

♦♦ *Public Health Advisory Panel on Coal in Oakland, California* ♦♦

June 14, 2016

Honorable Mayor Libby Schaaf  
Oakland City Council  
City Attorney Barbara Parker  
Assistant City Administrator Claudia Cappio  
1 Frank Ogawa Plaza  
Oakland, California 94612

Dear Mayor Schaaf and the Oakland City Council,

We are forwarding an analysis of the potential public health issues and impacts associated with the transfer of coal through the proposed Oakland Bulk and Oversized Terminal (OBOT) planned for construction at the site of the former Oakland Army Base adjacent to West Oakland just south of the Bay Bridge.

We undertook this assessment to supplement other analyses for the proposed OBOT project. We sought to consider specifically the implications of the transfer of vast quantities of coal from Utah by rail to the OBOT and then on by sea to foreign ports. We hope that this will prove to be a valuable supplement to the other analyses and submittals that you will have available to consider.

We would note at the outset that we recognize the importance and value of further development to Oakland particularly in terms of the employment and economic growth that it could help to engender. We understand that good jobs and a sound economy are very important to public health. We also appreciate that you are pursuing an agenda to achieve greater well-being for the City and its residents.

We are aware of course of the great degree of public concern and interest, as shown at the public hearings held and extensive record developed by your staff. Obviously much has already been said and written about this proposal. However, we did not find an organized focus specifically on the public health issues.

We reviewed much evidence from the existing record from the City. We have also sought to draw on our professional experience and knowledge to consider as fully as possible the public health implications of the proposal. We have identified and consulted additional scientific references and other sources and conducted analyses and calculations of our own.

Obviously, more could be done. We are all constrained by the time and resources available.

We present our report in two sections. The first part is an executive summary that lays out our major conclusions. The second part provides a more detailed brief that explains how we reached these conclusions and the evidence that we considered.

A brief summary of our findings points toward heightened health and safety risks associated with the proposal at hand through a variety of exposure pathways that are well-established in

♦♦ *Public Health Advisory Panel on Coal in Oakland, California* ♦♦

the literature. We see the most clear and present threat to health coming from increases in particulate matter from both coal dust emissions and diesel fuel combustion from the trains. We conducted a robust investigation of the proposed mitigations for fugitive dust from the trains, namely the coal covers but also surfactants. We conclude that the covers are unproven and the surfactants likely to be ineffective by the time the trains are in proximity to Oakland's residents. We also investigated the working conditions for the proposal to transfer and store the coal in a closed facility. We have not identified evidence of safety of these designs that can assure us the inherent risks are resolved adequately, especially given the nearby urban population center and critical infrastructure. We note that the greenhouse gas emissions that will result from combustion of coal proposed for shipment from Oakland will on a cumulative basis contribute significantly to climate change, which also causes substantial health harms to the residents of Oakland. Finally, we found that the residents of West Oakland face higher levels of exposure from OBOT, with greater subsequent health risks that are compounded by high underlying chronic disease and low economic status, meaning the OBOT project is likely to worsen serious inequities in Oakland.

We hope that these findings are useful as you prepare an ordinance and proceed in your decision-making concerning the future health of Oakland. We are available for questions or conversation at any time.

With regards,

*Public Health Advisory Panel on Coal in Oakland*

(Alphabetically)

Charles M. Crane, MD, MPH, former Medical Director, TB Program, Contra Costa Health Services

Paul English, PhD, MPH, Public Health Institute, public health epidemiologist

Jonathan Heller, PhD, Co-Director and Co-Founder, Human Impact Partners

Janice Kirsch, MD, MPH, Medical oncologist and hematologist

Heather Kuiper, DrPH, MPH, public health consultant

Amy D Kyle, PhD, MPH School of Public Health, University of California Berkeley (institution for identification only)

Bart Ostro, PhD, former Chief of Air Pollution Epidemiology Section, California EPA, currently Research Faculty, Air Quality Research Center, UC Davis

Linda Rudolph, MD, MPH, Center for Climate Change and Health, Public Health Institute, former Health Officer and Director of Public Health, City of Berkeley

Seth Shonkoff, PhD, MPH, Executive Director of the Energy Science and Policy Institute, PSE Healthy Energy; Visiting Scholar, Department of Environmental Science, Policy and Management, UC Berkeley; and Affiliate, Lawrence Berkeley National Laboratory

Please contact Heather Kuiper with any questions at 510-282-5145



# **An Assessment of the Health and Safety Implications of Coal Transport through Oakland**

**Public Health Advisory Panel on Coal in Oakland  
Oakland, California  
June 14, 2016**

## Panelists

Charles M. Crane, MD, MPH, former Medical Director, TB Program, Contra Costa Health Services

Paul English, PhD, MPH, Public Health Institute, public health epidemiologist

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former Health Officer and Director of Public Health, City of Berkeley

Seth Shonkoff, PhD, MPH, Executive Director of the Energy Science and Policy Institute, PSE  
Healthy Energy; Visiting Scholar, Department of Environmental Science, Policy and  
Management, UC Berkeley; and Affiliate, Lawrence Berkeley National Laboratory

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- Brendan DeCenso, MPH, Public Health Analyst and medical student, University of Pittsburgh School of Medicine
- Elizabeth J Fuller, DrPH, Health Policy Consultant

## Endorsements

More endorsements will come in. A final list will be made available prior to the June 27, 2016 meeting.

John Balmes MD	Professor of Medicine, Division of Occupational and Environmental Medicine, University of California, San Francisco
Wendel Brunner MD, PhD, MPH	former Director of Public Health, Contra Costa Health Services
Arthur M. Chen MD	former Public Health Officer, Alameda County; President of Alameda-Contra Costa Medical Association
Larry Cohen	Executive Director, Prevention Institute
Robert M. Gould MD	Associate Adjunct Professor, Program on Reproductive Health and the Environment Department of Obstetrics, Gynecology and Reproductive Sciences, UCSF School of Medicine (for identification purposes only); President, San Francisco Bay Area Chapter Physicians for Social Responsibility; Immediate Past-President Physicians for Social Responsibility (National)
Anthony Iton MD, MPH, JD	Former Director, Alameda County Public Health Department
Richard J Jackson MD, MPH	Professor, UCLA, Former Director, CDC National Center for Environmental Health
Rick Kreutzer MD	MD, Environmental and Occupational Health physician
Michael Lipsett MD	Former Chief, Environmental Health Investigations Branch California Department of Public Health (retired)
Barbara Sattler RN, DrPH	Professor at University of San Francisco and Alliance of Nurses for Healthy Environments

### UCSF Benioff Children's Hospital - Oakland

James Feusner MD	Medical Director of Oncology, Children's Hospital & Research Center Oakland; Professor of Pediatrics, UCSF
Celeste Allen MD	Attending physician
Lisa Arcilla MD	Pediatric Cardiology
Rachna Wadia MD	Pediatric Pulmonology
Noemi Alice Spinazzi MD	Chief Resident, Oakland Fellow of the American Academy of Pediatrics



## Executive Summary:

# **An Assessment of the Health and Safety Implications of Coal Transport through Oakland**

Public Health Panel on Coal in Oakland, California

June 13, 2016

A panel of public health experts considered the health and safety implications related to the potential transport, storage and handling of coal at the Oakland Bulk and Oversized Terminal (OBOT) proposed to be constructed on the former Oakland Army Base.

The panel reviewed evidence submitted to the Oakland City Council in conjunction with a public hearing held on September 21, 2015 and identified and considered additional sources including scientific articles in peer-reviewed journals, professional reports, press reports, and government data. The panel also conducted original calculations.

This review was conducted in the context of the Oakland City Council's upcoming decision concerning the proposed transport, storage, and handling of coal, which will be informed by public health and safety considerations for current and future Oakland workers and residents.

Based on its review, the panel offers the following summary of its findings.

### **Transporting coal by rail through the City of Oakland and transferring it through the OBOT facility will increase exposures to air pollutants with known adverse health effects including deaths**

- Coal trains significantly increase concentrations of fine particulate matter (PM<sub>2.5</sub>) in the local community due to emissions of both coal dust and diesel exhaust.
- PM<sub>2.5</sub>, at levels currently experienced in Oakland, is definitively associated with premature death and increases in lung cancer, hospitalization for heart and lung disease, emergency room visits, asthma attacks, adverse birth outcomes, school and work loss and respiratory symptoms. Introduction of a new PM<sub>2.5</sub> source will increase the risks of these poor health outcomes. Even brief spikes from the passing trains may increase health risks.
- Increased emissions of coal and diesel pollutants will likely push current outdoor air concentrations above state, federal, and international air quality standards. However, the U.S. EPA and the World Health Organization (WHO) have determined there is no clear safe level of PM<sub>2.5</sub> exposure and effects have been clearly documented below the standards.
- Coal dust typically contains toxics such as mercury, lead, arsenic, cadmium, and crystalline silica. These substances are of high health concern if inhaled or ingested and are known to cause cancer, fetal defects and neurological damage, even at very low doses. There are no known safe levels of exposure to these toxics.

Atmospheric transport of pollutants generated from coal combustion in Asia back to the Bay Area has increased levels of PM<sub>2.5</sub> and air toxics in Oakland.

**There are no proven methods to eliminate or reduce the emission of these pollutants to a safe level**

- Use of covers for coal cars has been asserted to prevent emissions of coal dust, but this approach is largely experimental and has not been demonstrated in the field to be safe, reliable or effective. Since the panel could find no evidence that covers for coal train cars are currently in use in the U.S., it is impossible to vouch for their safety regarding the possibility of combustion due to the confinement of coal.
- Use of surface sprays to coal for transport has been asserted to achieve partial emission control but such chemicals degrade over time. Through travel from Utah, the surfactants will degrade and will not significantly reduce coal dust emissions locally.

**There are inherent hazards in transporting and handling coal, including the risk of catastrophic explosion**

- Since coal is inherently combustible, each step in its handling creates hazards for workers and nearby communities.
- Project proponents assert that all inherent hazards can be managed by use of a closed facility that will enable transfers and storage to be completed in a confined space. We have not identified evidence of safety of these designs in comparable urban settings. Transporting and managing coal in confined spaces creates potential for suspension of coal dust in the air, which can be explosive. Coal dust also poses a hazard for workers if inhaled. Further, we are concerned that the Basis of Design documents do not actually indicate a truly closed system, meaning issues of fugitive dust typical to coal terminal facilities would apply in Oakland.
- If the design plans were to be implemented, the City of Oakland would need to assure vigilance in monitoring, operation, oversight, and prompt remediation to ensure protection of workers, residents, and the environment. This would require active engagement throughout the duration of the facility's operations. The level of oversight required, given the myriad opportunities for violation of safety and environmental protection, would be very difficult to enforce and is unlikely a reliable strategy for protecting health and safety.

**The combustion of coal exported from OBOT will contribute to global climate change, resulting in additional adverse health risks to Oakland residents**

- If climate change continues to progress, it will cause significant impacts on the health of Oakland residents. These impacts include increased heat and ground level ozone-related mortality and morbidity, displacement and economic insecurity due to storm surges, and sea level rise, and flooding, especially in West Oakland, increased respiratory and cardiovascular illnesses caused by air pollution from more frequent wildfires, food insecurity resulting in worsened nutrition, and migration of disease vectors into the Oakland area as environmental conditions change.

- West Oakland residents are particularly vulnerable to the health impacts of climate change, including increased respiratory and cardiovascular disease, heat-induced illness and death, and food and water insecurity.
- There is a narrow window during which actions around the world can be taken to prevent catastrophic climate change by limiting the overall average temperature on Earth to no more than 1.5°C. On a cumulative basis, combustion of OBOT coal produces a significant fraction of the total amount of CO<sub>2</sub> remaining for the whole world to burn over the next millennium while staying within this limit.
- Exporting coal through OBOT will undermine the local, regional, state and international climate initiatives that will protect public health everywhere—including here in Oakland. In contrast, this investigation finds that coal slated for OBOT is likely to stay in the ground absent availability of this facility, making prohibition of coal a reasonable and effective method for Oakland to contribute to the effort to protect public health globally and in Oakland.

**Impacts of coal transport and handling will be greatest in West Oakland, a neighborhood already burdened by significant and inequitable environmental hazards**

- Those who live, work and play near the rail lines and terminal will experience more significant exposures than those farther away are less likely to experience.
- High prevalence of poverty, coexisting chronic diseases, and reduced access to health care or coping resources, will make those experiencing these exposures less resilient to disease and disability.
- The transportation and handling of coal in Oakland introduces unique risks and challenges for West Oakland residents, and the implications of exposures are more complex. For example, coal trains in Oakland will add to noise exposures, which would reach levels that increase risk for disrupted sleep and reduced work and academic performance for residents living and working nearby. For vulnerable children, subsequent behavioral problems and reduced educational attainment can have far-reaching consequences.

Together, these findings span hundreds of sources that point in the same direction: If coal is transported, stored, and handled in Oakland, we can reasonably conclude that Oakland residents, in West Oakland in particular, will face increased exposure to several known hazards. It is highly likely that there will be increases in adverse health outcomes along with possible adverse safety outcomes.

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# Chapter 1: Resiliency, Vulnerability, and West Oakland

## Key Points

We start this assessment of the health and safety implications of coal export with a focus on West Oakland,<sup>1</sup> not only because it is the neighborhood closest to the Oakland Bulk and Oversized Terminal (OBOT) site and likely rail route, but also because this health assessment is ultimately about people and where they live. We also frame this assessment with the definition of health, established in 1948 by the World Health Organization and unchanged since then:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. (World Health Organization, 1948)

From that perspective, there are many ways that West Oakland is a healthy community. Many of its residents are engaged agents of their lives, embedded in strong social networks and active in transforming the environmental injustices impacting them. This strength and vibrancy is seen in myriad community-based projects that pursue justice and health, such as West Oakland Environmental Indicators Project's 100 x 100 citizen air monitoring project, their near-roadway monitoring project, and their upcoming social cohesion study. The faith community is active in West Oakland, along with many community-based organizations that foster positive cultural identity and service. West Oakland is a powerful community, with numerous organizations and individuals who are engaged for social, economic, environmental and health equity.

This dynamism and resiliency is necessary but insufficient for achieving the full state of health defined by the WHO. Underlying vulnerabilities must also be resolved to do so. In West Oakland, high levels of the following factors make residents exceptionally susceptible to the adverse health effects of harmful environmental exposures:

- chronic disease
- disadvantaged demographics
- low income, low educational attainment, and poverty
- insufficient health-supporting infrastructure

For example, compared to other parts of Oakland such as North Oakland and the hills, residents of West Oakland have disproportionately high exposure to:

- Air pollution
- Noise
- Flooding

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<sup>1</sup> This chapter focuses on West Oakland for its proximity to the terminal and because the most likely route for coal will be to arrive through West Oakland. If coal cars enter – or exit – through the southern route, then East Oakland would also be severely impacted. While the specific numbers would be different, the reader can estimate that the direction and level of adverse impact would be similar between East and West Oakland.

This brief focuses on how some populations and communities in Oakland – primarily West Oakland – will be more exposed and susceptible to the health risks of OBOT’s coal export.<sup>2</sup>

In the remainder of this assessment document, each chapter will speak to the particular vulnerabilities associated with its topic. This chapter here, with a focus on vulnerability, is overarching.

### *Summary of Submitted Evidence*

There were several submissions to the City Council that provided evidence that the proposed coal export would disproportionately burden West Oakland. The contributors included Communities for a Better Environment, Earth Justice, Forests Forever, Paul English of the California Department of Public Health, Deborah Niemeier, Professor of Civil and Environmental Engineering at UC Davis, and the report from Multnomah Health Department (Oregon) on the impact of passing coal trains. These sources largely relied upon published journal articles and government data from the state, Alameda County, and BAAQMD.

Three main points were made in the submitted evidence (The Multnomah County report supports these points at the thematic level, with similar findings for its own population):

1. Residents in West Oakland face levels of exposure to environmental health hazards that are already high – and higher than many other residents of the city.
2. Many in West Oakland are more susceptible to a greater number and severity of adverse health outcomes due to poor existing environmental conditions and greater sensitivity to the exposures per baseline health and socio-demographic standing.
3. Many residents of West Oakland have limited financial resources and live in low resource settings, limiting their capacity to adapt to adverse environmental conditions.

The submissions converged on the following conclusion:

Given West Oakland residents have 1) high likelihood of exposure to coal trains and coal operations at the terminal, 2) high sensitivity to environmental hazards, and 3) low adaptive capacity due to economic and structural inequity, **any increase in exposure to environmental hazards related to the coal exports will likely have an adverse health impact on the West Oakland population, possibly with greater severity than for others in Oakland were they to face a similar exposure.**

---

<sup>2</sup> This write-up about West Oakland was neither co-created with its members nor authentically vetted by them. These are shortcomings. At a minimum though, the findings are likely to be familiar – unfortunately – to any West Oakland resident, and the spirit with which it is submitted – in the pursuit of health equity – is likely to be supported.

## Findings

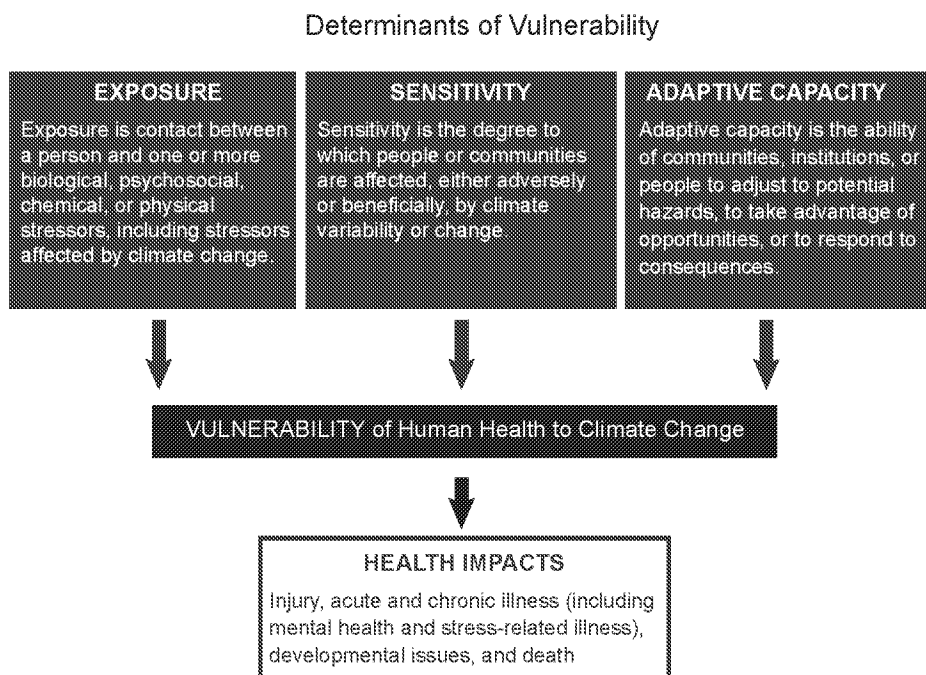
### *Assessment of vulnerability to coal transport and handling in Oakland*

Vulnerability, per Crimmins et al. (2016) and Turner et al. (2003), can be defined as follows: “whether or not a person is exposed to a health threat or suffers... adverse health outcomes from that exposure depends on a complex set of vulnerability factors,” including exposure, sensitivity or susceptibility to harm, and the capacity to adapt or to cope. (See Figure 1) Working definitions of these terms are listed below.

- **Exposure** is contact between a person and one or more biological, psychosocial, chemical, or physical stressors. Contact may occur in a single instance or repeatedly, in one location or over a wider geographic area.
- **Sensitivity or susceptibility** is the degree to which people or communities are affected, either adversely or beneficially, by the exposure.
- **Adaptive capacity** is the ability of communities, institutions, or people to adjust to potential hazards. A related term, *resilience*, is the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events.

(US GCRP, 2016, Ch. 9 as adapted from Intergovernmental Panel on Climate Change, 2014 and National Research Council, 2012)

**Figure 1 Determinants of Vulnerability**



**Figure 1:** Defining the determinants of vulnerability to health impacts associated with climate change, including exposure, sensitivity, and adaptive capacity. (Figure source: adapted from Turner et al. 2003)<sup>4</sup>

Source, US GCRP, 2016 Chapter 9, referencing Turner, 2003

## *Exposure*

1. **West Oakland residents are in closest proximity to the rails and the OBOT site. Based upon this proximity, West Oakland residents have higher levels of exposures to environmental health hazards, including higher exposure (more days of exposure and at higher levels) to:**<sup>3</sup>
  - 1.1. air pollution (especially particulate matter and ozone) from trains, ship, coal handling operations, and coal dust
    - 1.1.1. The Oakland Army Base (OAB) EIR finds the project as a whole will have significant and unavoidable air quality impacts (LSA Associates 2012). It states that the project would substantially increase diesel emissions, increasing nearby residents' exposure to toxic air contaminants. The impacts would be concentrated in West Oakland. Emissions would come from ship and rail operations, passenger and transport trucks, and space and water heating (Cambridge Systematics, Inc. 2015).
    - 1.1.2. In a health assessment of the Oakland Army Base conversion to export facilities, the Alameda County Public Health Department calculated the degree to which residents in Alameda county, by census tract, were "freight-impacted."<sup>4</sup> They found that those areas most freight-impacted included West and East Oakland which are adjacent to the tracks, and that, compared to those who were least freight impacted, they were exposed to 2.6 times more diesel particulate matter per day (41.26 kg/day versus 15.83 kg /day; see Figure 2) (Garzón-Galvis et al. 2016).
  - 1.2. noise from the passing trains and terminal operations
    - 1.2.1. (See Chapter 9)
  - 1.3. storm surges and flooding related to climate change
    - 1.3.1. (See Chapter 8)
2. **Exposure Inequities: The potential burdens of coal export would fall on the same populations who are already exposed to the highest levels of air pollution, industrial noise, and the worst baseline health conditions. (Multnomah County Health Department 2013)**
  - 2.1. Rail yards disproportionately impact communities of color. People of color make up a larger proportion of the population near the rail lines and terminal and as a result, people of color may be disproportionately exposed to the effects of coal transportation (Communities for a Better Environment 2010). Data from the

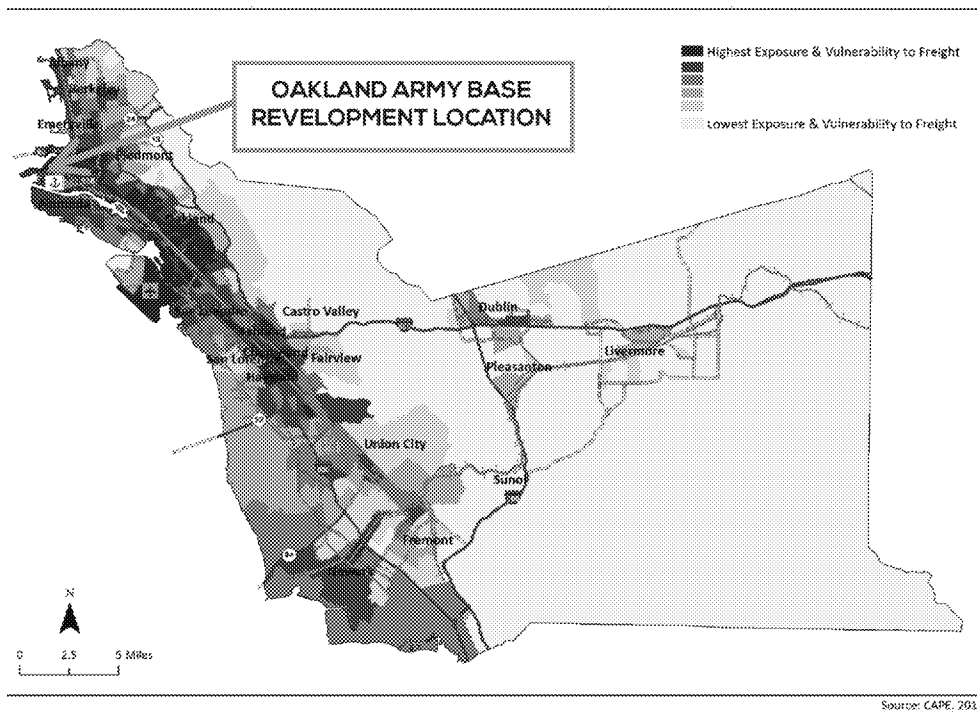
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<sup>3</sup> (See other sections of this document for topical exposure details)

<sup>4</sup> Degree of impact from freight combines 1) Proximity to truck routes, rail lines, the Port of Oakland, and Oakland airport, 2) freight-related environmental exposures, such as diesel PM, and concentration of vulnerable populations (those in poverty, young children, seniors, people of color, freight workers)

Figure 2 Vulnerability and proximity to railways, Alameda County

Location of OAB Redevelopment with Exposure and Vulnerability to Freight in Alameda County



2.2. Alameda County Public Health Department (Table 1) shows that the Oakland population living within one mile of rail lines is markedly different demographically than that living outside, with a higher percentage of nonwhites, children and adolescents, as well as a higher percentage living in poverty (ACPHD 2016). These geographic differences have the potential to differentially impact health – for instance, according to a Health Impact Assessment of rail transport in Alameda County: “In 17 out of 18 rail yards in California, a significantly higher proportion of people of color reside within high-risk cancer zones near rail yards than within other areas of the county. In Oakland, 64% of residents within the highest risk cancer zone surrounding the Union Pacific rail yard are African American, compared with 14% of residents in Alameda County as a whole” (Garzón-Galvis et al., 2016).

