce pollution from all port-related sources by nearly 50 percent. It is a plan that runs through 2011. It highlights the goals; emissions reductions and budgetary needs for the ports. We are also working with the Port of Oakland and the community group members in a process to come up with emission targets for the Port of Oakland. And we are participating in stakeholder groups advising the port's environmental policies and programs.

We have signed an MOU with EPA headquarters, the California Air Resources Board, South Coast Air Quality Management district and the San Joaquin Valley Air districts to address the needs for new technologies to further reduce air emissions from on-road and off-road mobile sources.

In terms of collaboration and community empowerment, I think there is no accident that a lot of our monies, whether it is from DERA, the CARE Program, the EJ Small Grants Program, have landed in goods movement communities whether it is West Oakland, San Diego, Pacoima, or Riverside. It is an example of us investing in those communities and trying to empower and create the collaborative mechanisms that I think are so beneficial and in areas like this. Thank you very

much.

Presentation

by Gay MacGregor, EPA Office of Air Quality, Planning, and Standards

MS. MacGREGOR: Good afternoon. My name is Gay MacGregor and I am in the Office of Transportation and Air Quality in Ann Arbor, Michigan. And some of you know this but others do not, the Office of Transportation and Air Quality is co-located in Washington, D.C.; we like to say we keep our bosses there and we operate out of Ann Arbor and do all the work.

But truthfully the role of my office is mostly, has historically been, to regulate anything that moves and pollutes. So if it has an engine, we are likely to put a standard on it or have put multiple standards on it at this point. And that has been a very effective way to reduce air pollution.

However, as Rob mentioned, the standard setting has not been enough. Our authority extends to new engines only, so we do have this legacy fleet that moves goods around the country that needs to be addressed.

And I also Co-Chair a workgroup of the Clean Air Act Advisory Council on Diesel and Terry Goff who I think was really involved and Co-Chaired this workgroup, also was very active in my workgroup. So I have been kind of following the progression of the Goods Movement Workgroup and the report as

it has evolved.

I want to say though that when I finally read it and it was finally finished I realized it was much more and nothing that could be fully addressed by just making standards. It is about a whole new way of doing business as we look at how to reduce the impacts of goods movement.

There are a couple of things I just wanted to tell you about in the report that we have actually managed to accomplish. For one of your recommendations, number 15, which EPA should ensure effective and early control of emissions from ships and ocean-going vessels including emission control areas to accelerate international standards. And I am happy to report, many of you may know this, that we actually did submit an application under MARPOL Annex VI and that is the treaty, for those of you who do not know, that governs emissions from ships, ocean-going vessels.

And this is just a little aside, I looked for a long time to figure out what the acronym MARPOL meant, what it stood for, was it Marine Organization, but no it is actually the first three letters of marine and the first three letters of pollution, and so it is MARPOL.

And under that treaty, which we actually became a party to in 2008, in 2009 we submitted a joint proposal with the US and Canadian governments to designate areas of our coast for low sulfur fuel use. So that means that effectively

any ship passing through those waters will have to use a decreasing fuel sulfur level as time goes on. And it should be approved in March, next month actually, and then it would go into effect as early as 2012. And that will substantially reduce the emissions that are coming from the ocean-going vessels.

December 22 we proposed standards for US flagged ships that matched the standards that we had proposed through the MARPOL Annex VI in 2008. And that is sort of the third leg of our strategy to control ocean-going vessels. And we think it is going to be very effective. The benefits from our rules in total, in that one in particular, is something like 30:1 so for every dollar you spend you get thirty dollars in health benefits and it totals up to billions.

Also as an interesting side, part of the goods movement report recommended that we expand the analysis we did for our 2007 Locomotive Rule which is basically an EJ analysis. We did air quality modeling and used census data to find the populations that were exposed to emissions from locomotive hubs and from ports. And we did redo that analysis and update it for the latest rule that we published in December and it is available to look at.