2.3. One study found that transporting freight by rail may expose a greater number of people living in “environmental justice communities”<sup>5</sup> (Communities for a Better Environment 2010). See Figure 3.

<sup>5</sup> Environmental justice communities, in this analysis, are census block groups that meet one or more of three criteria: more than 25% of residents are people of color (non-white); median household income is less than 65% of

**Table 1 Demographic characteristics in relation to rail line proximity**

	Between rail lines & 500 ft	Between 500 ft and 0.5 miles	Between 0.5 & 1.0 miles	Other Oakland
<b>Population</b>	9455	73632	102751	219231
<b>% in Poverty</b>	23.4%	30.0%	28.5%	13.7%
<b>% Hisp/Lat</b>	47.9%	43.3%	34.5%	16.2%
<b>% White</b>	12.4%	8.4%	11.4%	37.4%
<b>% AA/Black</b>	24.7%	22.2%	28.4%	24.7%
<b>% AmerInd</b>	0.3%	0.3%	0.3%	0.3%
<b>% Asian</b>	11.2%	22.7%	21.0%	15.7%
<b>% PacIsl</b>	0.7%	0.5%	0.9%	0.4%
<b>% Multirace</b>	2.6%	2.4%	3.2%	4.9%
<b>% Other</b>	0.2%	0.2%	0.3%	0.4%
<b>% &lt;18 Years</b>	25.8%	24.4%	22.8%	19.4%
<b>% 65+ Years</b>	7.1%	9.9%	11.1%	14.9%
<b>% Male</b>	50.9%	51.3%	49.5%	47.3%
<b>% Female</b>	49.1%	48.7%	50.5%	52.7%

Source: ACPHD 2016

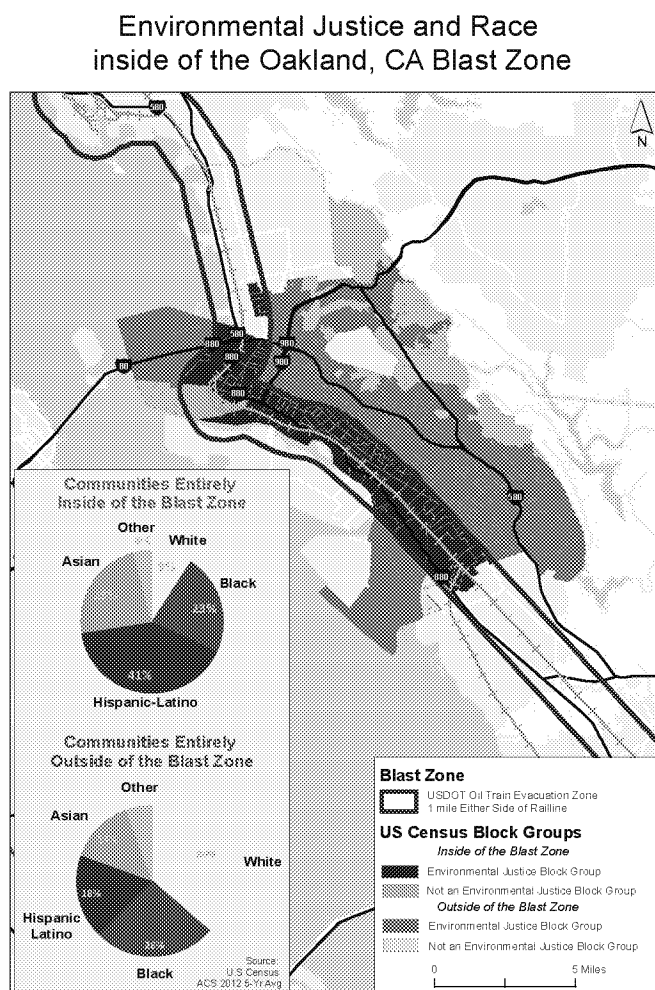
- 2.4. The Alameda County Goods Movement Plan noted that West Oakland is currently exposed to diesel particulate matter (DPM) ambient concentrations about three times as high as average concentrations within the Bay Area. (Cambridge Systematics, Inc. 2015)
- 2.5. The California Environmental Protection Agency rated parts of West Oakland as some of the highest census tracts in the State burdened by pollution. For example, some tracts are as high as the 78th percentile for overall pollution burden and in the top percentile for clean-up sites compared to all other CA census tracts (English, 2015).

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statewide median household income; more than 25% of households are linguistically isolated (no English speaker older than 14).



**Figure 3 Environmental Justice and Race inside the Oakland blast zone**



Source: Crude injustice on the rails, Communities for a Better Environment

### *Susceptibility*

### **3. Living near rails and terminal operations is associated with heightened susceptibility to adverse morbidity and mortality outcomes.**

- 3.1. The Alameda County Public Health Department states that “Any additional sources of air pollution will have a significantly greater impact in an area already disproportionately burdened by multiple sources of air pollution and with high rates of emergency room visits and hospitalization for asthma and cancer risk from existing pollution.” (ACPHD, 2015)
- 3.2. Areas of West Oakland had some of the highest rates of emergency room visits for asthma for children in Alameda County (Garzón-Galvis et al., 2016). Data provided by the Alameda County Public Health Department indicate that West Oakland, relative to Alameda county as a whole, experiences roughly twice the rate of asthma Emergency Department (ED) visits, under-5 asthma ED visits, asthma hospitalization, and under-5

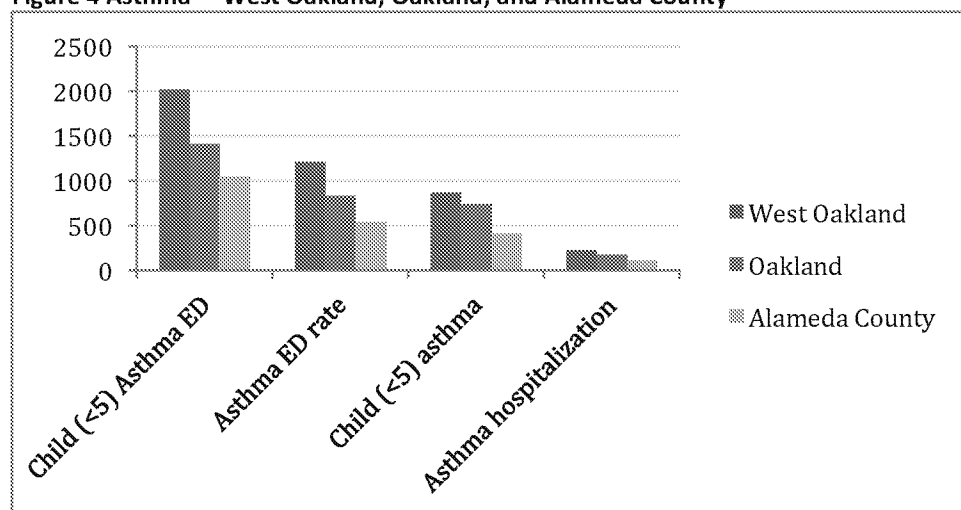
asthma hospitalizations (see Table 2 and Figure 4) (ACPHD 2016). These disparities are all the more profound considering that Alameda County historically ranks among the California counties with the highest asthma hospitalization rates (Roberts et al. 2006).

**Table 2 Rates for asthma-related ED visits and hospitalizations in Alameda county (2012-2014)**

	<b>West Oakland (zip 94607)</b> <b>Age-adjusted rate</b> <b>(95% LCL-UCL)</b>	<b>Oakland</b> <b>Age-adjusted rate</b> <b>(95% LCL-UCL)</b>	<b>Alameda county</b> <b>Age-adjusted rate</b> <b>(95% LCL-UCL)</b>
<b>Asthma ED rate</b>	1218.4 (1138.3-1298.5)	838.8 (822.6-855.1)	545.8 (539-552.6)
<b>Child (&lt;5) Asthma ED rate</b>	2026.2 (1635.4-2482.2)	1416.4 (1334.2-1498.6)	1053.3 (1016-1090.5)
<b>Asthma hospitalization rate</b>	229.3 (193.2-265.3)	178.9 (171.2-186.5)	112.2 (109.1-115.4)
<b>Child (&lt;5) asthma hospitalization rate</b>	871.5 (622.6-1186.7)	747.3 (687.6-807)	415.4 (392-438.8)

Source: ACPHD 2016

**Figure 4 Asthma – West Oakland, Oakland, and Alameda County**



Source: ACPHD 2016

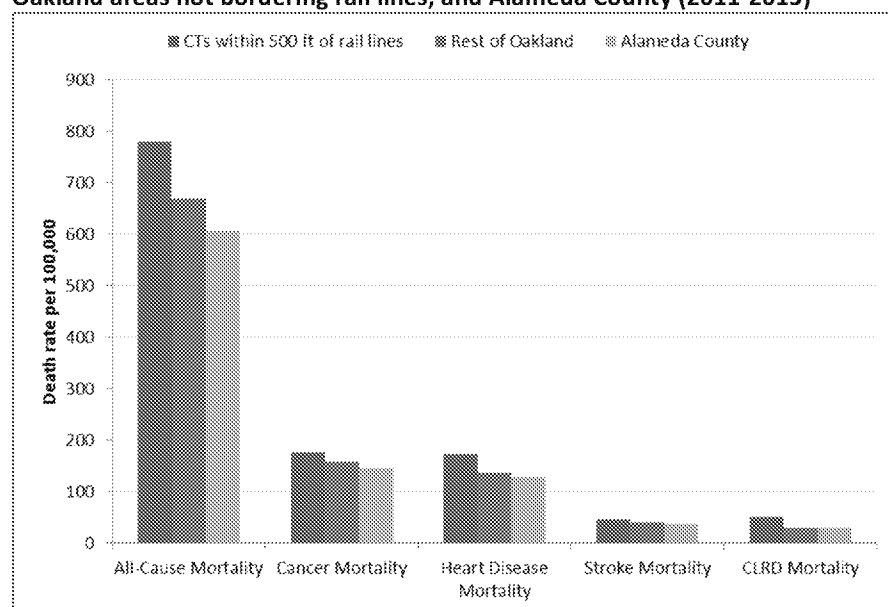
3.3. Oakland furthermore suffers from higher mortality rates than Alameda County as a whole, particularly in areas near rail lines. As displayed in Table 3 and Figure 5, Oakland census tracts within 500 feet of rail lines – compared to Alameda County – have statistically significant higher rates of mortality from all causes, cancer, heart disease, stroke, and chronic lower respiratory disease. (ACPHD, 2016). These higher mortality rates translate to life expectancies 14 years and 12 years shorter for African Americans in East Oakland and West Oakland, respectively, relative to Whites in Oakland Hills (ACPHD, 2015).

**Table 3 Mortality by distance from rail system**

	CTs within 500 ft of rail lines	Rest of Oakland	Rate Ratio (* = significantly higher)	Alameda County	Rate Ratio (* = significantly higher)
All-Cause Mortality	780.7	668.3	* 1.2	607.5	* 1.3
Cancer Mortality	176.1	157.7	1.1	145.6	* 1.2
Heart Disease Mortality	172.5	136.6	* 1.3	128.2	* 1.3
Stroke Mortality	46.4	40.8	1.1	37.5	* 1.2
CLRD Mortality	50.6	29.0	* 1.7	29.1	* 1.7

Source: ACPHD 2016

**Figure 5 Mortality rates for Oakland census tracts bordering rail lines, Oakland areas not bordering rail lines, and Alameda County (2011-2013)**



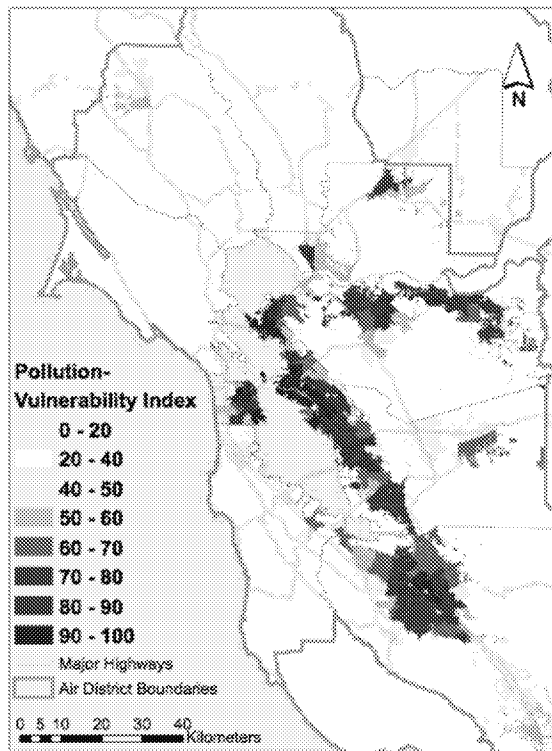
Source: ACPHD 2016

- 3.4. BAAQMD's Community Air Risk Evaluation (CARE) Program considers East and West Oakland to suffer most from poor health outcomes due to air pollution, relative to other Bay Area communities (ACPHD, 2015). BAAQMD found that West Oakland's Pollution Vulnerability Index (PVI, a score based upon level of health risk from air pollution) was among the highest quintile of PVI (80 – 100 percentile). Those with the highest PVI score live three fewer years. See Figure 6 (Garzón-Galvis et al. 2016).
- 3.5. The 2012 OAB EIR quantified the increase in cancer risk associated with the projected increase in diesel emissions and toxic air contaminants in proximity to the OAB redevelopment, finding maximum cancer risk from the project at 96 cases per million. (Garzón-Galvis et al. 2016)
- 3.6. Other health hazards disproportionately faced by residents of Oakland redevelopment areas include diabetes and premature or low birth weight infants (Gutierrez 2015a, Communities for a Better Environment 2010). African Americans in West Oakland are

1.5 times more likely to be born premature or of low birth weight, and 5 times more likely to be hospitalized for diabetes, compared to Whites in Oakland Hills (Alameda County Public Health Department 2008).

3.7. Rates of pedestrian injuries and deaths are seven times higher in the county's most freight-impacted areas. (See footnote <sup>4</sup> for definition). (Garzón-Galvis et al. 2016)

**Figure 6 the pollution-vulnerability index by zip code**



Source: BAAQMD 2014b

"The figure displays the accentuated vulnerability of West Oakland and East Oakland, using the BAAQMD's Pollution Vulnerability Index (PVI), whereby low and high values of the PVI correspond to low and high health impacts, respectively. Vulnerability is constructed to combine existing rates of mortality and illnesses together with exposure to PM and ozone when determining health impacts related to air quality. "Thus the highest PVI values occur where TAC and PM concentrations are high and where health records indicate higher rates of illness associated with air pollutants." (BAAQMD, 2014b)

#### **4. Lower socio-economic standing can increase susceptibility to adverse health impacts of the coal export.**

4.1. The BAAQMD analysis found that, on average, compared to areas with the lowest PVI scores, those with the highest PVI score (Garzón-Galvis et al. 2016):

- 4.1.1. have average annual household income that is more than \$40,000 lower
- 4.1.2. average a year and a half less education
- 4.1.3. have a five times higher percentage of Black residents

**5. Underlying health conditions increase susceptibility to adverse health impacts of the coal export.**

- 5.1. The disproportionately high number of children suffering from asthma in West Oakland would likely experience a further loss of lung function from inhaling even low levels of coal dust (especially those particles of coal dust < 10 microns). (English, 2015)
- 5.2. Adults are also subject to increased harm from air pollution due to underlying conditions, such as diabetes, cardiovascular disease, and obesity. (Morello-Frosch et al., 2011; Niemeier, 2015)

**6. Being a person of color, especially being Black is associated with susceptibility to adverse health impacts of coal export.**

- 6.1. For instance, in West Oakland from 2011-14, Black children had roughly twice the rate of child (5 – 19yr) emergency department visits for asthma (206.4 per 10,000, 95% CI 176.1-239.7) as did Whites (115.1 per 10,000, 95% CI 62.9-188.0) or Hispanics (92.5 per 10,000, 95% CI 60.9-132.5). See Table 4 (California Department of Public Health 2016)

**Table 4 Emergency Department Visits due to Heart Attacks, 2011-2014**

		West Oakland (94607)			Alameda County		
		Age Adjusted Rate per 10,000	Lower CI 95%	Upper CI 95%	Age Adjusted Rate per 10,000	Lower CI 95%	Upper CI 95%
<b>Overall (All Races/All Ages)</b>		<b>29.68</b>	25.43	34.35	<b>22.01</b>	21.51	22.53
<b>Adults 35yrs+</b>	<b>Black</b>	<b>36.33</b>	27.56	46.66	<b>28.86</b>	27.24	30.55
	<b>Hispanic</b>	<b>N/A</b>	N/A	N/A	<b>14.39</b>	13.41	15.42
	<b>White</b>	<b>107.82</b>	75.38	147.16	<b>24.64</b>	23.8	25.51
	<b>Asian/PI</b>	<b>13.54</b>	9.68	18.37	<b>16.44</b>	15.63	17.29

**N/A= Data not available for counts under 12.**

California Environmental Health Tracking Program, Asthma and Heart Attack emergency room visit age-adjusted rates by race/ethnicity, 2011-2014.

**7. In neighborhoods where disadvantaged socio-demographic characteristics interact with environmental exposures, susceptibility from health disparities emerges.<sup>6</sup>**

- 7.1. Black children in West Oakland, from 2011-14, had 5 times the rate of hospital admissions as did White children from the rest of Alameda County. (ACPHD, 2015)
- 7.2. West Oakland zip code 94607 will likely experience an increase in cancer risk from the OBOT project, even though it already has the highest cancer risk from air pollution in the County, at 689.2 cases per million. West Oakland's diesel cancer risk is three times that of the Bay Area. (Garzón-Galvis et al., 2016)

<sup>6</sup> HHS defines a racial or ethnic health disparity as “a particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group.” (U.S. Department of Health and Human Services 2008)

7.3. West Oakland is exposed to multiple sources of diesel pollution, leading to cumulative adverse health impacts of rail yards.

### *Adaptive capacity*

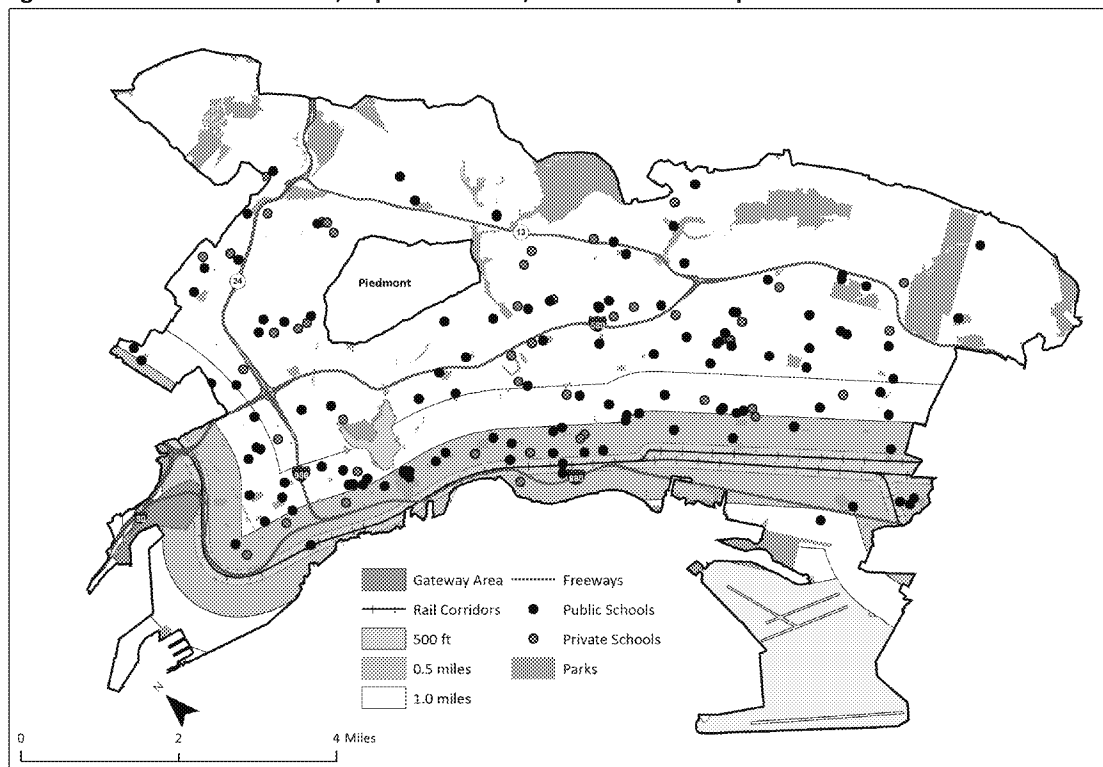
**8. Not only do West Oakland residents face higher levels of harmful exposure and adverse outcomes, but due to financial constraints they also have less ability to adapt to and recover from those obstacles relative to residents of surrounding communities.**

8.1. West Oakland has an average household income roughly half that of Alameda County as a whole (Rubenstein 2014). An African-American child born in West Oakland is seven times as likely to be born into poverty than a White child born in Oakland Hills (Alameda County Public Health Department 2008).

8.2. Even within Oakland, areas with higher levels of exposure have higher poverty rates – the population living within one mile of rail lines is more than twice as likely to be living in poverty (as shown in Table 1). (ACPHD 2016)

8.3. As illustrated in Figure 7, many important community resources and sensitive sites (schools, parks, community services) are located near the rails and terminal, thereby structurally locking in higher exposures for more vulnerable populations.

**Figure 7 Oakland rail corridors, exposure bands, and sensitive receptor sites**



Source: CAPE, with rail data from CalTrans, parks data from CPAD 2015b, Gateway area from Oakland Redevelopment Agency, schools from CDE.

## Chapter 2: Coal and Diesel-Related Particulate Matter

### Key Points

Particulate Matter from diesel engines and coal dust is one of the most important air-pollution-related causes of death and disease. After extensive review of submitted and supplemental literature we found that **transporting coal by rail through the City of Oakland and transferring it through the OBOT facility will increase exposures to air pollutants with known adverse health effects including deaths.**

1. There is documented evidence that coal trains will increase exposure to both diesel particles and coal dust. Both are emitted as fine particles (PM<sub>2.5</sub>) that will be inhaled into the deep lung. Coal dust also contains larger particles where are known to impact asthmatics.
2. Exposure to these pollutants have been linked in hundreds of peer-reviewed studies, including several conducted in California, with severe health outcomes. These outcomes include premature death, hospitalization for cardiovascular and respiratory disease, emergency room visits, asthma, adverse birth outcomes and school absenteeism. Diesel particles also have a documented effect on lung cancer.
3. These adverse health outcomes are associated with both short-term exposures (from one-hour to one-day) and with exposures over a longer term period (one-month to several years).
4. Increased emissions of coal and diesel pollutants will likely push current outdoor air concentrations above state, federal, and international air quality standards. However, the U.S. EPA and the World Health Organization (WHO) have determined there is no clear safe level of PM<sub>2.5</sub> exposure and effects have been clearly documented below the standards.
5. Introduction of a new PM<sub>2.5</sub> source will increase the risks of these poor health outcomes. Even brief spikes from the passing trains may increase health risks.

### Findings on level of exposure

With the risks of PM<sub>2.5</sub> clearly established, the question to answer is: What sort of exposure will Oakland residents have to this pollutant as a result of coal transport through the city? Because Oakland is a major urban center with extensive goods movement activity, it is relevant to first establish baseline exposure. If baseline concentrations of particulate matter are high, then any contribution from coal dust and coal train engines is likely to cause health effects.

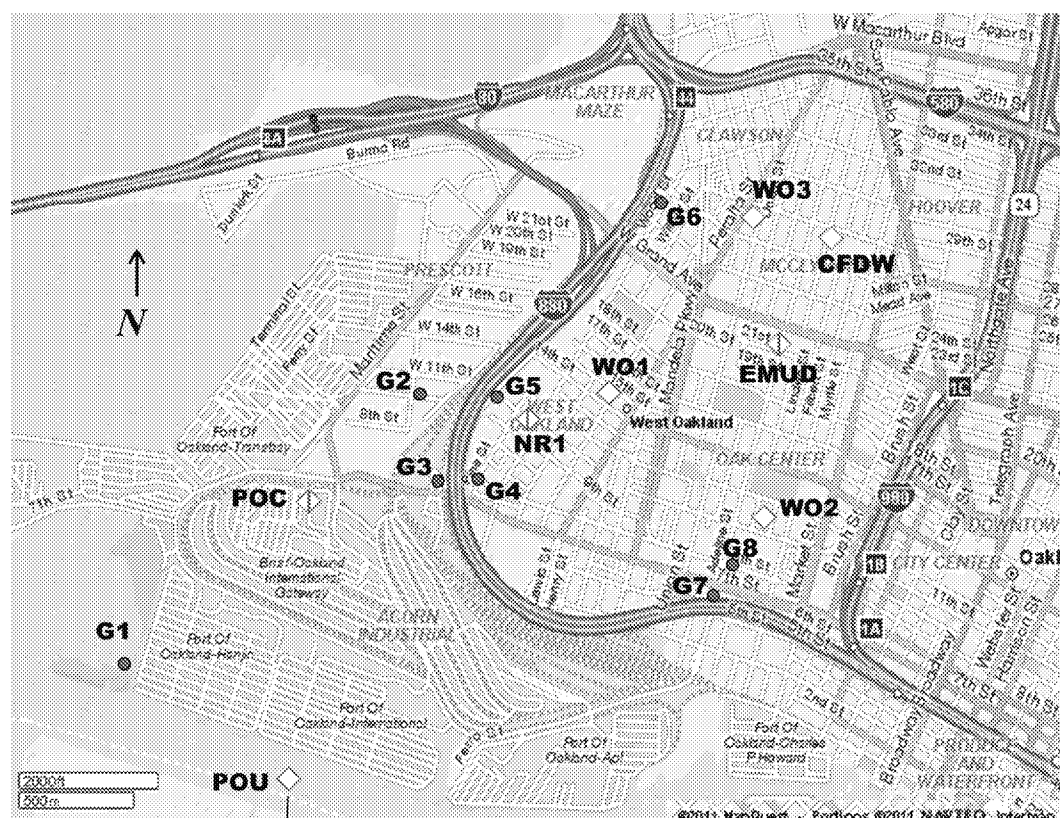
*What is the current level of particulate air pollution (PM<sub>2.5</sub>) in West Oakland?*

In 2008, the Bay Area Air Quality Management District (BAAQMD) conducted a special study in West Oakland and several air pollution monitors were placed throughout the area (see Figure 1, below for location of monitors). Among the aims of the study were to measure particulate concentrations near the Port of Oakland. As a result, concentrations of fine particle (PM<sub>2.5</sub>) were measured for one-month periods in the summer and winter. In addition, there were two

existing monitors already in place as part of separate studies (labeled as EBMUD and CFDW in Figure 1). One was located further downwind from the Port and another at an upwind site in Alameda (POU).

Study results were published in a peer-reviewed journal (Fujita et al. 2013). For the winter month, the average concentration of PM<sub>2.5</sub> across all of the monitors was 14.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ , which is the standard way to describe PM<sub>2.5</sub> concentrations in the air) and 7.4  $\mu\text{g}/\text{m}^3$  in the summer month. However, if we isolate the three monitors downwind and closest to the proposed Oakland Air Base (OAB) project (monitors labeled NR1, WO1, WO3, all of which are on or west of Peralta St.; see Figure 1 below) we can obtain a clearer picture of the pollution levels in the potentially impacted community.

**Figure 1 Location of PM monitors in West Oakland**



There is a clear gradient as you move further downwind and away from the port (Fujita et al. 2013). **The winter and summer month averages for these three monitors are 15.2 and 7.75  $\mu\text{g}/\text{m}^3$ , respectively, with a combined average of 11.5  $\mu\text{g}/\text{m}^3$ .** This average of the two months provide a reasonable approximation of the annual average. **To put this average of 11.5  $\mu\text{g}/\text{m}^3$  in perspective, the State of California and Federal annual air pollution standards for PM<sub>2.5</sub> are both 12  $\mu\text{g}/\text{m}^3$ , and the World Health Organization (WHO) standard is 10  $\mu\text{g}/\text{m}^3$ .** The agencies responsible for promulgating these standards -- the California EPA, the U.S. EPA and the WHO -- all clearly stated that the standards **do not represent thresholds** or an absolutely safe level of exposure and that PM<sub>2.5</sub>-associated death and disease effects definitely occur below these levels. Regardless, the concentrations from 2008 clearly indicate that the citizens



of West Oakland who live within approximately 1500 feet of the proposed OAB project already experience levels of PM<sub>2.5</sub> that are close to the existing state and federal standards and above the WHO health-based standard. Additional PM<sub>2.5</sub> from diesel combustion and coal dust emissions would likely push air quality in the area over the state and federal standards (see the next section for calculations). West Oakland demographic data indicate there are about 83,000 people residing within 2500 feet of the rail line with a poverty rate of 27%. This renders this population more susceptible to pollution effects due to risk factors associated with poverty including lack of regular medical care and less access to healthy food.

The 2008 BAAQMD study is supported by more recent data collected from a monitor located at 21<sup>st</sup> and Chestnut, roughly 4000 feet from the proposed OAB site (and therefore much further downwind from the OAB proposed location). At this monitoring site, the three-year annual average ending in 2015 for PM<sub>2.5</sub> is 10.8 µg/m<sup>3</sup>. In other words, though this monitor was located more than three-quarters of a mile downwind of the OAB site, the air quality at this monitor still violated the WHO annual PM<sub>2.5</sub> standard.

#### *What is the expected increment to particulate air pollution in West Oakland?*

Trains that carry coal in uncovered rail cars emit both diesel particles from fuel combustion and blowing coal. Both pollutants can add significantly to the ambient levels of PM<sub>2.5</sub>. The proposed project as described is expected to bring in up to 10 million tons of coal per year by train to the Port of Oakland. Each train would be more than a mile long with more than 100 uncovered cars. Based on BNSF railway's own statements, each car could lose up to 600 pounds of coal dust between the Utah mines and West Oakland. Specifically, they stated the following: "The amount of coal dust that escapes from PRB [Powder River Basin] is surprisingly large. While the amount of coal dust that escapes from a particular coal car depends on a number of factors, including the weather, BNSF has done studies indicating that from 500 lbs. to a ton of coal can escape from a single loaded coal car. Other reports have indicated that as much as 3% of the coal loaded into a coal car can be lost in transit. In many areas, a thick layer of black coal dust can be observed along the railroad right of way and in between the tracks." If 3% of the projected 10 million tons of year end up being emitted from the coal trains, this amounts to about 620 tons per year that would be emitted into West Oakland (see below for assumptions and calculations).<sup>7</sup> **Thus based on BNSF's own statements and using simple assumptions, approximately 620 tons of coal dust could be blown into West Oakland every year.** Even with a potential reduction of 85% through the use of surfactants, there still would be a significant emission of coal of 90 tons per year. However, an 85% effectiveness is unlikely given the length of the trip and the known degradation of the surfactants over time and space. This is why the Powder River coal shipments necessitated a re-application of the surfactants about halfway through the trip to the coast. In addition, the 85% effectiveness required specific coal load profiles for each car. In their assessment of the literature regarding the impact of coal trains, the Multnomah County Health Department (2013) determined that coal

<sup>7</sup> Calculations for expected increase in coal dust in West Oakland. Assumptions: 1) The distance from Utah mines to Oakland = 800 miles; 2) North-south distance along the track in West Oakland is 1.65 miles; 3) An equal rate of dust leakage per mile during the trip. 4) Proposed 10 million tons per year and 3% lost during the trip. Thus, we 10 million x 0.03 x (1.65/800) = 618.8 tons/year of coal dust emitted on the local community.

dust may travel approximately 500 m to 2 km (1/3 to 1 ¼ miles) from the train tracks, depending on weather conditions and train speed.

It would be useful to translate this increase in coal emissions into a subsequent increase in air pollution concentrations but due to data limitations, it is difficult to estimate the exact increment in PM2.5 expected at the site. We do know, however, that PM2.5 levels will increase from coal dust blowing from the trains and from the increases in diesel fuel combustion needed to haul coal trains which are likely to be heavier than a non-coal bearing freight trains. Moreover, PM2.5 emissions from coal rail cars have been investigated in Washington State. In recent studies of 367 trains in the Columbia River Gorge and other routes in the Seattle area Jaffe et al. (2014; 2015) reported the average peak in PM2.5 concentrations near coal trains was twice that of trains carrying other freight -- specifically 21 versus 11  $\mu\text{g}/\text{m}^3$ , respectively over the background PM2.5 concentrations. In addition, in several cases the enhancement to PM2.5 from coal trains was **over 75  $\mu\text{g}/\text{m}^3$  with concentrations observed as high as 230  $\mu\text{g}/\text{m}^3$** . The BNSF railway requires that a surfactant be applied over the top of coal being transported by rail; therefore, **these high PM2.5 peaks occurred despite existing dust mitigation measures. These extreme short term peaks are of concern given the extensive scientific evidence (as discussed below) of significant adverse health effects, including the possibility of heart attacks, after exposures to PM2.5 as short as one hour.**

We can provide only a general estimate of the additional contribution to PM2.5 from the coal cars versus non-coal freight. Data from Jaffe et al. (2015) indicates the PM2.5 enhancement at different effective wind speeds (train speed plus wind speed at 180 degrees to the train movement). In developing the estimates below, we are assuming a 30 MPH train speed through Oakland based on the CCIG report. Wind analysis from the Bay Area Air Quality Management District shows that 100% of the winds in the summer, when people spend the greatest amount of time outdoors, are from the west. This means that dust from rail operations, including train fuel combustion, will blow directly into Oakland's residential areas, particularly West Oakland. In the winter the wind is from the West about 70% of the time. In addition, on many days wind speeds exceed 10 mph. (Eric Fujita and Campbell, West Oakland Monitoring Report, DRI, 2010). Therefore the effective wind speed under these conditions would exceed 40 MPH or 64 kilometers per hour. With an effective wind speed of this intensity, data from Jaffe et al. (2015, Fig. 4) show short-term PM2.5 enhancements of approximately 20  $\mu\text{g}/\text{m}^3$  over background with some enhancements of 45  $\mu\text{g}/\text{m}^3$ . Three trains per day passing for 6 minutes every day for a year, would ultimately add 0.25  $\mu\text{g}/\text{m}^3$  to the annual average concentration of PM2.5. A short-term enhancement of 45  $\mu\text{g}/\text{m}^3$  would add 0.625  $\mu\text{g}/\text{m}^3$  to the annual average for the local population. Thus, under these reasonable assumptions, the annual average of PM2.5 would be near to or exceed the federal and state standards for PM2.5 and would clearly exceed the WHO guidelines of 10  $\mu\text{g}/\text{m}^3$ .

The effects from coal-loaded trains on nearby residents bears some resemblance to the effects of road traffic on populations within 100 to 500 feet (and sometimes further) from major roadways. The range reflects local conditions including meteorology, season and background concentrations. Traffic will generate both fine and smaller sized particles and nitrogen dioxide (all emitted from diesel fuel combustion) as well as other pollutants. In their review of the scientific literature on traffic, the Health Effects Institute (HEI 2010) (an independent non-profit

jointly funded by the motor vehicle industry and U.S. EPA and specializing in research on the health effects of air pollution) concluded that there was a causal relationship between exposure to traffic and exacerbation of asthma with additional evidence of effects on respiratory symptoms, impaired lung function and cardiovascular mortality and morbidity.

It is particularly concerning that these increases in concentrations of PM<sub>2.5</sub> will occur in the vicinity of Raimondi Park, where, annually, over 27,000 person-visits are made by mostly youth but also adult athletes and their coaches to engage in soccer and football. These intensive exercises increase respiration rates and the total amount of pollution dose.

These increment to the annual averages calculated above do not include several other sources of PM<sub>2.5</sub> from the hauling of coal which could add to the problem including re-entrained coal dust (dust sitting on and around the tracks that will ultimately be stirred up by other trains and wind) and blowing coal stored at the railroad spur or as a result of loading the coal onto the ships for export. In addition, as demonstrated by Jaffe et al. (2014, Figures 6 and 7), measurements from Washington indicate that coal trains produce a substantial amount of coal dust in the form of larger particles between 2.5 and 10 microns in diameter, called “coarse particles”. As documented below, coarse particles have strong associations with both mortality and exacerbation of asthma.

To reiterate, these air quality standards and guidelines do not represent a bright line below which exposed individuals face no health risks. Studies from around the world and published in **the scientific literature have clearly documented significant adverse health effects, including both premature death and hospitalization for heart and lung disease, at levels below these standards** (U.S. EPA, 2009). Thus, the data suggest that every increment in PM<sub>2.5</sub> is related to negative health outcomes. Specifically, according to both the U.S. EPA and the WHO, a one  $\mu\text{g}/\text{m}^3$  increase in PM<sub>2.5</sub> is associated with a 1.6% increase in death from cardiovascular disease. There are similar impacts on hospitalization and emergency room visits and even larger impacts per  $\mu\text{g}/\text{m}^3$  on asthma attacks, work and school loss and adverse birth outcomes including low birth weight and premature births (Fleischer et al. 2014). When you multiply these percent increases times the large number of people exposed, it results in very large impacts. For example, the WHO and others have estimated over 3 million deaths per year worldwide from exposure to PM<sub>2.5</sub>, making it the largest environmental hazard in the world (Lim et al. 2014; Anenberg et al. (2010).

### Findings of health effects associated with PM<sub>2.5</sub> exposure

- Fine particles, also called PM<sub>2.5</sub> or particles below 2.5 microns (compared to the width of a human hair which is around 70 microns) are a well-documented health hazard. PM<sub>2.5</sub> is inhaled into the deep lung and causes systemic inflammation, a known cause of subsequent heart and lung diseases. Air pollution standards for PM<sub>2.5</sub> were established over 15 years ago by the World Health Organization, the U.S. EPA and the CalEPA.
- Studies from around the world and from California demonstrate important associations between daily exposure to PM<sub>2.5</sub> and a wide range of health impacts including respiratory symptoms, school and work loss, asthma exacerbation, emergency room visits, non-fatal heart attacks, adverse birth outcomes (including low birth weight and premature births),

hospital admissions, and death from cardiovascular disease. (A complete review of the evidence can be found in U.S. EPA 2009; Brook et al. 2009 (Official statement from the American Heart Association); Pope et al. 2009).

- Recent estimates by WHO and others indicate that PM<sub>2.5</sub> is responsible for over three million deaths per year worldwide (Lim et al. 2012, Annenberg et al. 2010).
- Current state and federal standards exist based on either a 24-hour or annual average. However, studies show that exposures as short as one- or two-hours are associated with significant cardiovascular health outcomes including heart attacks (e.g. Peters et al. 2001; Mar 2005; Urch et al. 2005; Ljungman 2008; Link et al. 2013).
- The populations at greatest risk (though other groups are also susceptible) include infants and children, asthmatics and older individuals with pre-existing cardiovascular or respiratory disease and the elderly (EPA 2009). In addition Bell et al. (2013) found evidence that those with lower education, income, or employment status have higher risk of death from PM<sub>2.5</sub> exposure.
- Studies specifically in California demonstrate that daily exposure to PM<sub>2.5</sub> and larger particles can lead to early death, increases in hospitalization and emergency room visits for heart and lung disease, asthma and adverse birth outcomes (Ostro et al. 2006, 2009; Malig and Ostro 2009; Malig et al. 2013; Basu et al. 2004; McConnell 1999).
- While specific ambient standards have been established for PM<sub>2.5</sub>, institutions including California EPA and WHO, have specified there is no clear-cut safe level for these effects. This indicates that every exposure adds to the likelihood of an adverse health outcome (EPA 2009; WHO 2005; CalEPA 2002).
- Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). More than 90% of DPM is less than 1 micron in diameter (about 1/70th the diameter of a human hair), and thus is a subset of particulate matter less than PM<sub>2.5</sub>. DPM is typically composed of carbon particles ("soot", also called black carbon, or BC) and numerous organic compounds, including over 40 known cancer-causing organic substances including polycyclic aromatic hydrocarbons, benzene and formaldehyde. Diesel exhaust also contains gaseous pollutants, including volatile organic compounds and nitrogen dioxide (NO<sub>2</sub>). NO<sub>2</sub> is important for two reasons: (1) after chemical reactions in the atmosphere, emissions will lead to formation of PM<sub>2.5</sub> and ozone and (2) there are documented health effects from NO<sub>2</sub> including premature mortality and respiratory disease (Adapted from ARB website, Overview: Diesel Exhaust and Health)
- In 1998, the California Air Resources Board (ARB) identified DPM as a toxic air contaminant based on the published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. In 2012, additional studies on the cancer-causing potential of diesel exhaust published since ARB's determination led the International Agency for Research on Cancer (IARC, a division of the World Health Organization) to list diesel engine exhaust as "carcinogenic to humans".

- Because it is part of PM2.5, DPM also contributes to the same non-cancer health effects as PM2.5 exposure. These effects include premature death, hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children. Several studies suggest that exposure to DPM may also facilitate development of new allergies. Those most vulnerable to non-cancer health effects are children whose lungs are still developing and the elderly who often have chronic health problems.
- Coal dust is also emitted as “coarse” particles which are between 2.5 and 10 microns in diameter. In studies in California, coarse particles have been associated with premature death and various diseases including asthma (Malig and Ostro 2009; Malig et al. 2013)

Further support for our assessment of the likelihood of adverse health effects from coal dust and diesel exhaust is provided by the attached letter from Dr. John Balmes and Dr. Michael Lipsett. Together these physician-researchers have over 50 years of experience investigating the clinical effects of PM2.5 on health.

They state the following:

*In other words, since diesel particles and a significant portion of coal dust fall within the PM2.5 and PM10 size ranges, the health effects consistently linked with ambient PM are also likely to result from exposure to these two coal train-associated pollutants. Hundreds of peer-reviewed scientific articles link PM10 and PM2.5 exposure with premature mortality and with the occurrence of many serious health outcomes, including heart attacks and strokes, lung cancer, as well as hospital admissions and emergency room visits for a variety of cardiovascular and respiratory conditions (including asthma, chronic obstructive lung disease, and respiratory infections).*

## Summary of Submitted Evidence

In conjunction with its 9/21/2015 hearing on the Army Base Gateway Redevelopment Project, the city received evidentiary submissions extensively detailing the harmful levels of air pollution and negative health effects that would result from shipping coal through Oakland. The documents included peer-reviewed literature, expert opinions, reviews of literature from environmental health organizations, as well as a government report from another community in which coal shipping had been debated and subsequently prohibited. Submitted documents are listed below:

- Letter 9/2/15 - Irene Gutierrez for Earthjustice (“EJ”)
- Letter 7/30/15 - Adrienne Alvord for Union of Concerned Scientists (“Alv”)
- Environmental, Health and Safety Impacts of the Proposed Oakland Bulk and Oversized Terminal by Phyllis Fox, PhD for Sierra Club (“Fox”)

- Technical Memorandum Air Quality, Climate Change, and Environmental Justice Issues from Oakland Trade and Global Logistics Center by Sustainable Systems Research, LLC for Earthjustice ("SSR")
- Testimony to City Council 9/21/15 - Dr. Jasmin Ansar, Economics Professor at Mills College ("Ans")
- Manuscript - Dr. Daniel Jaffe et al., "Diesel Particulate Matter and Coal Dust from Trains in the Columbia River Gorge" ("Jaf")
- Letter 9/21/15 - Dr. Bart Ostro ("Ost")
- Critique of Health & Safety Assessment by Bart Ostro and Lora Jo Foo (draft) ("OC")
- The Human Health Effects of Rail Transport of Coal Through Multnomah County, Oregon ("Mul")
- Letter 9/18/15 - No Coal in Oakland ("NCIO")
- News Article - Ashley Ahearn, "What Coal-Train Dust Means for Human Health" ("Ahe")

Because the body of evidence surrounding particulate matter is so vast, the above documents had to summarize large number of primary sources that each focus on individual health effects arising from exposure. In our subsequent analysis, we identified roughly 80 unique primary sources that directly speak to the dangers faced by West Oakland with respect to coal dust and increased diesel emissions due to coal shipping -- over one-half of the references came from the peer-reviewed literature, and one-fifth from government reports or the WHO. We also reviewed those submissions to the City Council that support coal shipments and touched on coal dust and diesel emissions ("SB", "JH", "Bur", "HDR"). Table 1 (see chapter appendix) summarizes key findings from our review, the submission(s) contributing to each finding, and source material used to substantiate each finding. It is important to note that the topical brief forming the basis of our air quality assessment draws upon both the submitted evidence and findings from additional review. Table 1 illustrates only the scope of evidence currently in the record (submitted for the 9/21/2015 hearing), and does not necessarily represent the scope of existing evidence, nor does it place a limit on the panel's conclusions concerning these issues.

## Chapter 3: Assessment of Mitigations for Fugitive Coal Dust

### Key Points

As follows are mitigation measures proposed by the developer to prevent coal dust exposure, and comments on the potential for those measures to reduce the risk of endangerment to public health and safety.

In this instance we drew significantly from original investigation as well as submitted evidence. In particular some panelists called rail car cover companies directly, and the panel also reviewed a memo produced by Lora Jo Foo and submitted to the City on June 2, 2016.

Based upon what we have learned to-date, we find that no proposed mitigations for coal dust can be considered reliable, safe, or effective:

- Use of rail car covers for the purpose of preventing exposure to dust is largely experimental and has not been demonstrated in the field to be safe, reliable or effective. And, since could find no evidence that covers for coal train cars are currently in use in the U.S., making it impossible to vouch for their safety regarding the possibility of combustion due to the confinement of coal.
- Further, use of surface sprays to coal for transport has been asserted to achieve partial emission control but such chemicals degrade over time. Through travel from Utah, the surfactants will degrade and will not significantly reduce coal dust emissions locally.