But what we did find is that minority populations were two to three times as likely to be exposed to the pollution from ocean-going vessels. And in fact, I think at

certain exposure levels, 67,000 people are exposed to ocean-going vessel pollution. And these sets of regulations and the combination with the emission control area will substantially reduce that exposure.

Also we have talked a lot about DERA, the Diesel Emission Reduction Act, and I have to say that this is probably my favorite recommendation, personally gratifying, in the report because you all really supported and wanted more funding for DERA.

And I think it was March 17, 2000 that we started the Diesel Retrofit Program and we started with no dollars and it was not until 2008 that we actually got any money. And this last year we got \$300 million in the ARRA funding and then we got another \$120 million between the 09 and 10 appropriation.

And we have just closed the solicitation and what we did this last time to accommodate communities and tribes in particular was to lower the level of the floor for what you needed to come up with in terms of proposal. Because we are short in staff in some ways for managing grants, we had been advertising grants of \$500,000 and \$1 million and we would not accept anything lower. And we were finding we were not getting the applications. So we have changed those rules and this time we actually solicited a special tribal solicitation with a lower amount of money required and we have not finished

the evaluation but soon we should be announcing the winners and there were eight applicants so we were very gratified. In our future funding approach we will do some similar things.

We also did outreach through our diesel collaboratives and there are seven in the country. They are very involved with a lot of the communities. And we did webinars for applicants so that they could understand how to apply. And we will continue to do that and we are committed to doing special outreach with communities and working with you all to do that in future competitions.

A couple of other things just that are responsive to the recommendations in the report. You made a recommendation about SmartWay and encouraging corporations to use models like the SmartWay model called Fleet to evaluate its emissions footprint. In the past year we have engaged, not only the major corporations, we have now gone from shippers and carriers of goods to over 2,000 partners; all the big shippers in this country are members of SmartWay. It has been mostly focused on trucking but we are now expanding and we completed a dray fleet model so that trucking companies around ports can evaluate their emissions. We have created financing mechanisms so that the truckers can get financing, low-cost loans, so that they can replace and retrofit their trucks.

And we also have engaged the airline industry and the marine shipping industry in developing models that will

allow them to quantify their emissions so that you can actually, if you are a company, quantify your emission, your footprint, from production to distribution in this country. And we have also engaged a number of other countries so that we can extend that model to be able to get emission factors into the logistical supply networks so that you can actually constrain your supply chain by carbon or NOx or PM. And those models will be done probably in another year. So we have the Fleet model, we revised our Fleet model for trucks, and we have one for dray now. So those are some of the things that are in the report that we have actually already moved forward with and we think we will be completing soon.

With that I guess we could start taking questions.

Questions and Answers

MR. CAPTAIN: Thank you for your really good report. Thinking proactively, I don't even know if this is on your radar screen or not, but as some of you may know within the next decade the Northwest Passage is going to be wide open and the quickest way to the Far East from Europe will be through that passage. And I say thinking proactively, through that passage a lot of my friends, I would say, like the Eskimos in the North, rely heavily on the whaling, the fishing and the sealing, the animals that inhabit that water. And I just would like to know if there is any planning that is coming down the pipe for addressing all the woes that is going to

come with all those ships going through that passage. I have not seen any reports of anything but I do know that once that comes open it is going to be heavily trafficked.

MR. BRENNER: Thank you for that. It is certainly something we should be thinking about. There will be many groups that will be very concerned about environmentally how a passage such as that is treated. Rick is that something that you are able to put on the list for the region too?

MR. PARKIN: Definitely and actually Peter you probably know that it has already come up in the region as something that we need to be thinking about and planning about. And we at Region 10 are involved internationally with a group of countries around the Arctic and I think that is an issue that we need to address in that forum as well.

MR. WILSON: Thank you very much for being here. I have been doing a lot of emails to Gay and we have become pretty good buddies in the last several months.