### Findings

From direct interviews with companies that have designed covers for coal train cars we found they have never field tested them to determine if they are effective in preventing the escape of fugitive coal dust during the transport of coal. While a number of these cover designs may be commercially available today, none have made it to market.

The Federal Railroad Administration (FRA) does not issue approvals for rail car covers and is not involved with testing for coal dust emissions. Neither FRA nor any federal agency has established standards for field testing the effectiveness of coal covers' containment of coal dust.

#### **Mitigation measure #1: Coal train car covers will be used to prevent fugitive dust emissions.**

##### Comments:

Multiple submissions for the 9/21/2015 hearing on the Army Base Gateway Redevelopment Project reported on the lack of commercial availability of coal car covers (Fox, 2015; Ostro, 2015; Sustainable Systems Research, LLC, 2015). Since that time, interviews by Lora Jo Foo of No Coal In Oakland with potential coal car cover producers revealed that of five companies which at one point had planned to provide coal car covers, three companies have progressed to the point of having prototype ready for production, though none have begun commercial manufacturing (Foo, 2016).

As far as we know, no coal car cover has been sold commercially in the U.S., a fact that alone shows the degree to which the technology is untested and therefore experimental. However beyond this issue, coal car covers present an issue of enforceability for the city of Oakland, as federal regulation preempts state and local regulation with regards to railroad operations (Trimming, 2013). Importantly, in her interviews with potential coal car cover producers, Ms. Foo found that one company shelved development due to lack of demand arising from the federal government choosing not to pursue a mandate of coal car covers (Foo, 2016) -- that is, the only entity with authority to enforce coal car covers has chosen not to do so. It is possible that a state include coal dust regulation, such as coal car covers, as part of its State Implementation Plan (SIP) submitted to the EPA, and that the courts harmonize the SIP with federal preemption (Trimming, 2013). However this is no guarantee, as the state regulation must not overly interfere with railroad operations or interstate commerce (Trimming, 2013), an outcome that seems quite likely given the exorbitant cost of coal rail car covers (see below). Moreover, the city of Oakland has no guarantee that the state would bring forth such a regulation. Indeed, in its 9/8/15 submission, the developer's legal counsel argued that federal preemption would hinder any city action (Smith, 2015). The city does, however, have the legal authority to ban coal as a bulk commodity due to its substantial endangerment of health and safety. These findings suggest that rail car covers do not appear to be a feasible option.

Coal car covers present a daunting capital expense. In her interview with one potential producer, Ms. Foo found that a cover for a single rail car would cost roughly \$13,000-\$15,000, over 20% the cost of rail cars themselves. Moreover, interviews revealed that likely the shippers, not TLS, would be responsible for purchasing or leasing the covers. Given these high costs, the tumbling profit margins of coal operations (Fulton et al., 2014), and probable lack of enforcement, it seems unlikely that shippers would heed the plans laid out by TLS for covered coal cars.

A number of other factors point to the unreliability of coal car covers in preventing dangers to human health, and therefore their farfetchedness as a mitigation measure that will be implemented by shippers:

- Covers are not 100% effective at reducing fugitive dust, as roughly 7 percent of dust leaks out of the bottom of bottom-unloading cars in transit (California Capital Investment Group, 2015). The Basis of Design (BOD) for the proposed terminal calls for bottom-unloading cars (California Capital Investment Group, 2015).
- Covers do not prevent the increased diesel emissions along the rail lines that will result from shipping coal rather than some other good. Coal trains weigh anywhere from 50-200% more than normal freight trains, requiring vastly more diesel fuel (Fox, 2015), with each gallon of diesel fuel emitting incrementally more harmful air pollutants -- including black carbon -- into the surrounding community (Galvis et al., 2013). Even if the same tonnage of a different commodity were to be transported into the terminal, that commodity would spread out emissions over a larger number of trains, and reduce the sharp increases in particulate matter that lead to acute health conditions.



- The enclosed space created by covers leaves coal prone to spontaneous combustion in the rail car (Trimming 2013), which occurs with some frequency:

*"Spontaneous combustion of coal is a well-known phenomenon, especially with PRB coal. This high-moisture, highly volatile sub-bituminous coal will not only smolder and catch fire while in storage piles at power plants and coal terminals, but has been known to be delivered to a power plant with the rail car or barge partially on fire."* (Hossfeld and Hatt, 2005)

PRB coal combusts easier than Utah coal, with PRB BTU/lb anywhere from 8000-9400 (Hossfeld and Hatt, 2005), compared 11400 for the Utah site (Bowie Resource Partners website). However Utah coal still has a much lower BTU/lb than Appalachian coals, and has a history of spontaneously combusting (U.S. Department of Energy National Energy Technology Laboratory, 2002).

Overall, the use of coal car covers is a highly speculative mitigation measure for the city to undertake. Beyond be expensive and likely unenforceable, coal car covers are untested and -- even if 100% effective -- would still not prevent harmful exposures to fugitive dust from coal car bottoms or combustion fires.

**Mitigation measure #2: In packing cars, coal dust will be controlled through load profiling and treatment with topping agents to minimize emissions.**

Response:

As stated above for rail car covers, the use of topping agents is wholly unenforceable by the city of Oakland. Beyond this issue, perhaps the best demonstration of the impracticality of topping agents is the dispute that has occurred between BNSF and shippers of PRB coal, which ended up before the U.S. Surface Transportation Board (U.S. Department of Transportation Surface Transportation Board, 2011)). The dispute began as a result of derailments that were caused by fugitive coal dust, which has been shown to destabilize rail bed ballast and deposit on tracks (Vorhees, 2010). In order to avoid future derailments, BNSF required that topping agents be applied to coal shipments originating in Wyoming and Montana, and that proper load profiling be used to produce an 85% reduction in fugitive dust. The dispute centered around which party (shippers or BNSF) should pay for the reduction, which would cost upwards of \$100 million per year (Vorhees, 2010).

The PRB dispute showed that, beyond being costly, topping agents have lower real-world effectiveness than has been cited by HDR and the developer. Shippers argued before the Surface Transportation Board that no amount of surfactants and proper load profiling could meet BNSF's 85% standard (US Dept of Trans 2011), while BNSF argued that auditing indicated shippers do not regularly adhere to best practices for load profiling in order for topping agents to have the maximum 85% effectiveness (BNSF, 2010). Either way, the 85% threshold would not likely be met. Moreover, those along BNSF railroads have made similar statements about the lack of real-world effectiveness: *"while the railroad requires shippers to spray coal cars with surfactant to keep down the dust, it only is estimated that 30 percent of shippers comply with*

the rule" (Online Public Meeting for the Draft EIS for the Proposed Tongue River Railroad, 2015).

Lastly, topping agents may have negative aquatic and environmental effects, as encapsulated below:

*"In a concerning aside, the authors noted, based on earlier research, that "surfactants," the chemical adhesives commonly used to reduce coal dust on trains, can boost the ability of coal pollutants to enter the environment, and the Washington State Department of Natural Resources raises similar concerns about surfactants." (de Place and Kershner, 2013))*

*"Potential environmental impacts include: surface and groundwater quality deterioration; soil contamination; toxicity to soil and water biota; toxicity to humans during and after application; air pollution from volatile dust suppressant components; accumulation in soils; changes in hydrologic characteristics of the soils; and impacts on native flora and fauna populations." "The potential impact of dust suppressants on soils and plants includes changes in surface permeability, uptake by plant roots that could affect growth, and biotransformation of the dust suppressants in the soil into benign or toxic compounds depending on the environmental conditions and associated microbiota. Vegetation adjacent to the area where dust suppressants are applied could be impacted by airborne dust suppressants. This includes browning of trees along roadways and stunted growth. These effects will vary since different plants have different tolerances. The potential impact of dust suppressants to water quality and aquatic ecosystems include contaminated ground and surface waters, and changes in fish health. Dust suppressants that are water-soluble can be transported into surface waters and materials that are water-soluble but do not bind tenaciously to soil can enter the groundwater. Fish may be affected by direct ingestion of toxic constituents and also by changes in water quality (e.g., BOD, DO, salinity)." (Piechota et al., 2002)*

**Mitigation measure #3: Fully enclosed facilities will prevent fugitive dust emissions. Proper coal storage and handling of coal will prevent hazardous coal dust explosions and spontaneous combustions.**

The developer proposes to ship up to 10 million metric tons of coal through OBOT each year, with 2-3 trains arriving at the facility each day (Tagami and Bridges, 2015). Mitigation plans to reduce fugitive dust at the terminal -- including planned use of enclosed storage and water spraying -- will only partly address the issue, and moreover may cause health hazards in and of themselves.

First, full coal cars will sit exposed on the tracks for hours at a time waiting to be unloaded. Sustainable Systems Research, LLC (2015) estimated that up to 650 tons of coal per year could be lost from idling full coal cars due to wind erosion. These emissions will be constant sources of exposure to particulate matter for both terminal workers and residents of areas surrounding the terminal.

While covered storage facilities would prevent further fugitive dust emissions from stockpiles, the enclosed spaces in those facilities promote (1) coal dust explosions due to high concentrations of ambient combustible material (Hossfeld and Hatt, 2005), and (2) fires due to

spontaneous combustion of coal at high temperatures and pressures while sitting in stockpiles (de Place, 2012; U.S. Department of Energy, 1993). Even with proper handling and layering of coal stores, it may be difficult to control combustion in an enclosed environment -- for instance, the U.S. Department of Energy in its Piñon Pine project determined that the only feasible way to store coal in order to prevent it from combusting was to store it outside (U.S. Department of Energy National Energy Technology Laboratory, 2002).

To reduce risks of explosions, the developer proposes continual water spraying in the facility (Liebsch and Musso, 2015). Spraying down coal stockpiles in such close proximity to a waterway could lead to harmful leachates that negatively impact marine life (Ahrens and Morrissey, 2005; Campbell and Devlin, 1997; Johnson and Bustin, 2006).

In summary, the terminal facilities proposed by the developer only partially mitigate exposure to particulate matter, and produce a host of other occupational and public health issues. Like the other mitigation measures, a “state-of-the-art” terminal is by no means a perfect solution.



## Chapter 4: Hazardous Toxics Accompanying Coal Dust

### Key Points

- Many highly toxic chemicals accompany coal dust. There are no known doses that are risk-free, especially for the very young and for those in communities exposed to multiple toxins.
- Cadmium poses danger as a kidney toxin and cause of osteoporosis. Cadmium exposure is linked to kidney, bladder and lung cancer.
- Mercury toxicity derives from consuming or inhaling this element or its organic form. There is substantial evidence that it reduces mental function especially in the very young and exposure is also linked to heart disease, diabetes and adverse birth outcomes.
- Lead is an infamous toxin, strongly associated with brain and nerve damage, especially in children. It is linked to increased risk for lung, stomach and bladder cancer.
- Arsenic is a known cause of skin, bladder and lung cancer.
- Crystalline silica is a causative agent for lung cancer. Monitoring of silica levels near a coal export facility revealed air levels that exceeded regulatory guidelines.

### *Summary of Submitted Evidence*

Several submissions note that a range of toxics accompany coal dust, furthering the point that there is no clean coal. Phyllis Fox, in her technical report for the Sierra Club (a), provides an in-depth discussion of toxics of critical concern:

She discusses that coal contains many kinds of polycyclic aromatic compounds (PAHs), including both naphthalene and benzo[b]fluoranthene (Zhao et al., 2000), two compounds listed by the State of California's Proposition 65 list (California EPA OEHHA, 2016). PAHs are toxic constituents of PM<sub>2.5</sub> that have been shown to have mutagenic, carcinogenic, and asthma-inducing effects (WHO, 2003). She also finds that coal dust additionally contains a host of metals and metalloids, including silica, which have been shown to have a negative effect on human health. Although coal is not classified as hazardous, Fox explains that its constituents are, for example, the minimum and maximum levels for arsenic in Utah coal are 1-8ppm, which are approximately 14-114 times the residential risk-based screening level suggested by CEPA (.07ppm). These arsenic levels are also higher than the CEPA industrial risk-based screening level of 0.24ppm (Fox, 2015).

This chapter reviews some of the high profile toxic constituents of coal.

## Findings

### CADMIUM

This element has multiple well-known toxicities including renal toxicity (1,2,3) and such kidney damage may occur at very low levels of exposure, with even house dust being a contributing factor (4). Cadmium exposure also increases the risk of osteoporosis, associated fractures and decreased quality of life, even at very low exposure levels (5,6,7). This toxin is also classified as an IARC Group I carcinogen (8). Epidemiologic studies have linked cadmium exposure to lung cancer (9,10), kidney cancer (11) and bladder cancer (12). Cadmium exposure is associated with an increase in blood sugar and risk for diabetes (13). An association with overall mortality and environmental cadmium exposure has been found, which risk is independent of kidney damage (14). Furthermore, there appears to be no threshold for this effect (4).

Populations at increased risk for cadmium toxicities include diabetics (5), postmenopausal women and those of reproductive age, (15).

Cadmium serves no laudable effect in human biology, only a deleterious one. Due to a number of industrial processes, including the extraction and combustion of coal, current U.S. and European standards for tolerable weekly intake have already been exceeded in many cities (16,4). There is no known safe dose of exposure for the outcome of increased overall mortality (4,13,14). Given these data, any additional cadmium exposure is highly likely to lead to an increase in disease and death.

### MERCURY

Coal carries mercury as a contaminant. This is why coal-fired power plants comprise the largest source of mercury pollution in the United States (17). Airborne mercury in its inorganic form is eventually transported to water and earth, where food sources become contaminated (18). Bioaccumulation of low levels of mercury in aquatic species can lead to high levels of organic mercury levels in people consuming such fish. In fact, the FDA currently advises that young children, pregnant women and nursing mothers limit their amount and type of fish consumption (19) as higher fish consumption in these groups is associated with cognitive problems in young children (20). All forms of mercury are toxic to many organ systems. Airborne and food sources of mercury have both been associated with lower IQs in young children (21). Such cognitive impairment in children is likely to be permanent (22,23). Memory, mood and anger problems have also been associated with mercury toxicity (24,25,26). High levels of mercury are associated with an increased risk of diabetes mellitus, coronary heart disease, and cardio-vascular mortality, but even chronic, low-dose exposure can lead to cardiovascular disease and chronic renal disease (27,28)). Mercury has also been associated with adverse reproductive outcomes including an increased risk of spontaneous abortions (29) and impaired fertility and newborn development (30).

Infants and children, people with iron deficiency and those consuming large quantities of fish are among most vulnerable of populations.

## LEAD

Lead, also a component of coal, causes multiple morbidities, some of which occur at very low levels of exposure. Indeed, the Centers for Disease Control and Prevention have steadily lowered the threshold of acceptable blood levels considered dangerous for in children by 88% (from 60 micrograms/dl to 10 micrograms/dl) over the last 40 years (31). The nervous system is the organ complex most vulnerable to lead-induced toxicity (32). Both the peripheral and central nervous systems are susceptible to lead toxicity (33). Children are particularly prone to suffer irreversible central nervous system damage, even at the lowest levels of exposure (34,35,36,37). In fact, there is no known safe dose of lead for developing brains (38). Pre-natal transmission of lead from mother to fetus can also harm cognitive function in infants and children (39). Syndromes consistent with attention deficit and hyperactivity disorder (ADHD) have also be linked to low-level lead exposure (40). In adults, lead exposure increases the risk of hypertension, heart disease and stroke (41). Even very low levels of exposure can lead to increases in blood pressure (42). Lead causes anemia by blocking synthesis of heme, even when blood levels are 10 micrograms/dl or lower (43). IARC deems inorganic lead a probable human carcinogen, likely increasing the risk of lung, stomach and bladder cancer (44).

No safe exposure has been identified for many of lead's severe toxicities. The most severely affected population are the very young. Blood levels of lead are higher among minority children, those in low income households and children living in older homes (34).

## ARSENIC

Arsenic, also a component of coal, affects many organ systems. Exposure can occur through contaminated water or by inhalation (45). Some of these toxic effects occur with chronic, low levels of exposure. For this reason, government agencies in several countries have progressively decreased the maximum allowable dose of arsenic in drinking water (46,47,48,49). There are few promising treatment methods (45). IARC has listed arsenic as a human carcinogen since 1980 (50). Arsenic is unique in that it is the only known chemical carcinogen for which there is strong evidence of cancer risk by both inhalation and ingestion (51). Arsenic exposure is associated with a number of tumor types including skin cancer (52), bladder cancer (53), lung cancer (54). Arsenic also has deleterious effects on the nervous system. Long-term exposure may result in neurobehavioral effects in adolescents. The problem may be more severe if lead exposure is also present (55). Arsenic peripheral neuropathy, including sensory loss, pain and muscle weakness, is well-described (56,57). Children's intellectual function can be decreased by arsenic exposure (58). Arsenic is a reproductive toxin, exposures leading to fetal loss and premature delivery (59). Studies have documented a relationship between arsenic exposure and diabetes (60,61). A U.S. study concluded that even low levels of inorganic arsenic may play an important role in increasing the incidence of type 2 diabetes (62). Long-term exposure to arsenic may also increase carotid atherosclerosis (63). Long-term exposure to arsenic also results in an increasing incidence of respiratory disease, including chronic bronchitis (63,64).

Many of arsenic's toxic effects occur at relatively low levels of exposure. The most vulnerable populations include the very young, pregnant women, those who are also exposed to lead and those who have risk factors for or a family history of Type 2 diabetes mellitus.

### **CRYSTALLINE SILICA**

Silica has been known for centuries to cause silicosis and, in the last few decades, has been shown to be a cause of lung cancer. Crystalline silica is a Group 1 IARC carcinogen (65). The silica content of coal dust has made this substance a well-documented occupational hazard (66) a cause of chronic lung disease including fibrotic pneumoconiosis (silicosis), interstitial inflammation, emphysema, fibrotic granulomata and sclerotic nodules (67,68,69). In addition, silicosis increases the incidence of tuberculosis in affected individuals (70). Respirators may be useful in short-term, high-dose exposures, but are generally not useful as the primary means of exposure control due to workplace discomfort, difficulties in communicating with other workers, lack of compliance, and difficulties with obtaining and maintaining a good mask fit (71). Chronic levels of silica dust, that do not cause disabling silicosis, may cause the development of chronic bronchitis, emphysema and/or airflow obstruction, even in the absence of radiological evidence of silicosis (72). On the basis of epidemiological studies, the OEHHA derived an inhalation chronic reference exposure level (REL) for silica – a level below which no adverse effects due to prolonged exposure would be expected in the general public – of only 3 micrograms/cubic meter (73). It is noteworthy that air quality monitoring near a coal export facility in Seward, Alaska revealed crystalline silica levels that exceeded this REL on at least 2 occasions (73).



## Chapter 5: Local impacts of international combustion of coal: trans-pacific travel of air pollution

### Key Points

As documented extensively in this report, shipping coal through OBOT will negatively impact the health of Oaklanders by releasing coal dust and diesel pollutants during transport. A less tangible, but incredibly important consequence of shipping coal to Asia will be pollution introduced to the Western United States including the Bay Area as the result of the coal being burned in Asia. A wealth of scientific literature has shown that a large fraction of air pollution on the West Coast can be attributed to products of coal burning in Asia that subsequently blow across the Pacific Ocean. By this token, the city of Oakland would in effect be shipping coal to be burned and blown back over itself.

### Findings & Summary of Submitted Evidence

Repercussions from Asian consumption of OBOT coal include:

1. **Increased hazardous air pollutants** -- Levels of dangerous air pollutants in the Bay Area - including PM<sub>2.5</sub>, PAHs, ozone, sulfates, and mercury -- are linearly related with coal consumption on Asia.
2. **Increased mortality in the Oakland area** -- Overseas combustion of coal has a direct, measurable impact on local mortality rates.
3. **An inability to meet air quality standards** -- Pollution resulting from Asian consumption would add to Oakland's already high background air pollution levels, making it unlikely that the city will meet air quality standards. In particular, increased ground level ozone (which also acts as a greenhouse gas) would likely exceed standards.

Evidence submitted prior to the 9/21/2015 hearing on the Army Base Gateway Redevelopment Project spoke to the direct air quality impacts that combustion of coal shipped from OBOT will have on Oakland, the Bay Area, and the world. Below are summarized findings from submitted evidence (also cited are references used in developing those findings), as well as findings from analysis subsequent to the 9/21/2015 hearing:

- Air pollution exposure: As noted elsewhere, burning the nine million metric tons of coal that the developer proposes shipping through OBOT each year will add 22 million metric tons of CO<sub>2</sub> annually to the atmosphere, or 1.5 billion tons of CO<sub>2</sub> over the length of the developer's lease (Gutierrez, 2015a; No Coal In Oakland, 2015; Union of Concerned Scientists; Wisland, 2015). Burning coal in Asia will similarly increase air pollutants, which disproportionately impact the Bay Area. Prevailing westerly winds blow coal burning products across the Pacific Ocean from Asia directly to the western U.S. (Zhang et al., 2008, 2009). Numerous studies have captured the degree to which Asian emissions are accountable for West Coast pollution, the findings of which include (but are not limited to):

- A 2010 study conducted in Oakland indicated that roughly 30% of the region's particulate matter (PM<sub>2.5</sub>) air pollution originated in Asia (Ewing et al., 2010).
- Pacific Northwest air samples detected polycyclic aromatic hydrocarbons (PAHs) from the incomplete combustion of coal in Asia (Lafontaine et al., 2015).
- 14% and 18% of mercury deposits at two sites in Oregon were found to come from Asian air pollution (de Place, 2012b).
- Roughly 20% of ground-level ozone (O<sub>3</sub>) in California originates from Asian sources (Lin et al., 2012)
- Production of Chinese export goods adds 12-24% of sulfate pollution over the Western U.S. (Lin et al., 2014).

The adverse health outcomes resulting from exposure to the above mentioned pollutants have been documented elsewhere in this report, however it is important to note that high enough exposure to methylmercury (a byproduct of mercury pollution) causes severe developmental disorders in children (Sustainable Systems Research, LLC, 2015).

- Health impacts and implications: Intercontinental air pollutants have direct effects on human health and the ability of California cities to meet air quality standards, as demonstrated in the studies below:
  - 3-7% of deaths from PM<sub>2.5</sub> exposure can be attributed to intercontinental air pollutant transport (Anenberg et al., 2014).
  - Asian pollution threatens the ability of the Western U.S. to meet the ozone standards proposed by the EPA of 65-70ppbv, as trans-Pacific contributions to ozone levels currently equal up to 5±5.5ppbv and are increasing at a rate of 0.8±0.3ppbv (Christensen et al., 2015). Other studies similarly found increases in ozone levels (Zhang et al., 2008, 2009)
  - Asian air pollution is associated with increased severity of Pacific storms (Zhang et al., 2007). Natural disasters inequitably impact socioeconomically vulnerable groups, populations which are highly represented in Oakland (Pacific Institute, 2012; Wisland, 2015).
- As with any other commodity, reducing the supply of coal will increase its price and reduce consumption (de Place, 2012b). Therefore it is likely that if the City of Oakland bans coal exports, it will directly reduce fossil fuel consumption and global warming.

For years, California and Oakland have been at the forefront of environmental activism, and through proactive legislation have dramatically reduced both greenhouse gases and the fraction of energy coming from coal (California Energy Commission, 2015; City of Oakland, 2012; Office of Governor Brown, 2015; Wisland, 2015). In allowing coal shipments through OBOT, Oakland and California would sharply contradict these stated goals.

## Chapter 6: Responses to Developer Comments Concerning Coal Dust

### Key Points

During the course of receiving comments and testimony in September and October, 2015, several comments were made by the developers with regards to risks and exposures to pollution that might emanate from the project, with coal dust being a point of focus. Often there was a rebuttal or alternate view, and these have been gathered from the submitted record to present a cogent flow of information, below. In many instances the Panel provided supplemental review and response.

This section is important to a health assessment because the degree to which the comments are true – or not – will have bearing upon our exposure estimates.

### Comments and Responses

#### Comment by coal proponent:

**Little to no fugitive dust will be emitted by the time trains arrive in West Oakland. If proper load profiling, packing, and topping practices are applied, coal dust will only be emitted during initial acceleration away from the loading point. In its Publication AP-42, the USEPA states that wind erosion of coal piles is limited by the amount of erodible material, such that no wind erosion will take place once erodible material is removed. (Liebsch and Musso, 2015)**

#### Response:

The claim that the vast majority of coal dust emissions “*will occur during the initial acceleration phase after the train cars are freshly loaded*” (Liebsch and Musso, 2015) is based on a USEPA report which is not relevant to moving freight. The focus of the USEPA report is on dust emissions produced “by wind erosion of open aggregate storage piles and exposed areas within an industrial facility” (USEPA Office of Air Quality Planning and Standards, 1995). The report states that dust emissions are limited by the availability of erodible coal stored at the facility, however as noted by Dr. Phyllis Fox, rail transport constantly produces erodible material: “movement of cars during transit creates vibrations that break larger pieces of coal into smaller particles, creating a continuous source of dust as the trains travel to their destination.” (Fox, 2015). Peer-review studies have confirmed that coal dust particulate matter is produced and emitted throughout the entirety of transit, including at the destination. (Jaffe et al., 2014; Jaffe et al., 2015)

#### Argument by coal proponent:

**The Jaffe et al. (2014) study used measurement devices calibrated for diesel particulate matter detection rather than coal dust detection, and therefore cannot state that the PM captured was coal dust, nor that it was PM<sub>2.5</sub>. Furthermore, the study was conducted in an area of Seattle with already high diesel particulate matter levels. (Tagami and Bridges, 2015)**

Response:

The author of the article responds: "The comments about the DustTrak are not really relevant to our findings. The DRX is not a regulatory instrument, but has been used in many scientific studies for PM<sub>2.5</sub>, as documented in our paper. While it is true that we did not "calibrate for coal dust", nonetheless, the relative response for coal trains and diesel trains that we observed can not be explained by a calibration difference. Doing the calibration they suggested would be a complex and costly experiment. To my knowledge, no one has ever done this." (Personal communication, Dan Jaffe, 2016)

Comment by coal proponent:

**Coal dust is not defined as a hazardous material by USEPA, as it is not included on the State of California's Proposition 65 list of chemicals known to cause cancer or reproductive toxicity. (Liebsch and Musso, 2015)**

Response:

As stated in Fox (2015), "coal dust" is "an umbrella term that includes the full range of particle classifications based on size, from granules to very small particles." To give an example, raw coal contains many kinds of polycyclic aromatic compounds (PAHs), including both naphthalene and benzo[b]fluoranthene (Zhao et al., 2000), two compounds listed by the State of California's Proposition 65 list (California EPA OEHHA, 2016). PAHs are toxic constituents of PM<sub>2.5</sub> that have been shown to have mutagenic, carcinogenic, and asthma-inducing effects (WHO, 2003). Coal dust additionally contains a host of metals and metalloids, including silica, which have been shown to have a negative effect on human health (Colinet, 2010; Epstein et al., 2011; USEPA (U.S. Environmental Protection Agency), 2009a).

More generally, a good portion of blowing coal is documented to be in the fine particle range (i.e., PM<sub>2.5</sub>). As documented in Chapter 2, the WHO considers PM<sub>2.5</sub> to be a causal determinant of poor health, including premature mortality:

*"The 2009 PM ISA synthesized the epidemiologic literature characterizing the association between long-term exposure to PM<sub>2.5</sub> and increased risk of mortality and concluded that 'a causal relationship exists between long-term exposure to PM<sub>2.5</sub> and mortality' (See Section 7.6 of the 2009 PM ISA). Long-term mean PM<sub>2.5</sub> concentrations ranged from 13.2 to 32.0 µg/m<sup>3</sup> during the study periods in the areas in which these studies, comprising the entire body of evidence reviewed in the 2009 ISA, were conducted. When evaluating cause-specific mortality, the strongest evidence contributing to this causal determination was observed for associations between PM<sub>2.5</sub> and cardiovascular mortality. Positive associations were also reported between PM<sub>2.5</sub> and lung cancer mortality."*

*“The epidemiologic evidence evaluated in the ISA contributed to the determination that there is sufficient evidence to conclude that ‘a causal relationship exists’ between short-term PM<sub>2.5</sub> exposure and cardiovascular effects and mortality, and a ‘likely to be causal relationship exists’ between short-term PM<sub>2.5</sub> exposure and respiratory effects (Chapter 2, 2009 PM ISA).” (U.S. EPA (U.S. Environmental Protection Agency), 2012)*

**Comment by coal proponent:**

**A series of studies conducted in the UK found no association between respiratory diseases and proximity to opencast coal mining sites, suggesting a lack of causality between exposure to coal dust and health effects in children. (Burns, 2015)**

**Response:**

As detailed in the Appendix Chapter 2, findings from the cited studies of communities surrounding opencast mining operations in the UK run counter to an overwhelming preponderance of evidence suggesting a link between particulate matter and a host of respiratory conditions. Recent evidence of the respiratory response to particulate matter (PM<sub>2.5</sub>) includes, but is not limited to: incident asthma in both children and adults (Brauer et al., 2007; Künzli et al., 2009; Leon Hsu et al., 2015; Young et al., 2014), emergency department visits for respiratory conditions (Alhanti et al., 2016; Malig et al., 2013; Strickland et al., 2015), as well as reduced lung function and bronchitic symptoms in children with asthma (Berhane K et al., 2016; McConnell et al., 2003; Neophytou et al., 2016).

The studies in the UK contain a number of troubling methodological issues with respect to defining the control and exposure groups. The two groups were defined solely using distance from mining operations, excluding important determinants of PM<sub>10</sub> exposure such as topography and wind conditions. Indeed, PM<sub>10</sub> levels were higher in one of the control groups relative to the exposed, demonstrating the difficulty of measuring exposure by distance alone. The authors further failed to control for potential confounders of the studied relationship, such as medication. It could be the case that children living near coal mining operations were more likely to be prescribed asthma medications, which would obscure the health impacts of exposure (the study did find that children living close to mining sites visited their general practitioners more often, which could have led to increased prescriptions). Taking into account these shortcomings in the UK studies, along with the vast literature contradicting them, one can conclude that exposure to particulate matter resulting from shipping coal through Oakland would have negative respiratory on those in the surrounding community.

**Comment by coal proponent:**

**Coal mine occupational exposure studies are not applicable to fugitive dust. (Smith, 2015)**

**Response:**

As stated elsewhere in this report, no threshold concentrations have been found for ambient particulate matter below which negative health effects do not occur, such that it is reasonable

that health effects similar to those faced by coal miners will be experienced by workers handling coal at the terminal. The potentially hazardous conditions faced by workers should not be discounted as a harm of the proposed terminal. Occupational dangers include:

- Inhalation of coal dust
- Exposure to diesel emissions, particularly black carbon (Galvis et al., 2013)
- Train derailments (U.S. Department of Transportation Surface Transportation Board, 2011; Vorhees, 2010)
- Coal dust explosions and coal fires (Hossfeld and Hatt, 2005; de Place, 2012; U.S. Department of Energy, 1993)

**Comment by coal proponent:**

**The metal content of coal is minimal compared to background soil levels and risk-based screening levels as defined by the USEPA. (Liebsch and Musso, 2015)**

Response:

This argument ignores several residential and industrial risk-based screening levels exceeded by the metal content of raw coal, and moreover does not make mention of CEPA risk-based screening levels (California Environmental Protection Agency, 2004). For instance, the minimum and maximum levels for arsenic in Utah coal are 1-8ppm, which are approximately 14-114 times the residential risk-based screening level suggested by CEPA (.07ppm). These arsenic levels are also higher than the CEPA industrial risk-based screening level of 0.24ppm (Fox, 2015). Table 1 below displays EPA risk-based screening levels and California background soil levels adapted from Liebsch and Musso (2015), as well as CEPA risk-based screening levels.

**Table 1 - EPA & CEPA residential and industrial risk-based screening levels**

	Uinta Basin Coal			EPA RSL - Res.	EPA RSL - Ind. Soil	CEPA RSL - Res.	CEPA RSL - Ind. Soil
	Average	Max					
Element	ppm (or mg/kg)	ppm	CA Soil Backgd mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Sb	0.2	0.9	0.15 - 1.95	39	580	30	380
As	1	8	0.6 - 11	0.68	3	0.07	0.24
Cd	0.1	0.2	0.05 - 1.7	71	980	1.7	7.5
Cr	7	30	23 - 1579	120000	1800000	100000	100000
Co	1.2	3	2.7 - 46.9	23	350	660	3200
Pb	3.6	7.7	12.4 - 97.1	400	800	150	3500
Hg	0.05	0.38	0.1 - 0.90	23	350	18	180
Ni	2.8	10	9 - 509	1500	22000	1600	16000
Se	1.8	3.4	0.015 - 0.43	390	5800	380	4800
Th	3.4	7.9	5.3 - 36.2	0.78	12	--	--
U	0.9	3.1	1.2 - 21.3	230	3500	--	--

Sources: (California Environmental Protection Agency, 2004) (Liebsch and Musso, 2015)

**Comment by coal proponent:**

**Coal trains currently run through Oakland without any noticeable impact on the surrounding community. (Smith, 2015)**

**Response**

Coal is not currently shipped from the Port of Oakland, nor do coal trains move through Oakland with any semblance of regularity. Coal trains often move between Utah and the private Levin-Richmond terminal north of Oakland. The southern route to the Levin-Richmond terminal, which goes through Oakland, is longer and more expensive than the northern route, such that trains passing through Oakland would be incredibly rare (Gutierrez, 2015b). Notably, residents along the northern route to the Levin-Richmond terminal have commented at length about the disruption to their daily living caused by coal trains (Small, 2015). In a 10/2/2015 letter in response to Question #8 from Assistant City Administrator Claudia Cappio's 9/28/2015 memo, Lora Jo Foo of No Coal In Oakland detailed an extensive investigation into coal trains passing through Oakland over the prior year. In her investigation, Ms. Foo spoke to Port of Oakland and Union Pacific officials, all of whom confirmed that coal trains very rarely pass through Oakland. In fact, likely only two trains had passed through Oakland during the prior year, one of which had been mistakenly routed to the Port of Oakland and was immediately removed upon discovery of the misrouting. Ms. Cappio herself stated that evidence of coal trains in Oakland was limited to two sightings (Foo, 2015).

**Comment by coal proponent:**

**The project will create economic benefits including 2400 jobs, half of which will be given to Oaklanders. (Burns, 2015)**

**Response:**

Relative to other alternatives, coal shipping creates few jobs per dollar invested (Kammen, 2013). Moreover, as detailed by Tom Sanzillo and Margaret Rossoff in their submissions for the 9/21/2015 hearing on the Army Base Gateway Redevelopment Project, coal is not an economically viable export, nor will it produce nearly the number of jobs estimated by the developer. From their findings, it can be concluded that better job alternatives to coal exist. Findings were as follows:

- While the entirety of Oakland Global is projected to create roughly 2400 permanent jobs and 2700 construction jobs, the bulk terminal used to ship coal will provide just 5% of total full-time permanent on-site jobs and 6% of construction jobs, a total of 278 jobs that would just as likely be created using the terminal for a different commodity (Rossoff, 2015).

- The developer estimate of 212 indirect jobs created by the bulk terminal is overstated -- amongst other estimation errors, the developer did not account for jobs loss, such as trucking positions that will no longer exist with increased rail transport. Moreover, the indirect jobs created by the terminal would by no means be located in Oakland, the area that would be most negatively impacted by coal.(Rossoff, 2015).
- The coal industry has been dramatically declining for years, meaning that jobs created at the terminal would be constantly in danger. It would be financially reckless for the city to allow devoted resources in the OAB to such an economically weak commodity. Evidence pointing to the weakness of the coal industry includes:
  - Coal producers have seen dozens of firms enter bankruptcy since 2012 (Sanzillo, 2015), including in recent months the largest U.S. producer of coal (Brickley, 2016). Over the past two decades, the percent of U.S. electricity coming from coal has dropped from over 50% to just 34%. Asian demand for coal -- once seen as a life preserver for the industry -- is similarly on the decline, with China's coal imports dropping by roughly 40% from 2013 to 2015. The largest U.S. investments firms almost uniformly conveyed a pessimistic long-term outlook for coal exports (Sanzillo, 2015).
  - Global prices for coal sunk by as much as 75% from 2011 to 2015, dropping far below prices considered to be sustainable by producers (Sanzillo, 2015).

Bowie Resources, the coal producer linked with OBOT, has experienced a declining market share for years, and been hurt by the retirement of many of the coal plants with which it transacts. The fact that the state of Utah is putting up additional capital for the project -- not Bowie Resources parent company Trafigura -- speaks to the total lack of confidence in Bowie Resources to deliver for the full length of their contract. Furthermore, in its own recently filed IPO, Bowie Resources itself indicated that it did not anticipate nearly the level of demand needed to meet throughput targets with its partner ports (Sanzillo, 2015).

#### **Comment by coal proponent:**

**The coal shipped through OBOT will be "Compliance Coal", which has a low sulfur content and is amongst the cleanest burning coals -- it will replace dirtier coals and biomass burning, actually leading to a net reduction in pollution and climate change. (Bridges, 2015)**

#### **Response**

As noted by Laura Wisland of the Union of Concerned Scientists in her submission for the 9/21/2015 hearing on the Army Base Gateway Redevelopment Project, while coal with a lower sulfur content is considered to be cleaner, the contribution of coal shipped from OBOT will in no uncertain terms contribute to global warming emissions, for the reasons listed below:

- "Compliant coal" is still harmful for the environment. The ten million metric tons of coal shipped through OBOT each year will result in annual CO<sub>2</sub> emissions of 26 million tons into



the atmosphere, requiring 10 billion gallons of water (Wisland, 2015). CO<sub>2</sub> emissions will exceed 1.5 billion tons over the course of the developer's 66-year lease (No Coal In Oakland, 2015).

- Sub-bituminous coal has a lower BTU content than other coals, meaning more must be burnt relative to other coals to obtain the same amount of energy. This lower energy potential of coal could offset any net gains from its low sulfur content (Wisland, 2015).

A further economic case can be made that shipment of coal from OBOT will lead to higher greenhouse gas emissions, as classic supply and demand theory predicts that the arrival of large amounts of coal on foreign markets will lower its price and increase consumption through "induced demand." Additionally, coal supporters have argued that the presence of a more efficient coal on the market would lead to less demand for dirtier biofuels. This rationalization underestimates the ability of developing countries to replace biofuels with renewable energy sources, which are increasingly available (Wisland, 2015).

Overall, Bridges (2015) is correct in making the assumption that coal is a dirty fuel which must be transitioned away from on the world market, however doing so by simply adding more coal would be counterproductive and harmful to the environment.



## Chapter 7: Health and Safety Hazards at the Port

### Key Points

1. Coal is inherently challenging to handle and transport. This is because it is (a) combustible in solid form, (b) highly explosive when suspended as particles in confined spaces, (c) toxic to humans especially when inhaled as dust, and (d) noxious to those who encounter its dust.
2. Export of coal through Oakland requires that coal be transferred from the mine site to rail cars, transported by rail over many hundreds of miles to the port facility, transferred from rail cars into the port facility, transferred into storage heaps pending shipment, transferred out of the storage heaps to the wharves, loaded into ships, and then shipped out to the destination. Each step creates opportunities for release of dust and for hazards to adjacent workers, residents, businesses, and communities.
3. Environmental impacts include air pollution, water pollution, solid waste, noise, and safety and traffic hazards. Not all of these issues appear to be addressed in the Basis for Design or related documents.
4. The project area has seismic vulnerabilities that could create hazards in the likely event of an earthquake, as the soils are in highest category for liquefaction.

### Findings

- 1. Coal is inherently challenging to handle and transport. This is because it is (a) combustible in solid form, (b) highly explosive when suspended as particles in confined spaces, (c) toxic to humans especially when inhaled as dust, and (d) noxious to those who encounter its dust.**

The adverse traits of coal are acknowledged by the project proponents as noted in the Basis of Design submitted for the Oakland Bulk and Oversize Terminal (OBOT). The document notes that the commodity (described as “A”) will be “extremely abrasive, very dusty, exhibit spontaneous combustion behavior, and potentially explosive” (1).

#### **a. Spontaneous combustion**

Coal is combustible and considered to be “notoriously liable” to spontaneously ignite<sup>8</sup> when transported over long distances or stored (2). The conditions under which this can occur are complex. Because the port area is small, ignition would create health and safety concerns for workers at the port, other businesses, nearby residents, first responders, and critical transportation links such as freeways.

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<sup>8</sup> Spontaneous combustion is also referred to as “autogenous heating.” This is not the same thing as the explosions that can occur with an accumulation of dust.

In one reported case of spontaneous combustion, two firefighters were killed trying to put out a fire at a coal storage silo in South Dakota. Contributing causes of the explosion and fire according to the report published by the National Institute for Occupational Safety and Health (NIOSH) in the Centers for Disease Control and Prevention (CDC) included the design of the silo, the unique explosive characteristics of bituminous coal, and fire fighting tactics (3).

In its report the National Institute for Occupational Safety and Health wrote:

*One of the primary concerns for the bulk storage of coal is its ability to produce its own heat. The storage of bulk coal, whether inside a silo or stockpiled on the ground, releases heat slowly through oxidation. It is possible for enough heat to be released over a period of time to raise the coal temperature to self-ignition or spontaneous combustion. Such fires can be very stubborn to extinguish because of the amount of coal involved (often hundreds of tons) and the difficulty of getting to the seat of the fire. Moreover, bituminous coal in either the smoldering or flaming stage may produce copious amounts of methane and carbon monoxide gases. Methane is not a concern with sub-bituminous (PBR) coals.*

*In addition to their toxicity, these gases are highly explosive in certain concentrations, and can further complicate efforts to fight this type of coal fire. Even the most universal firefighting substance, water, cannot always be used because of the possibility of a steam explosion. Water contributes to the exothermic reaction of coal increasing the fire problem.*

## **b. Explosion**

Coal dust can be highly explosive in confined spaces such as mines or closed terminals (4-7). The potential for coal dust explosion is a concern whenever dust may accumulate in enclosed spaces, is not limited to mines (8), and includes shipment and transfer of bulk coal (9). At underground mines, ignition of coal dust is a cause of mine explosions that have killed many hundreds of miners, so rock dust is distributed to reduce the potential explosiveness of coal dust (10) This is not practical at a port.

The size of dust particles matters, as finer particles are more likely to create combustible conditions. There is some suggestion that cleaning and processing of coal tends to create smaller particles (11). While transportation facilities are not likely to experience as high concentrations of coal dust in confined space, they are still noted as a major concern for explosion. The Port of Los Angeles experienced fires during ship loading in 2001 and 2002 attributed to ignition of coal dust (12). A fire was reported on June 6 at a coal-fired power plant in Springfield, Missouri in a dust control system and attributed to highly combustible coal (13).

### **c. Toxicity**

Coal dust is a toxic substance that poses health risks when inhaled. Coal dust is well documented to cause extensive health effects and mortality in miners, though at greater concentrations than likely at a port (14-19). One component of coal dust is PM 2.5 (discussed elsewhere) but it can include toxic metals (also discussed elsewhere) and poly aromatic hydrocarbons (20, 21).

### **d. Noxious and abrasive nuisance**

Coal dust is black and tends to be sticky and accumulate on people and property, creating a significant nuisance near coal terminals (22). Residents of areas impacted by coal dust often complain of the nuisance and filth of the particles. Residents of Richmond complain of dust from coal trains and the coal terminal (23). This terminal ships only about 1 million metric tons of coal a year (but accumulates coal in a heap outdoors).

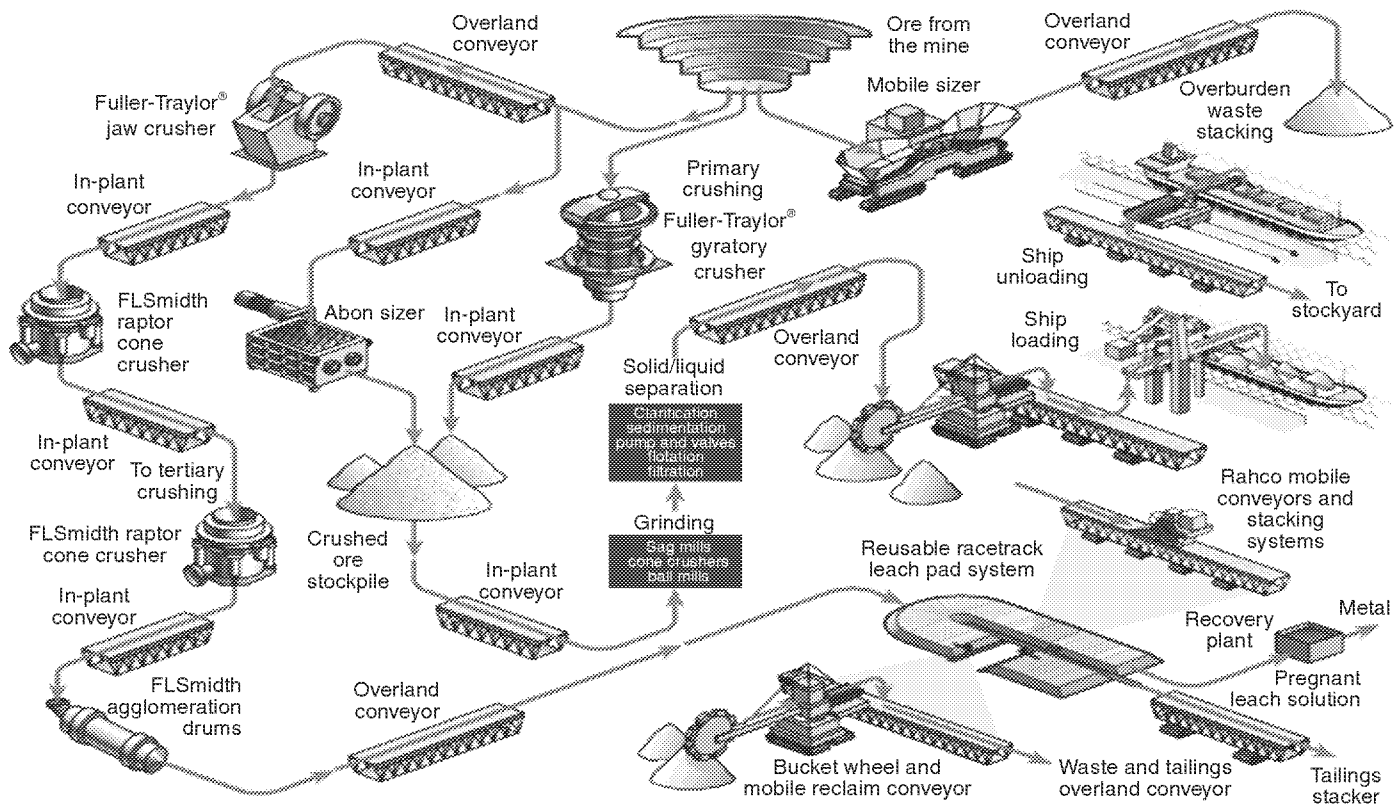
Recent complaints by people living in Mobile about dust from coal terminals led to an investigative report by a local television station that also conducted sampling at various locations and reported significant fractions of coal dust at all places sampled (24, 25).