MS. MacGREGOR: We are going to get DOT here, aren't we?

MR. WILSON: Yes we are going to get them here. First of all I would like to thank Gay for participating in the Goods Movement Community Facilitated Strategy Air Quality meeting we have been having for the last -- first part of the week. She has been very helpful and we had a chance to introduce her to a lot of the community people that she

thought were going to eat her alive but they didn't do it.

MS. MacGREGOR: Omega is just exaggerating; he doesn't think I have ever been to a community meeting before.

MR. WILSON: But a lot of them are still here. I have a short list of things that -- you know at a brief lunch they want to remind me and make sure that we don't forget.

One is including in this process a Community Facilitated Strategy member of NEJAC to continue to follow this process because it is not going to be something that is going to go up and come down; it is going to be, as Peter has mentioned, long-term.

And they were asking that a position -- I guess I am talking to Charles and everybody else about this, that a position be identified specifically related to Community Facilitated Strategy to follow this goods movement so they will have somebody to talk to because I am going to be retired and put on the shelf this afternoon, shortly after we get through. I am not sure if I am going to get dusty or not.

That is one big piece, so the community people will have somebody that they can trust to talk to, a person they can go to because I have been the go-to person for three years now. And a lot of people I didn't know who are in this audience, didn't know whether they wanted to knock me off the NEJAC or not because they didn't know who I was and didn't know if I had any credibility or not. That is one thing that

is important, somebody with credibility who knows what the experience of the goods movement piece is.

The other part has to do with the goods movement policy recommendation is founded on air quality. And in the Community Facilitated Strategy, I am very glad that you showed it in your second slide up there, in partnership with collaborative governments -- that Lang and I partnered to help put together for the policy recommendation -- that included in that process, the Community Facilitated Strategy process, that there is funding for groups to continue to participate in this process.

Because a lot of people here are here on their own dime and part of the dime, half of the dime anyhow, was my being able to get them to come as a part of the panel and resource people for the conference we had about air quality; so some of them possibly would not be here without that. So something has to be in place -- I don't know whether you would call it a community goods movement team, but the general overall name that people want to give it -- people want to continue to use the Community Facilitated Strategy as a label, an identifiable label.

The other one is the multi-media. It is a policy recommendations based on air, however, we know in EIS statements, studies, that they identify how many waterways they are going to cross, how many wetlands they are going to

cross, how much public water that they must avoid, et cetera and of course they deal with agricultural lands so the air quality and the water quality and the soil, I mean it is right there staring us in the face. And land use is a part of the policy recommendation. So people are pounding me in the head that, you know, that cannot be left out of the language and nobody mentioned that. We know this was officially an "air quality" piece, but that is the interagency or interdepartmental thing that needs to be put in the language and needs to be restated to make it very perfectly clear. Because the corridors are not going to be built in the air they are going to be built on the ground and they are going to run across water, et cetera, et cetera.

The other part was we know there are a whole lot of people who are high-end university people like my buddy over here, Paul, and Langdon who are going to be jumping for the money to research all the things related to this. And what we do not want, and a lot of friends in the audience like Margaret Gordon and Jesse Marquez and Angelo, will not be letting me out of this room unless I make sure it is clear to you, that as far as the money that they expected to get, that that has to be partnered and ensured specifically with the communities up front. And if they do not make a commitment to do that, they don't get any money. Did I say it right? Did I do it?

(Chorus of "yes")

MR. OMEGA: To make sure that they do not get a dime unless the commitment is part of the application. Not a consideration based on their mind, heart, soul, and whether they got saved the previous Sunday but it has to be part of the application document and it has to be in writing and identify the community groups that are affected. And it should have a sign-off that that particular group or those groups know about the application and have participated in the application partnership as a partner upfront or they do not get a dime which related to the Title VI language that we have talked about before.