Coal dust is also abrasive and may damage equipment and increase cleaning and maintenance costs. The Surface Transportation Board has determined that coal dust “poses a serious problem for railroad safety and operations” because it accumulates along the rail right of way and damages the infrastructure. The Board recognized that controls on dust are important to protect the interests of the companies that operate railroads and public safety (26, 27).

- 2. Export of coal through Oakland requires that coal be transferred from the mine site to rail cars, transported by rail over many hundreds of miles to the port facility, transferred from rail cars into the port facility, transferred into storage heaps pending shipment, transferred out of the storage heaps to the wharves, loaded into ships, and then shipped out to the destination. Each step creates opportunities for release of dust and for hazards to adjacent workers, residents, businesses, and communities.**

#### **A. Can a coal terminal be fully enclosed?**

The project proponents assert that the inherent hazards associated with coal transportation will be managed because the terminal will be constructed and operated as a wholly enclosed facility that will provide for all transfers and storage to be completed in a confined space. Handling of coal through dumping out of the bottom of train cars, loading into storage piles or areas, or conveyance to ships can contribute to generation and distribution of coal dust (28).



20.1 Generic flow chart coal handling. (Source: FLSmidth standard flow sheets.)

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The proposal to wholly encapsulate the terminal seems to represent a departure from practice at any other coal terminal that we can identify and so seems to be an unproven technology. Coal terminals typically employ various degrees of covering and dust control but are not entirely contained. We did not identify any coal terminals that operated in contained spaces that prevent release of dust to the ambient environment, nor has the project proponent identified any as far as we have been able to determine.

There appear to be discrepancies between the assertion that the entire terminal will be enclosed and the Basis for Design document offered as substantiation for the project. The Basis for Design provides for movement of coal unloaded from rail cars through conveyers, spreading of coal into horizontal heaps for storage, and overhead loading of coal into ships. None of these things seems to be encapsulated within the enclosed design.

#### **B. Managing coal and coal dust creates hazards**

The handling of coal dust is an on-going and significant concern as long as coal is transferred through the port, regardless of whether the facilities are contained or not. There may be tradeoffs in terms of infrastructure between allowing more ventilation of coal and of coal dust, which will tend to increase the distribution of dust into the environment but reduce the potential for explosion compared to the containment of coal. If coal and dust is contained in confined spaces, there is potential for suspension of coal dust in the air, which can be explosive and ignited by spark, static electricity, or heat. Coal dust explosions are of course extremely dangerous for workers, emergency responders, and the nearby community.

Either way, introduction of the noxious materials into a highly used area in the immediate vicinity of West Oakland neighborhoods, recreational facilities, and highways, very close to the downtown of a major city and cultural center, will require effective management.

Design of facilities to ensure a level of dust reduction necessary to meet environmental standards and address public health concerns is identified as a major challenge for development of coal ports (2, 29). Primary prevention strategy would be to prevent the generation or accumulation of the dust. Secondary mitigation strategies try to control the dust through ventilation or dust removal (30) as proposed for this project.

#### **C. Dust control through air filters creates potential for fire and requires active management**

The documents provided by the project sponsor acknowledge the importance of ensuring that conditions amenable to combustion do not occur. They say that extensive spraying of coal will be conducted to control dust and reduce the likelihood of explosion. The project proponents assert that they will eliminate dust hazards through use of air filtering technologies. However, these actions are not without alternate persistent hazards. Air filtering technologies can contribute to

explosive ignition of coal dust if not actively and competently managed on a daily basis.

Though there are some preliminary indications of types of equipment that may be used and mention of the use of both dust filters and wetting as strategies for dust control from the project proponents, as far as we can determine, no safety analysis has been conducted for the potential transfer of bulk coal through OBOT.

The design of conveyances to achieve performance and other goals including environmental goals needs to consider the specific factors at each installation and the materials being used and so cannot be guaranteed without site specific design and subsequent performance verification and testing (29). This means that assurance of performance capacity of any system cannot be guaranteed at an early design stage and health and safety review and verification is needed up to the point of operation. They may not be suitable for urban areas such as Oakland.

The Basis of Design submitted by the project proponent states that railcar dumpers will be used at the facility with a bottom dump. The rail cars would be North American Covered Hopper Cars. These are denoted as removable, fiberglass covers (1). However, in searching for such a car used for coal, no examples were found. North American Covered Hopper Cars are described by GATX, a major purveyor, as being of three types and used for several types of materials but not for coal (31). Additional discussion of this issue appears elsewhere in this submittal.

Conveyors tend to release dust and so have health and safety concerns, especially in an area prone to wind. While the Basis of Design document discusses the use of Pipe Conveyers, which are less prone to emit dust, for transfer from the railcar dumper to storage, other types of belt conveyers are to be used at other phases of the transfer including moving the coal to storage.

We did not identify many coal terminals in such close proximity to dense urban environments as downtown Oakland or critical infrastructure as the Bay Bridge. The Long Beach coal terminal is located at the far southern end of the Port of Long Beach away from freeways and critical infrastructure and areas of dense housing. The prevailing winds would tend to push dust out over the water rather than into downtown Long Beach. Moreover, this facility was grandfathered in and has never received an environmental review. Nearby residents complain of dust. Some areas have rejected construction or expansion of coal terminals in recent years including most recently the rejection by the US Army Corps of Engineers of the Gateway Project near Bellingham Washington (32).

- 3. Environmental impacts include air pollution, water pollution, solid waste, noise, and safety and traffic hazards. Not all of these issues appear to be addressed in the Basis for Design or related documents.**



The environmental impacts of coal transportation include air pollution, water pollution, solid wastes, noise levels, and safety and traffic hazards (36). The OBOT response to the City on September 28, 2015 states that no environmental review is required because the project will comply with numerous air and water quality regulations. However it does not appear that all issues will be addressed through existing regulations and reviews.

**a. Use of Water and Generation of Contaminated Process Water and Wastewater**

Demands for water appear to be significant and may conflict with the demands for water from the community of Oakland, creating health impacts.

The documents provided by the project sponsor say that extensive spraying of coal will be conducted to control dust and reduce the likelihood of explosion.

Application of water to the coal will generate significant wastewater contaminated with coal dust containing toxic fractions that then have to be managed. Any release of water contaminated with constituents of coal dust or the disposal of sludge associated with the treatment of such wastewater can introduce toxic elements into aquatic food chains that support human consumption of fish and wildlife and contribute to health effects.

The plans for disposal of process water are not specified. There would be an onsite treatment facility for circulation or discharge. Such a discharge would presumably require an NPDES wastewater treatment permit and trigger CEQA review.

Raw coal dust emission sources to marine ecosystems include preparation and washing of coal, loading operations, runoff from storage areas, transport and cargo washing, and accidental releases (37). Coal terminals have been found to contribute to accumulation of coal dust particles in the surrounding marine waters, and these particles can disperse over a significant area, creating risks to aquatic species and ecosystem (38). Raw un-combusted coal contains PAHs, some of which can be toxic. High volatility, bituminous coal (such as that from Utah) has been reported to have relatively higher concentrations of the PAHs that are considered Priority Pollutants by the US EPA (39). The types of PAHs found in coal varies by type, "rank," and basin of origin (40). One study reported that PAHs are much more concentrated in raw coal than in coal ash (after combustion) (20). Raw coal contains PAHs that may be harmful to marine organisms (37). There is emerging evidence of the effects of coal particles and dusts on wildlife and biota (41, 42). A study on mice using exposure to sand contaminated with coal dust reported effects on several types of assays and diminished lung function (43). A study of a Colombian coal terminal found accumulation of certain PAHs and metals along the shoreline, and assays suggested possible effects on exposed species (44).

Any plans needed for removal and treatment of ballast water from the incoming ships are not included here.

## **b. Full Site Assessment and Response**

The Basis of Design document states that the project proponents will not do any site assessment for hazardous materials nor be responsible for any materials present. It would be important for some entity to be responsible for this. There are references to assessments conducted by the Department of Toxic Substances Control, but it appears that the City assumed the responsibility and liability for areas and contaminants not to be addressed in those plans. Some clarification of what approach would be taken would be important.

## **c. Noise**

Noise is a significant issue for conveyance equipment when located near an urban environment or adjacent to a neighborhood (45). Noise remains a concern and is not addressed in the Basis for Design.

## **c. Air Pollution Control**

The OBOT response to the City on September 28, 2015 notes that one action will be taken to reduce exposure to particulate matter for indoor spaces. Several possible actions are discussed, and it is impossible to determine whether this would benefit adjacent workers or residents.

The OBOT response to the City on September 28, 2015 states that common exterior spaces will be shielded from air pollution, but given the small size of the available land parcel this does not appear to be meaningful. In any case, buildings do not stop air pollution. Additional mitigation measures are discussed with regard to offsetting PM 10 emissions. Project proponents do not seem to be aware of health concerns with PM 2.5 particulate matter emissions, as the smaller particles that can penetrate deeper into the lungs and that may cross over into the blood stream. This issue is discussed elsewhere.

In their September 2015 report, the consultants to the project proponents assert that no air quality impacts will occur and the permitting process of the Bay Area Air Quality Management District (BAAQMD) will address any dust or air pollution concerns and ensure compliance with requirements for Best Available Control Technology (BACT). With regard to defining BACT for coal dust emissions, we have not been able to identify any applicable rules for BAAQMD. From the Richmond case, it appears there are no rules applicable to coal terminals (23).<sup>9, 10</sup>

It is also important to understand that there is no guarantee that sufficient technology exists to eliminate or significantly reduce the health impacts or risks.

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<sup>9</sup> By contrast, the South Coast Air Quality Management District, which has jurisdiction over Los Angeles, does.

<sup>10</sup> At the European Commission, a document defining BAT for storage of solid commodities has been defined and includes these elements that do not seem to be addressed in the documents submitted by and for the OBOT group include consideration of the layout and placement of facilities, control of wind exposures, and attention to maintenance of good practices over time (46).

4. The project area has seismic vulnerabilities that could create hazards in the likely event of an earthquake, as the soils are in highest category for liquefaction. One additional safety concern is the seismic instability of the area where the facility is to be built. As noted in the Basis of Design document (1), existing soils in the project area are prone to seismic-induced liquefaction and lateral spreading. This area has been designated as being of the highest category of risk for failure due to earthquakes in the greater Bay Area (46). Often systems failures occur when multiple unfortunate events occur at the same time, and earthquakes can be a precipitating event. The proposed remedy seems to be to replace soils adjacent to the wharf areas but not other areas. This may warrant additional scrutiny.



## Chapter 8: Climate Change and Health and Oakland

### Key Points

Climate change implications of coal shipments through Oakland are important to consider for these reasons:

- The overseas combustion of coal from Oakland will contribute to cumulative global greenhouse gas concentrations and climate change.
- The export of coal from Oakland thus increases the risk of serious health and safety harms from climate change for the residents of Oakland, and constitutes a substantial health hazard.
  - Climate change is the greatest health challenge of this century, and is a significant threat to the health and safety of Oakland residents.
  - Extreme heat and increased ozone resulting from climate change and increased exposure to particulate matter from the smoke of more frequent and severe wildfires in California will increase death and illness in Oakland.
  - Sea level rise, higher storm surges, and more extreme precipitation events will increase risk of flooding that can cause displacement, loss of essential infrastructure, and trauma-related death, injury and mental health problems. An estimated 3,100 to 5,200 Oakland residents will be at greatest risk.
  - Increases in the frequency, duration, and magnitude of drought will threaten water quality and potentially lead to severe water shortages, increasing spread of infectious and vector-borne diseases, poor hygiene, and impairment of the water infrastructure essential to support Oakland's growing population.
- Low-income communities and communities of color are at highest risks of adverse health impacts associated with climate change.
- Not shipping coal from Oakland is a reasonable and effective method of preventing associated greenhouse gas emissions and health impacts.

## Findings

*For the sake of clarity, details and citations to primary sources are included in an immediately following addendum, indexed in the present text for easy reference.*

**1. Climate change is the greatest public health challenge of the 21st century. If climate change continues to progress, it will cause significant adverse impacts on the health of people in Oakland, including:**

- a. Higher overall temperatures, more extreme heat days, and more heat waves will increase heat-related mortality and morbidity. *(Addendum 1.3.1, 1.3.4, 25, 35.2)*
- b. Increased ground level ozone and smog formation will lead to increased respiratory and cardiovascular mortality and morbidity, especially in areas already experiencing high levels of pollution. *(Addendum 1.3.5, 26, 35.3)*
- c. Sea level rise and storm surges will produce flooding, especially in areas of Oakland that are low-lying or have dilapidated infrastructure, resulting in various adverse health and safety impacts, as well as displacement and job loss. *(Addendum 21, 27)*
- d. Decreased quality and availability of food will increase risk for food insecurity and malnutrition, especially among the poor. *(Addendum 24, 27.2, 30)*
- e. Increased air pollution from wildfires will increase respiratory and cardiovascular illnesses. *(Addendum 20, 31)*
- f. Increased pollen production, and the length of the pollen season will increase asthma. *(Addendum 1.3.4, 15.1, 26.2, 33)*
- g. Changes in temperature and precipitation patterns may lead to an increase of vector-borne and water-borne infectious diseases in the Bay Area. *(Addendum 22, 28, 30.2, 34)*
- h. West Oakland residents are particularly vulnerable to the health impacts of climate change, rising sea levels, and other phenomena associated with greenhouse gas emissions. *(Addendum 1.3.4, 1.3.6, 1.3.7, 19.2, 21.4, 21.5, 25.2, 27.1, 35)*

**2. At this point in history, there is a narrow window during which actions can be taken to limit climate change and prevent these damaging effects on health.**

- a. Holding temperature rise at or below 1.5°C is critical for averting the worst of the projected exposure risks and impacts of climate change. *(Addendum 2.2)*
- b. Because greenhouse gas emissions accumulate, human activities (mostly by the richer countries) have already emitted most of the greenhouse gases that can be released for the next several thousand years without exceeding the 1.5°C threshold. *(Addendum 5)*
- c. After 2015, there remains for the entire world a “carbon budget” of only 240 billion metric tons of CO<sub>2</sub> emissions for a 66% chance of limiting global

temperature rise to 1.5°C.<sup>11</sup> If this budget is exceeded, there is significant danger that global temperature will rise above 1.5°C. (*Addendum 5.*)

- 3. Shipping large quantities of coal from a bulk commodities terminal in Oakland will contribute to the progression of climate change, and the local health consequences of that progression in part would be fairly attributed to Oakland's actions.**
  - a. The prevention of severe health harms requires alignment of every level of government with the greenhouse gas reductions needed to meet the global carbon budget and consideration of the climate change consequences at every decision point. (*Addendum 6, 9, 10, 13*)
  - b. Rapidly and dramatically reducing greenhouse gas emissions is required to stay under the 1.5°C threshold and prevent severe climate change health impacts for the people of Oakland. (*Addendum 3.3, 5.4*)
  - c. However, the tonnage that could be shipped through Oakland over the 66-year term of lease with OBOT would consume a significant fraction – 0.6% – of the entire world's remaining “carbon budget.” (*Addendum 5.1-5.3, 9.1-9.4*)
  - d. Further, the CO<sub>2</sub> that will be generated by burning coal shipped through Oakland will also be substantial in relation to California's climate goals. California has set goals to reduce statewide annual carbon emissions to 431 million metric tons of CO<sub>2</sub> equivalent (MMTCO<sub>2</sub>e) by 2020 and 259 MMTCO<sub>2</sub>e by 2030. (*Addendum 9.4.3*) But each year, the coal passing through Oakland could produce 22 million metric tons of CO<sub>2</sub> emissions, fully 5.2% of the state's entire annual budget for greenhouse gas emissions in 2020 and 8.5% of its budget for 2030. (*Addendum 9.4.3*) California does not count overseas emissions in its carbon budget, but, when it comes to climate change, the health and environmental exposure consequences are the same whether coal is burned in California or shipped overseas to be burned. (*Addendum 10.1*)
- 4. In contrast, prohibition of the transport, storage and handling of coal in Oakland is a reasonable and effective way to prevent the proposed coal from ever being burned, and will thereby contribute to limiting future global greenhouse gas emissions, climate change, and local adverse health effects. (*Addendum 13*) There is strong evidence that much of the coal that would arrive in Oakland would not be shipped and combusted at all, absent the availability of OBOT. (*Addendum 13.3*)**

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<sup>11</sup> The IPCC calculated the total remaining amount of carbon dioxide that can be emitted in the future for various probabilities of staying within the 1.5°C limit (33%, 50%, 66%). (See Table 1) Given the potential gravity of the consequences of passing 1.5°C, the carbon budget referred to in this chapter is based on the IPCC calculation of the limit on total emissions with a 66% chance of success, rather than 50%, which would reflect the same odds as a coin toss. At the current rate of 40 million metric tons per year, the 400 million metric tons for a 66% chance of success *after 2011* has already been reduced to 240 million metric tons *after 2015*. (*Addendum 5*)

## Addendum

### *Cumulative Emissions and Carbon Commitments*

#### **1. Climate change is the greatest threat to health facing the world.**

- 1.1. The World Health Organization (WHO) calls climate change the greatest threat to global health in the 21st century. (WHO, 2016) The U.S. Global Change Research Program (USGCRP), mandated by Congress in the Global Change Research Act of 1990, states that “[c]limate change is a significant threat to the health of the American people.” (USGCRP, 2016.)
- 1.2. California’s legislature identified climate change as a serious health and safety issue when it enacted the landmark Global Warming Solutions Act of 2006 (AB 32) which became part of the State’s Health and Safety Code. (Health & Safety Code § 38500.)
- 1.3. GHG emissions are cumulative over time and across sources – every source contributes to global temperature change and local exposure and impact (Allen, 2009a, b). As detailed later in the Addendum, Oakland may experience climate-change-induced health impacts including:
  - 1.3.1. The number of extreme heat<sup>12</sup> days in Oakland will increase: assuming a “high GHG scenario,” 2017 is projected to have 28 extreme heat days, up from 4 anticipated in 2016. (City of Oakland, 2016a) Statewide, heat waves will increase 2-4 fold, resulting in a 2-6 fold increase in heat-related deaths (California Climate Change Center, 2012)
  - 1.3.2. Mortality in Alameda County may increase 9.8% for every 10° F change in mean daily temperature, with an excess mortality risk of 5.1% for people > 65. (Ostro, 2011)
  - 1.3.3. Respiratory and cardiovascular hospital admissions in Alameda County may increase 2.6% and 1.4% per 10°F increase in mean daily temperature. (Ostro, 2011)
  - 1.3.4. Oakland, considered the city most vulnerable to extreme heat in the Bay Area, (California Energy Commission, 2012) will likely also see an increase in asthma and acute respiratory distress, hospital visits, lost school days, pre-term births, heat stress, and allergy duration and intensity due to rising temperature. (USGCRP, 2016)

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<sup>12</sup> The State of California defines an extreme heat day as a day during the months of April through October, where the maximum temperature exceeds (in Oakland) 81 degrees Fahrenheit, and defines a heat wave as five or more consecutive extreme heat days. The projections for Oakland are based on the 98th historical percentile of max temperatures based on daily temperature maximum data between 1961-1990. See Cal-Adapt website <http://cal-adapt.org/temperature/heat/#>. Extreme heat conditions can result in heat stroke, heat exhaustion and cardiovascular stress and there are greater risks for the elderly and children. (City of Oakland, 2016a)



- 1.3.5. Rising temperatures due to greenhouse gases can cause excess mortality associated with ozone and particulate matter exposure. Excess annual air pollution deaths due solely to GHG-related temperature rise may reach roughly 600 PM2.5-attributable and 400 ozone-attributable deaths in the U.S. per 1°C increase. (Jacobsen, 2008)
- 1.3.6. An estimated 3,100-5,200 Oakland residents<sup>13</sup> are at risk of flooding in coming decades due to higher storm surges, extreme precipitation events, and sea-level rise. (Pacific Institute, 2014) Likely effects of these scenarios include traumatic injury and death, mental health disturbances (anxiety, stress-related trauma), increased infection and communicable disease, displacement, and disrupted access to safe food, water and essential services. (City of Oakland, 2016a; Pacific Institute, 2014)
- 1.3.7. While the health impacts of climate change affect all Oakland residents, those of West Oakland, especially in neighborhoods adjacent to the former Oakland Army Base, and those in the flatlands of East Oakland are at increased risk for harmful effects and for more severe consequences due to preexisting health conditions, higher exposure to environmental hazards, social, economic and demographic factors, and limited adaptive capacity. (CA Energy Commission, 2012)
- 1.4. “Climate change is a medical emergency,” according to the Lancet Commission on Health and Climate Change. “It thus demands an emergency response....” (Lancet Commission on Health and Climate, 2015)

## **2. Global temperature rise will drive health effects of climate change**

- 2.1. Planetary and health effects of climate change at a 2°C rise are severe. For over a decade, the 2.0°C mark has been criticized for inappropriately accounting for climate dynamics – “with disastrous consequences.” (Hansen, 2005; 2013) Its validity as a safety threshold has been widely challenged. (Tschakert, 2015)
- 2.2. Holding temperature rise at or below 1.5°C is critical for averting the worst of the projected exposure risks and impacts of climate change. (UNFCCC, 2015) Significantly, in a 1.5°C scenario, after the year 2100 many climate impacts begin to reverse, while at 2.0°C, they increase or accelerate. (Schleussner, 2016)
- 2.3. The 2015 Paris Agreement partially responded to the 1.5°C imperative: “Recognizing that climate change represents an urgent and potentially irreversible threat to human societies and the planet,” the 2015 Paris Agreement aims to hold the increase in the

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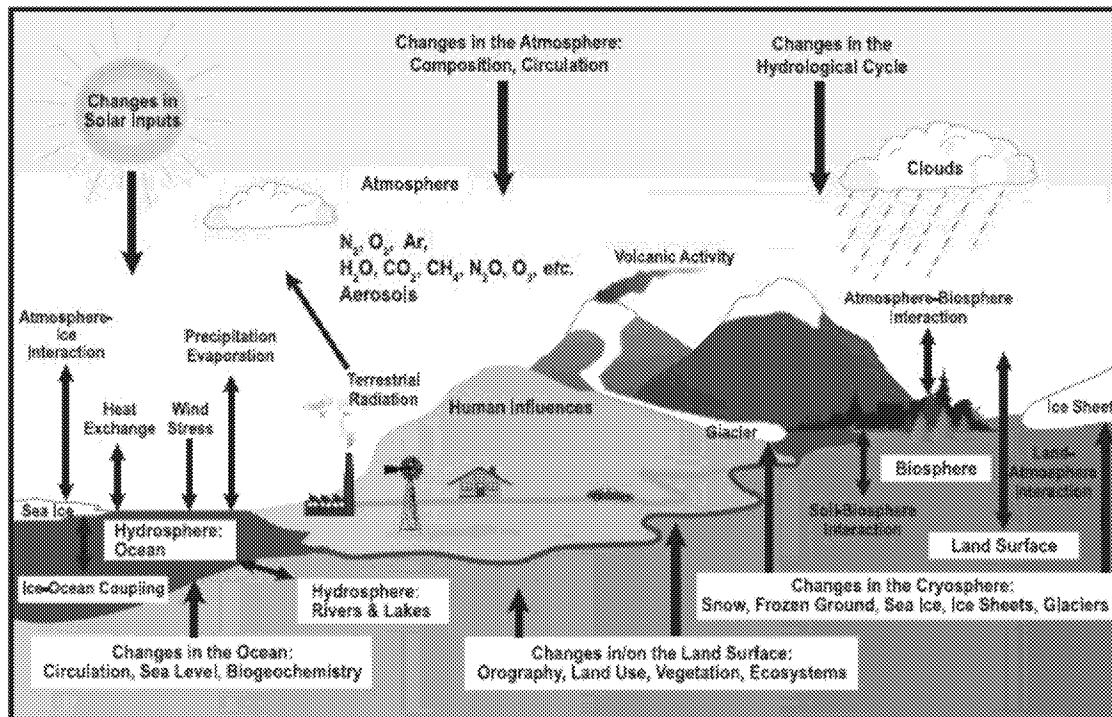
<sup>13</sup> Oakland residents living in West Oakland, China- town, San Antonio, Fruitvale, Central East Oakland, and Elmhurst districts will experience the most exposure to flooding in the future. (Pacific Institute, 2014)

global average temperature “to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C.” (UNFCCC, 2015)

**3. Effective prevention of any level of temperature rise requires targeting its root cause: the increase in concentration of greenhouse gases in the earth’s atmosphere.**

3.1. The number one cause of climate change is the burning of fossil fuels—coal, oil, and natural gas. (EPA, 2016e) Their combustion releases greenhouse gases (GHGs) that warm the Earth by trapping heat in the earth’s atmosphere (Figure 1).<sup>14</sup>

**Figure 1 Components of the climate system**



Source: Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2007: The Physical Science Basis*, Cambridge University Press, 2007, page 104.

3.2. Carbon dioxide (CO<sub>2</sub>) is the primary GHG driving climate change, accounting for 81% of GHGs. (EPA, 2016b) Long-term temperature change remains primarily associated with total cumulative CO<sub>2</sub> emissions. (Mathews, 2012)

3.3. According to the IPCC Fifth Assessment Report, mitigation, in the context of climate change, means human intervention to reduce the sources or enhance the sinks of GHGs. (IPCC, 2014)

<sup>14</sup> The principal greenhouse gases—carbon dioxide, methane, and nitrous oxide—have increased to levels unprecedented in the last 800,000 years. (IPCC, 2013c; USEPA, 2016f) Atmospheric carbon dioxide concentrations have increased over 40% since pre-industrial times, primarily from fossil fuel emissions and secondarily from net land use change emissions. (IPCC, 2013b, c; USEPA, 2016f)

4. **However, individual sources and annual levels of emissions cannot be seen in isolation; the cumulative effect of GHG emissions drive climate change (and its health impacts).**
  - 4.1. Once emitted, much of the CO<sub>2</sub> remains in the atmosphere for many thousands of years before natural processes reduce its concentration.<sup>15</sup> (Archer, 2009) There is no known safe and effective way to remove greenhouse gases from the atmosphere on a global scale. (Royal Society, 2009)
  - 4.2. Therefore the magnitude of warming that we experience is not determined by “emissions in any one year, but by cumulative CO<sub>2</sub> emissions produced over time.” (Davis and Socolow, 2014)
  - 4.3. Further, the magnitude of climate change is largely driven by the amount of greenhouse gases emitted globally (EPA, 2016b; Allen, 2009a,b); each new source of emissions must be considered in the global context of *all* current and future emissions and their cumulative, or aggregated, impacts. “[C]hoices made now and in the next few decades will determine the amount of additional future warming.” (USGCRP, 2014) Regardless of where combustion occurs, the resultant emissions contribute to global changes in temperature and other climate impacts.
5. **Based upon the cumulative dynamics of CO<sub>2</sub> emissions, the Intergovernmental Panel on Climate Change has clarified that all emissions draw from a singular global “climate budget.” which is the amount remaining for humanity to emit before reaching a CO<sub>2</sub> concentration that corresponds with a global temperature rise (e.g., 1.5°C ). Exceeding this budget and thereby surpassing 1.5°C is irreconcilable with the continuation of the world’s current natural systems and human societies.**
  - 5.1. The Intergovernmental Panel on Climate Change (IPCC) has estimated that, in order to have a 66% chance of keeping global temperature rise at or below 1.5°C, humanity’s total cumulative CO<sub>2</sub> emissions after 2011 for the next several millennia must not exceed 400 billion metric tons (Table 1). (IPCC, 2013b; Allen, 2009b)

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<sup>15</sup> The ocean equilibrates to capacity with atmospheric CO<sub>2</sub> (Archer, 2009) and has absorbed about 30% of the emitted anthropogenic carbon dioxide, causing ocean acidification. (IPCC, 2013) The 20-40% of CO<sub>2</sub> remaining in the atmosphere takes much longer to process or equilibrate, meaning the “climate effects of CO<sub>2</sub> releases to the atmosphere will persist for tens, if not hundreds, of thousands of years into the future.” (Archer, 2009)

**Table 1 Cumulative carbon dioxide emissions consistent with limiting warming to less than the stated temperature at different levels of probability, as calculated by the IPCC.**

Cumulative CO <sub>2</sub> emissions from 1870 in GtCO <sub>2</sub>									
Net anthropogenic warming <sup>a</sup>	<1.5°C			<2°C			<3°C		
Fraction of simulations meeting goal <sup>b</sup>	66%	50%	33%	66%	50%	33%	66%	50%	33%
Complex models, RCP scenarios only <sup>c</sup>	2250	2250	2550	2900	3000	3300	4200	4500	4850
Simple model, WGIII scenarios <sup>d</sup>	No data	2300 to 2350	2400 to 2950	2550 to 3150	2900 to 3200	2950 to 3800	n.a. <sup>e</sup>	4150 to 5750	5250 to 6000
Cumulative CO <sub>2</sub> emissions from 2011 in GtCO <sub>2</sub>									
Complex models, RCP scenarios only <sup>c</sup>	400	550	850	1000	1300	1500	2400	2800	3250
Simple model, WGIII scenarios <sup>d</sup>	No data	550 to 600	500 to 1150	750 to 1400	1150 to 1400	1150 to 2050	n.a. <sup>e</sup>	2350 to 4000	3500 to 4250
Total fossil carbon available in 2011 <sup>f</sup> : 3670 to 7100 GtCO <sub>2</sub> (reserves) and 31300 to 50050 GtCO <sub>2</sub> (resources)									

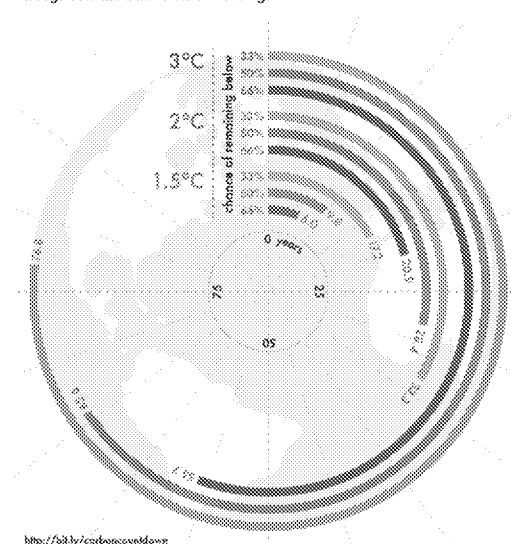
Source: Table 2.2 of IPCC, 2013b

- 5.2. Since 2011, global emissions have averaged approximately 40 billion metric tons per year (Rogelj et al., 2016), consuming about 10% of the budget each year.
- 5.3. At this rate, only 240 billion metric tons of the budget remains after 2015 and the entire post-2011 400 billion metric ton budget will be used up in less than six years. (Figure 2) (Carbon Brief, 2015)
- 5.4. Stringent early reductions in greenhouse gas emissions will slow cumulative impacts and are “key to retain a possibility for limiting warming to below 1.5°C by 2100,” and “the window for achieving this goal is small and rapidly closing.” (Rogelj et al., 2015)

**Figure 2 Illustration of the remaining global carbon budget by temperature scenarios, starting at 2105**

### Carbon Countdown

How many years of current emissions would use up the IPCC's carbon budgets for different levels of warming?



Source: Carbon Brief, 2015. Infographic at <http://www.carbonbrief.org/six-years-worth-of-current-emissions-would-blow-the-carbon-budget-for-1-5-degrees>; data at <http://bit.ly/carboncountdown> (accessed June 11, 2016).

**6. Action at the local, regional, and state level therefore must be directed toward staying within global limits on cumulative CO<sub>2</sub> emissions if we are to avert the most negative health and safety consequences of climate change. Frameworks for doing so already exist.**

- 6.1. To align with a global carbon budget, local decisions must be made within the context of global cumulative and aggregate emissions.
- 6.2. California law already provides a framework for decision-making on a cumulative basis. When interpreting CEQA, the California Supreme Court recognized that, “because of the global scale of climate change, any one project’s contribution is unlikely to be significant by itself. The challenge for [environmental] purposes is to determine whether the impact of the project’s emissions of greenhouse gases is *cumulatively* considerable, in the sense that ‘the incremental effects of [the] individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.’” (California Supreme Court, 2015).
- 6.3. Internalizing the cumulative direct and indirect impacts of a decision or action is an established element of several economic and environmental frameworks, including true cost accounting (environmental full cost accounting) (Steffan and Burritt, 2000), GHG Protocol Product LifeCycle Accounting and Reporting Standard (The Product Standard) (Greenhouse Gas Protocol, 2011), Consumption-based Accounting (Davies and Caldeira, 2010) and Commitment Accounting, a method to inform public policy by quantifying future emissions implied by current investments. (Davies and Socolow, 2014; NCIO 2015).
  - 6.3.1. “Commitment accounting of CO<sub>2</sub> emissions provides critical information about future emissions related to infrastructure that currently exists or might be built. Reducing CO<sub>2</sub> emissions will ultimately mean retiring CO<sub>2</sub>-emitting infrastructure more quickly than it is built... By revealing the emissions that are anticipated decades into the future, commitment accounting of CO<sub>2</sub> emissions may help to integrate analyses of capital investment, cumulative emissions, and damages from climate warming.” (Davis and Socolow, 2014)

**7. Oakland’s existing policy and contractual obligations already support accounting for the total cumulative emissions associated with its decisions.**

- 7.1. Oakland’s Energy and Climate Action Plan of 2012 already supports accounting for total emissions in its stated purpose, which is to “identify and prioritize actions the city can take to reduce energy consumption and greenhouse gas emissions associated with Oakland.” (City of Oakland, 2012) This formulation does not limit its scope to emissions occurring within the city line.

- 7.2. The Development Agreement between the City of Oakland and the Developer regarding the “Gateway Development / Oakland Global” states in section 3.4.2 that the City’s police powers extend to not only current but also future users and neighbors of the project. (City of Oakland, 2013) By including this express provision in the Development Agreement, the City has acknowledged accountability for the impacts its decisions today will have on the circumstances faced by future residents and workers.

**8. Globally, one of the most important carbon commitments to address on a cumulative basis is the combustion of coal. Coal-fired power plants are a leading source of CO<sub>2</sub> emissions; coal combustion causes more than 40% of the world’s carbon emissions. (Center for Climate and Energy Solutions)**

- 8.1. “Current frontline stockpiles of hydrocarbons – of oil, coal, and gas – are multiples of what could possibly be consumed this century if the climate is to be kept under control... All but the firmest responses leave the door wide open to catastrophic risks and threats to the planet’s ability to support life.” (DARA, 2012)
- 8.2. China, India, Indonesia and Vietnam account for three-quarters of new coal-fired power plants scheduled to be launched in the next five years. (Global Coal Plant Tracker, 2016)
- 8.3. In an address to government and corporate leaders in Washington DC this May, World Bank President Jim Yong Kim declared that, “...if the entire region implements the coal-based plans right now, I think we are finished. That would spell disaster for us and our planet.” (Goldenberg, 2016)

**9. Oakland faces the prospect of making a massive commitment to coal-related GHG emissions, on a scale that blows past any emissions target previously conceived. If Oakland permits this coal to be shipped, the emissions associated with this decision will be measurable on a global scale, substantial in impact, subversive of the collective initiative to limit GHG impacts to tolerable levels, and associated with climate-related health impacts in Oakland.**

- 9.1. Building an export terminal designed to send up to 9 million metric tons per year<sup>16</sup> of coal to Asian export markets for the next 66 years (the length of OBOT’s lease) is a massive carbon commitment that would add as much as 1.46 billion metric tons of CO<sub>2</sub> to Earth’s atmosphere.<sup>17</sup>

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<sup>16</sup> The July 16, 2015 Basis of Design submitted by the developer in September 2015 reported 9 million metric tons (9.9 million short tons per year) as the design capacity of the terminal. The developer claims a vested right to use the terminal to ship any lawful commodities—including coal—in any proportion. Accordingly, the calculations in this chapter, like those in the report submitted in September 2015 by Dr. Phyllis Fox, assume shipments of 9 million metric tons per year of coal.

<sup>17</sup> Burning a short ton (2000 pounds) of bituminous coal produces 4,931.30 pounds of CO<sub>2</sub>. (United States Energy Information Agency (EIA). 2016) Thus, each unit of mass of coal produces  $4,931 \div 2,000 = 2.466$  units of mass of

- 9.2. 1.46 billion metric tons is a substantial amount of CO<sub>2</sub> – representing 0.6% of humanity’s entire remaining budget of fossil fuel emissions for a (66%) chance of keeping global warming to less than 1.5°C.
- 9.3. All over the planet, people and their governments are making decisions on the use of coal. If only a small portion of the decisions lead to similar amounts of consumption, then humanity would exceed the limit that is the best chance of protecting the health and safety of Oaklanders and people throughout the world.
- 9.4. In annual terms, burning 9 million metric tons of OBOT coal each year will result in annual emissions of about 22 million metric tons of CO<sub>2</sub> equivalent (MMTCO<sub>2</sub>e). This amount alone is equivalent to:
  - 9.4.1. 20,000 times BAAQMD’s proposed 1,100-ton threshold of significance under CEQA; (Bay Area Air Quality Management District, 2011)
  - 9.4.2. more than 140% of the total GHG emissions (15.5 MMT) of the Bay Area’s five oil refineries. (Bay Area Air Quality Management District, 2015);
  - 9.4.3. a substantial portion – 5.2% – of the *statewide* 2020 annual emissions target of 431 MMTCO<sub>2</sub>e and 8.5% of the 2030 emission target of 259 MMTCO<sub>2</sub>e. (CARB, 2015b; CARB, 2015c)
- 9.5. If California were required to count the 22 MMTCO<sub>2</sub>e that would be generated by burning 9 MMT of coal overseas each year, it would add substantially to the difficulty of meeting its 2020 and 2030 goals.

**10. 1.5 billion metric tons of CO<sub>2</sub> will have a discernable effect on global climate, which will be associated with adverse health impacts in Oakland.**

- 10.1. From the standpoint of public health and safety, the climate change exposures and consequential public health impacts of burning fossil fuels in California or overseas are identical. Greenhouse gases affect climate change equally regardless of where they are emitted, and thus they are truly global pollutants.<sup>18</sup> (USEPA, 2016g)

**11. Failing to curtail cumulative GHG emissions through “stringent and early reductions” will endanger health and safety in Oakland.**

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CO<sub>2</sub>. Each metric ton of coal produces 2.466 metric tons of CO<sub>2</sub>. Burning 9 million metric tons of coal each year will, therefore, produce 22.19 million metric tons of CO<sub>2</sub> per year. Over the 66 year period of the OBOT lease, the cumulative emissions attributable to coal passing through Oakland would be 22.19 million x 66 = 1.46 billion metric tons of CO<sub>2</sub>.

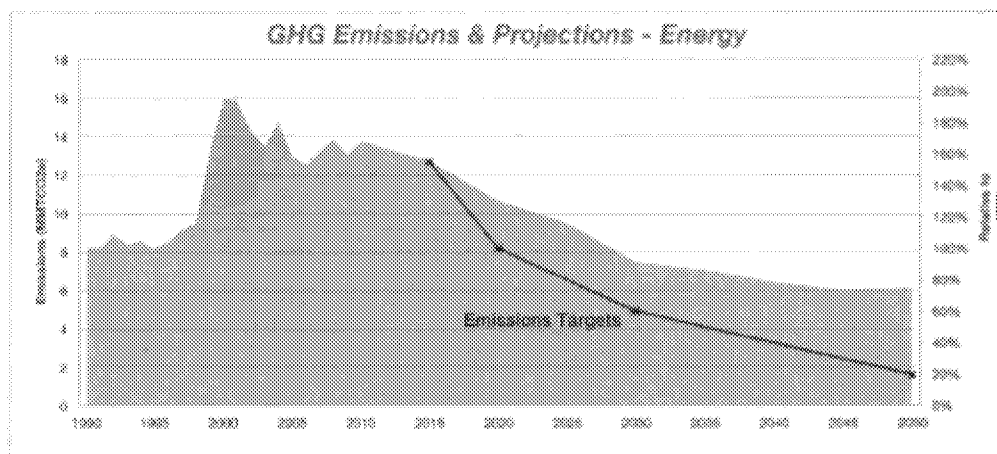
<sup>18</sup> As air moves around the world, greenhouse gases become globally mixed, which means the concentration of a greenhouse gas like carbon dioxide is roughly the same no matter where you measure it.

- 11.1. The Lancet Commission on Health and Climate Change, in its most recent release, cautions that, in the absence of any major cut in emissions, projections of mortality and illness and other effects, like famine, worsen. (Lancet Commission, 2015)
- 11.2. If global temperature rise does not stay below 1.5° Oakland may confront extreme, cumulative environmental exposures that challenge its capacity to avert adverse health and safety impacts (Rogelj et al., 2015). See further details below.

## 12. Alarming, the world, California, the Bay Area, and Oakland are not on track to meet the targets needed to slow and stop global warming.

- 12.1. An inventory of emissions in the global power sector finds that, despite international efforts to reduce CO<sub>2</sub> emissions, total remaining commitments in the global power sector “have not declined in a single year since 1950 and are in fact growing rapidly (by an average of 4% per year 2000–2012).” (Davis and Sokolow, 2014)
- 12.2. The 2015 report by the Lancet Commission on Health and Climate Change notes that global carbon emission rates have exceeded the worst-case scenarios used in 2009. (Lancet Commission, 2015)
- 12.3. By 2013, California still generated 459.3 MMT, while the state’s population and economic output are expected to grow substantially by 2020. (CARB, 2015a.) This level of emissions exceeds California’s 431 MMT target. (CARB, 2015b.)

**Figure 3 Illustration of the gap between projected emissions decreases and reductions necessary to meet climate targets**



*The graph shows projected trends in Bay Area GHG emissions by sector through year 2050. The projected emissions take into account anticipated emission reductions from policies that have already been adopted at the State or regional level, as well as future policies that are likely to be adopted as an extension of current efforts. The chart also shows the emissions reduction trajectory needed in order to achieve interim (2020 and 2030) and long-range (2050) GHG reduction targets adopted by the State and the Air District.*

- 12.4. Unofficial findings from the Bay Area Air Quality Management District’s forthcoming Clean Air Plan / Climate Strategies Report (to be released July or August, 2016)



indicate that the Bay Area will similarly fall short. The report's projections indicate that the GHG reduction trajectory of each sector in the Bay Area will not meet the intermediate (2020, 2030) and long-term (2050) GHG reduction targets adopted by the State and the Air District. This failure may be even greater than reported, as the projected reductions already consider not only estimated effects of current State and regional policies but also future policies *that have not yet been adopted*. (See Figure 3 for example)

**13. A different approach is imperative if health is to be protected from climate change. In this instance, a decision to prohibit coal's transport and processing through Oakland is an effective, reasonable and necessary means for contributing to the prevention of climate change-related health and safety impacts in Oakland.**

- 13.1. Other than prohibition of this coal's transport through and storage and handling in Oakland, the submitted evidence and other existing literature does not present a mitigation or adaptation strategy that would effectively prevent the climate-related exposures and health consequences attributable to combustion of this coal.
- 13.2. In response to the City's question 7, CCIG/OBOT/TLS submitted to the record that, should the coal be prohibited from exporting through OBOT, "the product will continue to be shipped as it is today, through Stockton, CA; Levin Terminal in Richmond, CA; Pier G in Long Beach, CA; and may be shipped through the Ridley Terminal in Canada or the proposed Guaymas Terminal in Mexico in order to supply the market demands." (Tagami and Bridges, 2015).
- 13.3. However, review of the submitted record and additional investigation finds that the above assertion is not substantiated. Instead, as detailed in Table 2, prohibition of coal transport, storage and processing for shipment in Oakland is likely to stop this coal from being combusted altogether. In which case, this prohibition is health protective and not doing so could present a danger to public health and safety.

**Table 2 Summary of information indicating coal would not be shipped if prohibited in Oakland**

<b>Oakland is the most viable option</b>	
Project Spokesmen	The project's own spokespeople make the case that Oakland is by far the most feasible option: At a Utah Community Impact Board hearing, one of the representatives for the developer (strategic infrastructure advisor for the project Jeff Holt, or Master developer for the Oakland Army Base Mark McClure) stated: "There just aren't very many deep-water bulk terminals on the West Coast. Most of them are covered with containers. So the Oakland facility is a rare and serendipitous find/opportunity." (Utah Community Impact Board (CIB), 2015)
Report on Bowie Resources	"Records also show that Bowie Resources' plan to mine coal from Sufco appears to depend on the Oakland deal going through and that the company might not otherwise find a market for the fossil fuel. As such, shipping coal through Oakland likely will lead to a massive expansion of coal mining in Utah that might not otherwise occur." (Bondgraham, 2015)
<b>Other Ports are not options</b>	
Stockton	Stockton does not have the water depth to handle the ship size necessary for the large and heavy coal cargo, and requires an extra-expensive 3 days of travel to and from the sea. The Port of Stockton's website confirms that its high-tide depth is 40 feet; whereas the ships anticipated for this coal require 52 ft. <sup>19</sup>
Richmond / Levin	Levin Terminal currently does not have the capacity for the anticipated volume of coal, is already facing community opposition to the impacts of the relatively smaller amount of coal it does ship, and may not renew the contract to ship coal at all at its upcoming contract renewal.
Long Beach	Pier G of Long Beach is unlikely to have capacity for this added coal volume, since recently the Long Beach council voted against a new EIR as part of lease renewal on the basis that there would be no change of use or capacity of the storage "shed." Says Art Wong, Port spokesperson, "The environmental part is whether this (lease renewal) is going to increase the usage or change the capacity, and on that narrow environment issue, that's a no — there will be no increase in capacity." (Siegal, 2014).
Los Angeles	The Port of Los Angeles' contentious closure and expensive public cleanup of its coal terminal precludes it as an option (McGreevy, 2003)
Ridley and Gayama	Both the Ridley and Guayamas Terminals represent longer hauls (of roughly 1,500 and 1,00 miles, respectively, compared to a haul to Oakland of roughly 700 miles). Longer hauls, especially of a low bulk-to-value commodity such as coal raises questions of financial viability, especially because alternatives to coal power, including renewable energy, energy conservation and energy efficiency are increasingly available and cost competitive with coal (COP21, 2015). An investor report for Cloud Peak confirms that long hauls are cost prohibitive. In its 2011 investor report it states, "As previously disclosed, exports through the Ridley terminal incur significantly higher rail costs than through Westshore due to the longer multi railroad haul." <sup>20</sup>
<b>Coal terminals are not opening</b>	
Shortage of options	A 2011 investor report for Cloud Peak reveals an industry-wide challenge to find shipping locations, stating there were not enough terminals: "... next year's exports will again be limited by available terminal capacity...." <sup>Error!</sup> <small>Bookmark not defined.</small>
No coal from Public Ports	The public ports of Portland, Seattle, Kalama, Tacoma, and Port of Oakland all declined various coal terminal proposals. <sup>21</sup>
Options in Washington fold	The Gateway Terminal at Cherry Point in Washington State was denied a permit to ship coal (Washington State Department of Ecology). Coal shipping through the Millennium Bulk Terminal is currently the subject of contentious debate (Quintana, 2016)
Oregon	Plans were dropped for coal export terminals at 1) Port Westward (Wilson and Swan, 2013); 2) Morrow Pacific and Coos Bay due to local and state government resistance (Bernard, 2016; Elber, 2013).
<b>Economic theory does not support coal shipment from elsewhere</b>	
Dr. Thomas Power, professor of economics at The University of Montana and chairman of the economics department for thirty years, refuted coal industry arguments that "... decrease of exported coal would not change the amount of coal burned: only the source would change." He explains that, because of the effect of increased supply on prices and of prices on investment decisions, these theories are "incorrect, and inconsistent with both the basic principles of economics as well as the abundant literature regarding energy use and consumption patterns in Asia." (Power, 2011)	

<sup>19</sup> <http://www.portofstockton.com/deepwater-channel-info>

<sup>20</sup> <http://www.sightline.org/2011/11/09/coal-company-destroys-key-argument-for-coal-terminal/>

<sup>21</sup> [http://www.sourcewatch.org/index.php/Millennium\\_Bulk\\_Terminals](http://www.sourcewatch.org/index.php/Millennium_Bulk_Terminals)

- 14. Preventing the transport and processing of coal for shipment in Oakland is the most reliable approach to preventing climate change health impacts attributable to this coal.**
- 15. Given the likelihood this proposed coal would not be combusted if not shipped from Oakland, Oakland has a causal link and accountability to the carbon commitments of this coal.**

### *Climate Change Exposure Assessment: Environmental Impacts*

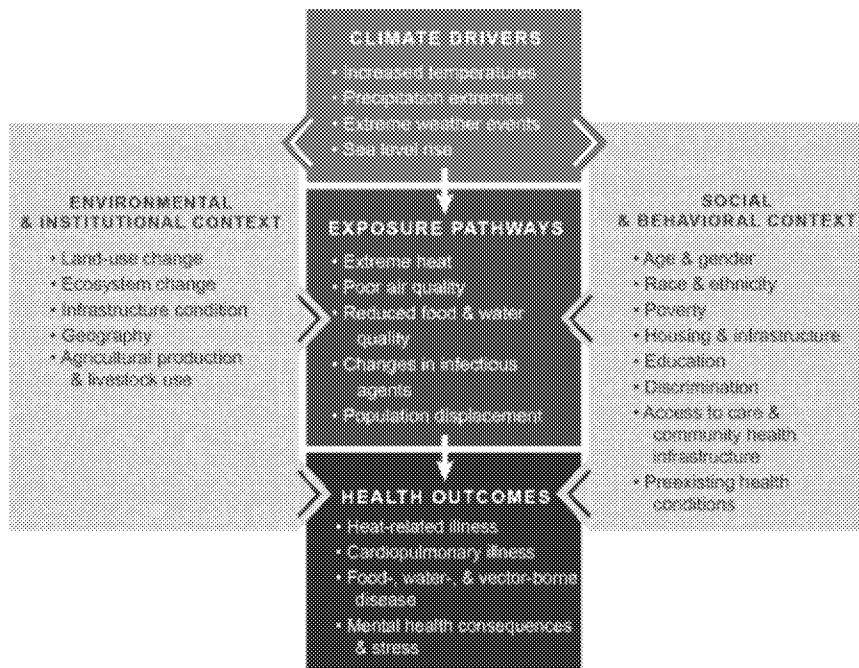
Climate change is the greatest health challenge of the 21<sup>st</sup> century, according to multiple recent reports and statements by many of the world's leading health experts. The impacts of climate change on health derive from the impacts of climate change on local and global environments. The magnitude of climate change and its health consequences depends on cumulative emissions of greenhouse gases into the earth's atmosphere, regardless of where those gases are emitted. The greater the cumulative emissions of GHG, the more severe the impact on human health, and the higher the risk of catastrophic climate changes that threaten human survival. Thus, the best way to prevent the health impacts of climate change — locally and globally — is to reduce the emissions of greenhouse gas emissions.