The other piece is a lot of these areas where port corridors or port areas are going to be expanded or brand new and most of this language has to do with air quality issues for their corridors or marine port issues already existing. For instance in North Carolina there is a plan to build a brand new international port on brand new ground. And a lot of the Native American communities, low-income minority, and white populations have no idea what is coming. I have tried to tell them and they have said "I don't know anything about that."

So the language, I don't know what you would call it, preventive or brand new or virgin territory where people have no idea; they are not warned. Local governments have no

idea; they do not know what is coming, that this is goods movement at all because they have never had anything quite like it. So it is not an expansion but the language clearly identifies what needs to be done for communities that are not in the process already; that it is proactive. That they do not need to find out and discover they are going to be hit by a corridor, that the process tells them and invites them in and educates them to the process. I think it was four things but that's -- you know.

MR. BRENNER: Let me just say, well I counted five, but they all fit together pretty well. Because what I am hearing from you is first of all we need to have community involvement in a meaningful way. Fortunately we have a history of working with Charles to find ways to make that happen where, as you put it the other day, communities are not just being consulted but they are being involved in the decision making. And if you set up the right kind of collaborative processes, that is what will occur. And so that is one of the things we will be working on here.

The other piece of what you said was that there are other media that we need to start paying more attention to now that we are beginning to get our act together and thinking through these air issues. There are certainly water and probably in some instances waste and toxics issues too and we need to address those. We are going to need to consult with

our colleagues, Pete and his folks in the water office.

It is also going to, once we do that, enable us to get after some of the permitting issues. Because the way to deal with some of those new projects that you were talking about in new areas is they are going to need permits and if we do a good job in the permitting process, working with our colleagues, those processes are now supposed to be run in ways where communities can get engaged relatively easily because they are going to be informed that this permit is under way and we will find ways to bring them into the process where they can really participate. So those are all very helpful comments, thanks.

MR. RIDGWAY: John Ridgway with the Washington State Department of Ecology. This question gets to I think what Peter Captain brought up and Gay brought this up specifically, but maybe for Gina and/or Cynthia Giles who is not here, on the issue of the use of low sulfur fuel to improve what the ships are burning, how is that going to be enforced? I mean this gets to, you know, we set these goals or rules but in reality how are we going to know it is going to be working when we are talking about ships that are out to sea and in reality to know that they are using it and that there is an improvement on the air quality? And in particular maybe up in Alaska and this new Northwest Passage that we all expect is going to happen.

MS. MacGREGOR: I think it is a good question. The responsibility for enforcement of the treaty falls to the Coast Guard. So the limits actually are -- for the most part, not every where in the emission control area, but for the most part are 200 nautical miles so it is a big area. But certainly as ships come through port or even pass by a port, it should be much easier. Plus the fuel availability will control it to some degree.

It is kind of an interesting thing. I had a conversation with Maersk a couple of years ago and as you know they switched -- they do fuel switching when they come into port at least in Los Angeles and Long Beach and their attitude was this is what the host country wants us to do. So while we do not have necessarily -- it is hard to imagine how you actually would control it, I think that actually we will find that it does work. And from my knowledge, and I am probably not the best person to address this and I can tell you who is in our office, but you know there are other eco's like in the Baltic and they are working.

MR. RIDGWAY: This just gets to, again, the need for other agencies to be involved and for them to be aware of these EJ issues as much as you may be in adopting these rules.

MS. MacGREGOR: I think the Coast Guard is pretty well aware. I think we have had a really pretty good partnership with them as we have worked through the IMO

process, the UN process, to get the standards that we propose. I mean basically, you know the US standards were pretty much what were accepted in 2008 and I think we do have a fairly good working relationship with the Coast Guard on that. So I would expect we would keep on it.

MS. McCARTHY: Let me just add that the Coast Guard is actually the delegate to the IMO. And EPA is invited there and it is the Coast Guard that really has been out in front on these issues internationally with us. So I have no question about their support for this.

MR. MARSH: First of all I am really pleased and very excited that you have taken this so seriously that you are going to give us a written report with an opportunity to comment. I mean I think that is just fabulous.

I had a couple of comments. One, I am sure you are aware of it but I am not sure everybody is, I mentioned earlier the Sustainable Communities Partnership among the three agencies; HUD, EPA and DOT. But it seems to me that on some of these goods movement collaborations, Community Facilitated Strategies, and when appropriate the collaborative governance piece are perfect opportunities for that partnership to get together and identify communities with the help of the ground-up request for that kind of help. And to use the amplified funding resources of three agencies to fund the Community Facilitated Strategy, the community capacity

issues, and the collaborative governance, when that is appropriate. So I just wanted to put that pitch in so that we can come back to it and ask how it has been working.

The second thing is, I think a lot of this work that we did in the Goods Movement Workgroup was done with the information that is now three or four years old and we were only asked to look at goods movement. But the real issue of diesel retrofits and so forth is, as you pointed out, it is engines and in a lot of parts of our country the contribution of stationary engines, diesel engines, to poor air quality especially in many EJ communities is a very significant portion. And so I guess I just wanted to -- we did not address it really because we were not asked to but it seems to me that that is a significant part that maybe you could talk about a little bit.

MR. MANZANILLA: Thank you, those are great suggestions and questions. And on the HUD, EPA and DOT partnership, in Region 9 we are already starting to have those discussions with our colleagues at HUD and DOT. Actually just before I came here we were having a discussion, not just with HUD/DOT, but with a bunch of other federal agencies on the San Joaquin Valley. Not just from a goods movement perspective but from an economic development, you know community development perspective. So we are having those discussions and we are also starting to have those discussions around the

I710 corridor which I talked about.

So I agree with you; I think that is an important platform, an important venue that we need to take advantage of not just with our colleagues at HUD/DOT but with our federal colleagues even beyond them.

MS. McCARTHY: Rob and I were fighting to answer your second question; fighting for the opportunity to answer it. I wanted you to know that OAQPS is developing a MACT standard for diesel engines, stationary. And the great thing about it is we can use the same technologies and the lessons we have learned on mobile sources to make that a really good standard and I think it is going to be very important, so thanks for mentioning it and Rob thanks for letting me answer.

MS. MacGREGOR: Can I add to that one thing. We are ready, I mean, it does not necessarily impact ports or the type of engines but we already are doing through the retrofit program, stationary power generation with small gensets which affects a lot of minority communities and low-income communities. So we do at least have that ability through the retrofit program to do some replacement of smaller stationary engines.

Also I think in terms of the collaboration with HUD and DOT, we also have asked representation from our Office of Policy to be on the workgroup to respond and they are the ones that are I think leading some of the efforts. And have the

Smart Growth Office, which they are also looking at something beyond BMT reduction but also starting to look at freight.

MS. YEAMPIERRE: I have three questions that I was asked to present. One is how will EPA address EPA hot spots or diesel magnets in terms of land use? The other is will EPA work toward adopting diesel as a hazardous air pollutant? And the final one which you may have answered in part is how will EPA address facilities like rail yards that are considered mobile sources but are actually stationary in our communities were we have a good number of trucks and trains that stay in the facilities 24/7?

MS. MacGREGOR: I can address the first issue of -- go through your questions one more time.

MS. YEAMPIERRE: The first one was how will EPA address EPA hot spots or diesel magnets in terms of land use?

MS. MacGREGOR: We are actually about to come out with hot spot guidances. You might know we have a new mobile emissions model called MOVES and it unlike its predecessors enables us to do quantitative particulate matter hot spot analysis. And we are working right now with DOT to issue guidance so that when we do transportation conformity analysis, at least in non-attainment areas, it will eventually be required. But the capability to do the modeling will be there and the guidance on how to do that is under development now. So that is to the first question.

MS. MCCARTHY: The second question, diesel as a HAP. Good question. It is an issue that has been struggled with in the past and we think it is worth revisiting.

MR. BRENNER: Just to say that it went to the science advisory board; they stalemated on the science behind calling it a HAP and the question would be whether to now revisit that. And as Gina mentioned to me before, one of the things we would want to look at is is it going to give us some additional authorities that will be really valuable compared to the authorities we have now, where you have the ability to go after diesel because they produce fine particles which are a significant health risk too. So we will take that into account also in deciding when and how best to go back to the Science Advisory Board.

MS. YEAMPIERRE: And the final question which was how will you address facilities like rail yards that are considered mobile sources but are actually stationary sources in our community because they have the trucks and the trains and they are there 24/7?

MS. BRENNER: Well this is where, as you saw on one of my slides, we want to bring in our stationary source folks to work with us. There is a legal authority issue where if you have sources that are moving, although you are right they are moving in a confined space and for all intents and purposes they are like a stationary source; we do not always

have the legal authority to treat them as a stationary source. Sometimes we have to treat them as a collection of mobile sources. But your point is a good one.

The right thing to do is to bring our stationary and mobile source folks together and say, given our legal authority, given the tools we have, how do we best go after this type of facility and bring together all of our Clean Air Act, Stationary Source side tools with our Mobile Source side tools and any other tools we can think of that might be available to do an effective job on these facilities. And I don't know that we have really done that yet as well as we could so we will put that on the list.

MS. YEAMPIERRE: Thank you.

MR. MOHAI: Yes, I just want to make a comment and I am not sure if I misunderstood Omega but I just want to make sure people know that university people are resources. I am serious about this. Service is part of our job, we do not charge by the hour like doctors and lawyers and all the research I have done has been using secondary data sources. I would never take a penny from a community. And I totally respect the experiences you may have gone through with some researchers but I guess I don't agree with casting all of us the same way.

MS. YEAMPIERRE: I think that, Omega if I can speak for you, that Omega was being lighthearted. There are

certainly a lot of partners that we have throughout the country that work respectfully in partnership with EJ organizations. And then there are those that are really the problematic ones. And I think the reason that what is being proposed is a formula that really does not disempower our communities and provides an equitable distribution of resources because those unfortunately are sometimes huge. But there is a whole lot that we could not do if we did not have partnerships with people like you.

Someone earlier mentioned, talked about Luke Cole passing away and one of the things that I said at his memorial was that in our struggles for justice there have always been people who do not look like us standing next to us, behind us and in front of us and that we would not be in the positions that we are if we were not doing this stuff together so clearly all institutions are not the same.

So we are going to be breaking now for 10 minutes. Thank you very much to the panel for your thoughtful responses. Please be back in 10 minutes.

MR. LEE: Well, let's get started. We have a very impressive panel here and they are identified in your agenda.

Let me give you a little bit of background to this. As you know, there was a *USA Today* article that focused on school air toxics. And one of the first things that Administrator Jackson did was to live up to a commitment to do

monitoring around schools. And along with that she emphasized the need to involve the community in that process. As a result of that, the Air Office and the Office of Environmental Justice pulled together a workgroup under the NEJAC to work with the process and to provide some recommendations. So they are here to provide their draft report and to discuss with you their recommendations.

Now this is for the purposes of review by the parent committee, meaning the NEJAC Council, for the purposes of transmitting a set of formal advice to the Administrator.

So I am not going to, for lack of time, I am not going to go through every single person.

This is going to be done in two parts. The first is a presentation on the status of the work and then the second is a presentation on the report itself. So I think Chet you are the first one?

EPA School Air Toxics Monitoring Initiative

Status Report about Monitoring Initiative

By Richard (Chet) Wayland, EPA Office of Air Quality Planning and Standards

MR. WAYLAND: Yes, thank you Charles.

(Slide)

I am not going to reiterate a lot of this because Charles kind of went through this and how this came about but I did want to point everyone's attention to that third bullet which was that the Administrator committed to mobilizing