### **16. Health impacts of climate result from exposure to changes in environmental conditions.**

- 16.1. According to the U.S. Global Change Research Program (2016), climate change — including increased temperature, rising sea levels, ocean acidification, and extreme weather — leads to environmental exposures that create adverse health outcomes (See Figure 4). Climate-related health impacts are direct (e.g., exposure to heat), or indirect (e.g. water and food insecurity related to declining snow pack or reduced crop yields, or disease due to increases in air pollution) (Watts et al., 2015).

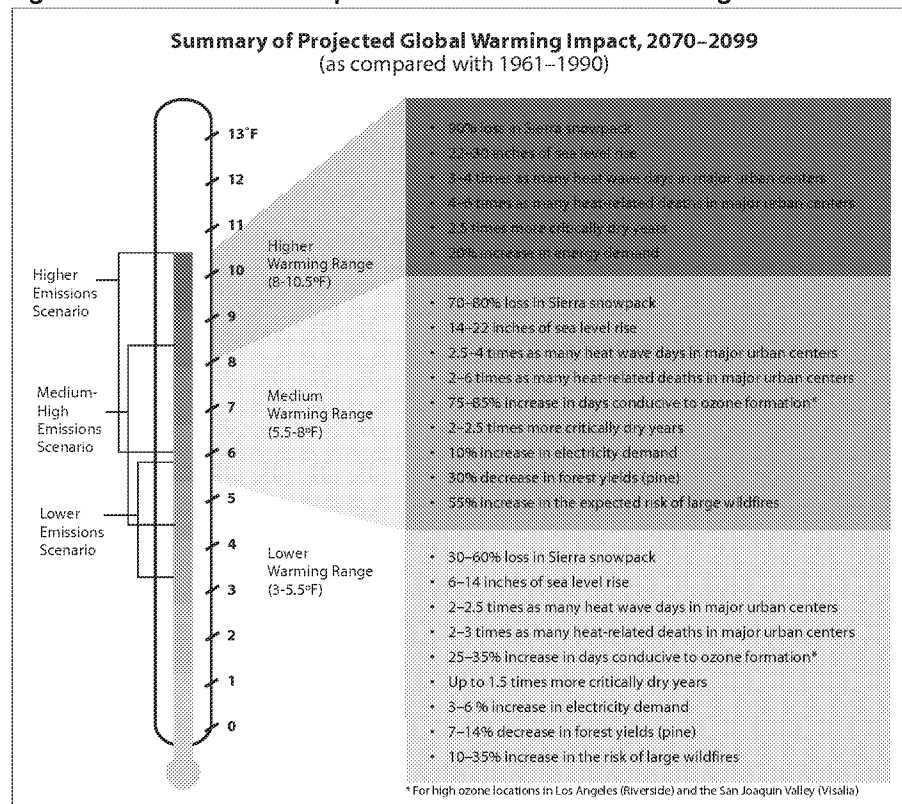
### **17. Many impacts of climate change felt in Oakland will mirror or interact with those experienced in the Bay Area and the state. Figure 5 shows 2012 projections for climate impacts in California, and Table 2 presents climate change exposures germane to Oakland, as detailed in the following text.**

**Figure 4 Framework for climate impact on health**



Source: USGCRP. 2016. The Impacts of Climate Change on Human Health in the United States: a Scientific Assessment.

**Figure 5 Environmental exposures related to climate change in California**

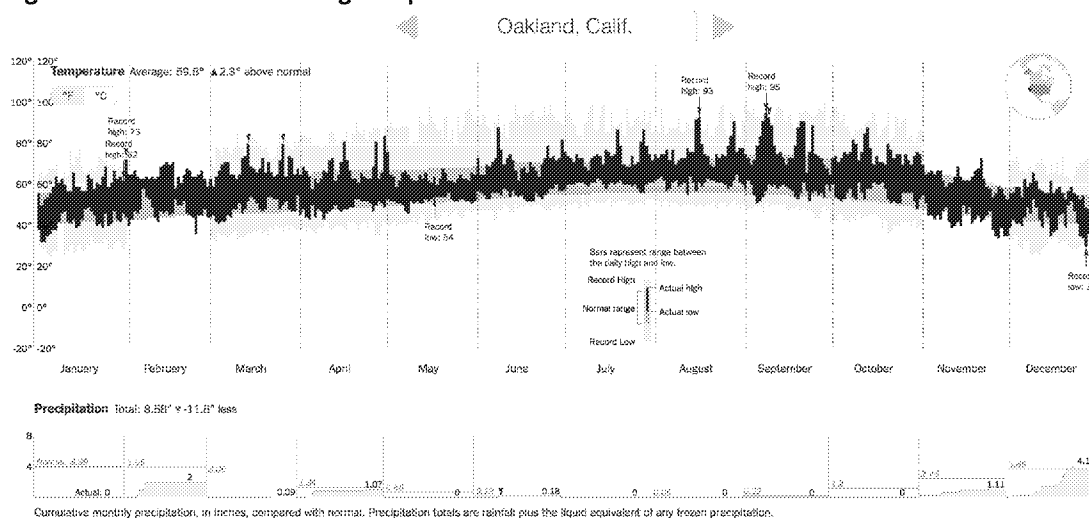


Source: California Climate Change Center report: Our Changing Climate. 2012.

**18. Average temperature in Oakland, the number of extreme heat days, and the frequency and duration of heat waves will rise:**

18.1. Oakland's average temperature in 2015 was 2.3°F above normal (59.8°F) – see Figure 6. (Lai, 2016) The average temperature in Alameda County is projected to increase by 3.3 – 5.6°F by 2065, (City of Oakland, 2016a; California Energy Commission 2010, 2012) along with annual average temperature rises throughout the state (Figure 7). (California Department of Public Health, 2014)

**Figure 6 Oakland's trending temperature and rainfall**

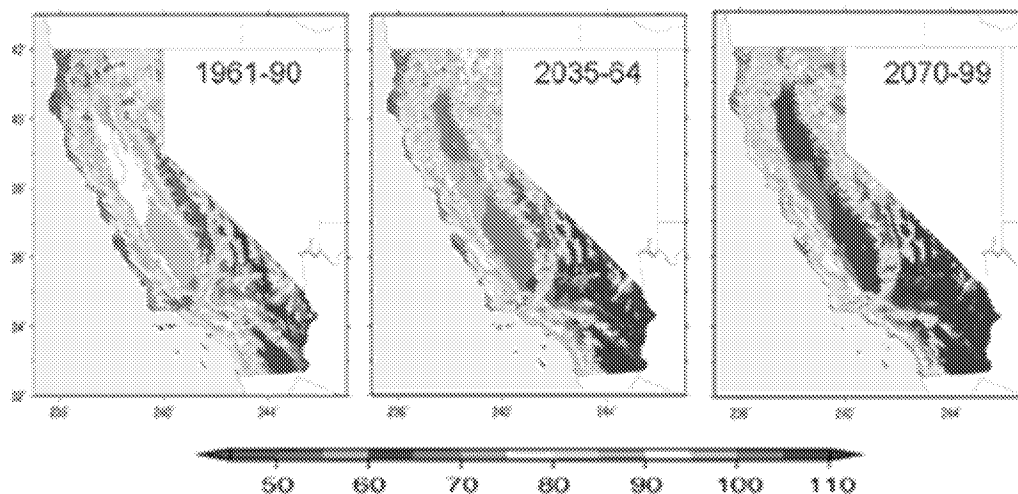


Source, New York Times, Science, February 19, 2016

Temperature and precipitation data are provided by AccuWeather.

The normal range of temperature is calculated by normalizing the weather from 1981 to 2010.

**Figure 7 Historical and projected temperature changes in California as a result of climate change**  
California Historical and Projected July Temperature Increase 1961 - 2099



Source: California Natural Resources Agency, 2009 California Climate Adaptation Strategy. Available at [http://resources.ca.gov/docs/climate/Statewide\\_Adaptation\\_Strategy.pdf](http://resources.ca.gov/docs/climate/Statewide_Adaptation_Strategy.pdf) (accessed June 11, 2016).

- 18.2. By 2100, in the Bay Area between six and 10 more heat waves can be expected per year. (California Department of Public Health, 2014) Heat waves statewide will increase 2-4 fold, resulting in a 2-6 fold increase in heat-related deaths (California Climate Change Center, 2012)
- 18.3. The area will see an increase in extreme heat days, with a predicted 28 extreme heat days in 2017, compared with a current statewide baseline of 4 days. (City of Oakland, 2016a).

## **19. Warm temperatures will lead to increased ozone pollution in Oakland**

- 19.1. Warmer temperatures from climate change will increase ozone production in Oakland and the frequency of days with unhealthy levels of ground-level ozone, a harmful air pollutant, and a component in the formation of smog. (EPA, 2016a; USGCRP, 2016)
- 19.2. The American Lung Association ranked Oakland 16th for high ozone days out of 228 metropolitan areas in the country (ALA, 2016 as of December 2015). Alameda County does not currently meet state air quality standards for ozone, with subsequent increases in harmful effects (BAAQMD, 2016). According to BAAQMD, rising temperatures threaten to undermine years of progress in improving air quality in the San Francisco Bay Area. The Bay Area Air Quality Monitoring District (BAAQMD) modeled that an anticipated 2° C (~4°F) increase in average temperatures would set back progress in reducing ozone by a decade. (BAAQMD, 2010).
- 19.3. A UC Berkeley study found that Bay Area ozone levels may be the most augmented by higher temperatures; parts of the Bay Area could experience an increase in ozone concentrations of nearly 10%. (Steiner et al., 2006; BAAQMD 2010).

## **20. Wildfires will increase air pollution in Oakland**

- 20.1. Large wildfires in California and the West markedly increased in the mid-1980s, likely from increased spring and summer temperatures, earlier spring snowmelt, and drying trees. (Westerling, 2006; BAAQMD, 2010; EBMUD, 2014)
- 20.2. The risk of large wildfires in California could increase by as much as 55 percent in the next several decades. (CCCC, 2012) By 2085, increases in the number of large fires statewide would increase 58 percent to 128 percent above historical levels and the burned area will increase 57 to 169 percent. (EBMUD, 2014)
- 20.3. Wildfires generate huge quantities of particulate matter and release large amounts of CO<sub>2</sub> back into the atmosphere, thus contributing directly to the increase of GHG emissions in the atmosphere. (BAAQMD, 2010)
- 20.4. Some wild fires will impair Oakland's air quality as smoke plumes carry PM2.5 long distances. California's wildfires of June 2008 caused unprecedented concentrations of ozone and PM2.5, with 5 or 10-fold increases compared to normal. (BAAQMD, 2010)

**Table 3 Climate change exposure summary**

<p>CO<sub>2</sub> emissions last for thousands of years and have global repercussions including rising temperatures, extreme heat, worsening air pollution, rising seas and extreme weather.</p> <p><b><i>Rising temperatures and extreme heat</i></b></p> <ul style="list-style-type: none"> <li>• OBOT coal will increase the probability of Earth exceeding a 1.5°C global temperature rise, largely considered the upper limit of tolerable anthropogenic warming. Oakland’s average temperature in 2015 was 2.3°F above normal and Alameda County is projected to see a 3.3-5.6°F increase in temperature by 2065.</li> <li>• Frequency of extreme heat days and heat waves will increase greatly. Oakland is projected to have roughly 28 extreme heat days in 2017 (relative to 4 in 2016), and by 2100, the Bay Area may have 6 – 10 more heat waves per year over current conditions.</li> <li>• Rising temperatures can increase exposure to new pathogens.</li> </ul> <p><b><i>Worsening air pollution</i></b></p> <ul style="list-style-type: none"> <li>• Increased heat will increase production of and exposure to ozone, a dangerous air pollutant. Ozone levels in California could increase by as much as 10% due to increased temperatures alone, negating air quality progress that the state has made over the past decade. The American Lung Association ranked Oakland 16th for high ozone days out of 228 metropolitan areas in the country in 2015.</li> <li>• Wildfires already occur more often in California, and with continued rising temperatures will increase by 55% or more over the next few decades; by 2085 the State’s burned area could increase 57% – 169%. Wildfires are a high priority in Oakland’s hazard mitigation plan. Even if they occur elsewhere, winds can carry hazardous fire pollutants to Oakland, causing steep increases in exposure; California wildfires in June 2008 caused unprecedented concentrations of ozone and PM2.5, with 5 and 10-fold increases compared to normal.</li> </ul> <p><b><i>Rising sea levels and extreme weather events</i></b></p> <ul style="list-style-type: none"> <li>• Flooding will be more frequent and more intense due to rising sea levels, storm surges, and extreme precipitation events. California’s sea levels are expected to rise 5-24 inches by 2050 and up to 66 inches by 2100, where a one-foot rise increases the probability of extreme storm surge floods by roughly a factor of ten, with Alameda County experiencing a 44% increase in land vulnerable to this event. Amplified climate feedback may actually raise sea level for California over 6 feet, inundating most of the flatlands. Flooding, storm runoff, and overwhelmed infrastructure can contaminate water with sewage or toxic chemicals. Housing, 2 (25%) fire stations, 5 health care facilities, 2 homeless shelters, 1 food bank, 6 childcare centers and 3 schools are at great risk. Exposure to waterborne pathogens will increase.</li> <li>• While extreme precipitation events will increase, overall, critically dry years will increase 1.5-2.5 fold in California. For the Bay Area, mean annual rainfall will decrease 4-5 inches. In 2015, Oakland’s total precipitation was 11.8” less than average. The current drought is 15 – 20% worse due to climate change, and the odds of future severe droughts have roughly doubled over the century. With a 7.2°F (4°C) rise in temperature, Oakland’s (Mokelumne) watershed spring snowpack could decrease by up to half; drought and heat may render the watershed inadequate to support Oakland’s needs. EBMUD anticipates severe water shortages and rationing, decreased water quality, and impaired flood control and electricity infrastructure.</li> <li>• Droughts, heat, and overdrawn groundwater threaten California agriculture. 2015’s drought led to a 72% increase in groundwater extraction, 45% increase in fallow land, 21,000 lost jobs, and \$2.6 billion in losses. Increased heat will worsen quantity and quality of crop yield and raise food prices, reducing the availability of affordable produce, especially for the poor.</li> </ul>	<p>(Archer, 2009; Davis and Socolow, 2014; EPA, 2016a; EPA, 2016b; IPCC, 2013b)</p> <p>(California Department of Public Health, 2014; California Energy Commission 2010, 2012; Lai, 2016; CCCC, 2012; City of Oakland, 2016a; IPCC, 2013b)</p> <p>(BAAQMD, 2010; CCCC, 2012; EBMUD, 2014; Jacobsen, 2008; Steiner et al., 2006; Westerling, 2006)</p> <p>(CCCC, 2012; Committee on Sea Level Rise in California, Oregon and Washington, 2012; CDPH, 2014; EPA, 2016a; USGCRP, 2016; Lai, 2016; Williams, 2015; Hansen 2016; NASA images; Berdalet, 2015; Semenza, 2012; EBMUD, 2014; Howitt, 2015; CCC, 2012)</p>
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**21. For a significant portion of Oakland, risk of exposure to flooding will increase, due to sea level rise, storm surges, and high precipitation storms**

21.1. California is projected to experience, relative to 2000, a likely sea level rise of 2–12 inches by 2030, 5–24 inches by 2050, and 17–66 inches by 2100. (Committee on Sea Level Rise in California, Oregon and Washington, 2012). New research suggests the higher end of that range is more likely, with leading climate scientist James Hansen and his colleagues reporting that amplified climate feedbacks may create several meters (over 6 feet) of sea level rise by 2100. (Hansen, 2016.) Maps prepared by the National Oceanic and Atmospheric Administration show that 6 feet of sea rise will inundate a large part of West Oakland, including the site of the OBOT near the Bay Bridge toll plaza. (See Figure 8)

**Figure 8 Inundation of Oakland neighborhoods with 6-ft sea level rise Oakland - without prevention**



Source: United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, <https://coast.noaa.gov/slr/>

- 21.2. As the average sea level rises, the number and duration of extreme storm surges and high waves are expected to escalate, and this increases the risk of flooding, coastal erosion, and wetland loss. (Committee on Sea Level Rise in California, Oregon and Washington, 2012; City of Oakland, 2016a)
- 21.3. Extreme storms with extreme precipitation are likely to occur more frequently. (EPA, 2016a; USGCRP, 2016) A 1 foot rise in sea level changes a “1 in 100” storm surge flood event into a “1 in 10” storm surge flood event. (CCCC, 2012) Extreme weather events and storm surges can damage or exceed the water infrastructure (such as



drinking water or wastewater treatment plants). Extreme rainfall increases flooding, storm runoff, and overwhelmed infrastructure which can contaminate water with sewage or toxic chemicals. (EPA, 2016a)

21.4. The number of acres vulnerable to flooding is expected to increase 20 to 30 percent in most parts of the Bay Area, with some areas projected for increases over 40 percent. Coastal areas are estimated to experience an increase of approximately 15 percent in the acreage vulnerable to flooding. Alameda County is expected to experience a 44% increase in area of land vulnerable to a 100-year flood event. (CDPH, 2014)

21.4.1. A large portion of Oakland's infrastructure and most vulnerable housing are close to sea level. Oakland's infrastructure may be overwhelmed since much of it is located in flood zones (airport, wastewater, roads, rail, power, telecommunications utilities) (See Table 3). (City of Oakland, 2016a; Pacific Institute, 2014; Cal-Adapt; San Francisco Bay Conservation and Development Commission, 2011)

21.4.2. During the winters of 1982–1983 and 1997–1998, abnormally high seas and storm surges caused millions of dollars' worth of damage in the San Francisco Bay area. "Highways were flooded as six-foot waves crashed over waterfront bulkheads, and valuable coastal real estate was destroyed." (CCCC, 2012)

21.5. The areas of Oakland experiencing the greatest social vulnerability, such as West Oakland, are also areas that will be highly impacted by excess water, be it sea level rise, storm surges, or flooding.

21.5.1. At-risk infrastructure in Oakland includes 2 (25%) fire stations, 5 health care facilities, 2 homeless shelters, 1 food bank, 6 childcare centers and 3 schools. (City of Oakland, 2016b) Flooding of this infrastructure would be highly disruptive (Table 4).

21.5.2. Flooding of homes could lead to displacement and homelessness.

**Table 4 Critical infrastructure needed for health and safety or serving vulnerable populations that will be impacted by sea-level rise without climate change prevention**

City Facilities	Total Number	Number at Risk from Sea Level Rise	
		16 inches by 2050	55 inches by 2100
Emergency Response Facilities			
Fire Stations	8	2	2
Facilities serving at-risk populations			
Health Care facilities	87	5	13
Homeless shelters	12	2	4
Food Banks	14	1	5
Facilities serving vulnerable, less mobile populations			
Senior housing facility	45	0	3
Childcare center	146	6	16
Schools	81	3	13

Source: City of Oakland Preliminary Resilience Assessment, 2016b

## **22. Exposure to water-borne pathogens and contaminants will increase.**

22.1. Increasing temperature, more frequent heavy rains and runoff, and the effects of storms, can increase exposure to waterborne pathogens (bacteria, viruses, and parasites); toxins produced by harmful algal and cyanobacterial blooms in the water; and chemicals. (USGCRP, 2016; EPA, 2016a) Increased microbial contamination and harmful algal blooms increase the risk of water-borne illnesses, reduce access to recreational waters, and preclude the harvesting of shellfish and other marine food sources. (Berdalet, 2015; Semenza, 2012)

## **23. Oakland's water supply will be imperiled, with possibly severe water shortage:**

23.1. The Bay Area is projected to experience a moderate decline in annual rainfall, 1 to 3 inches by 2050 and 4 to 5 inches by 2090 is projected throughout the region (CDPH, 2014). The number of critically dry years in California projected for a 1.5-2.5 fold increase (CCCC, 2012)

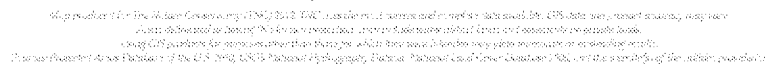
23.2. California suffers from periodic droughts, and the odds of a severe drought in California have roughly doubled over the past century. The severity of California's current drought has intensified 15 - 20 percent due to climate change. (Williams, 2015) During years of extreme drought, Oakland can expect severe water shortages and rationing. (Department of Water Resources, 1979; EBMUD, 2014)

- 23.3. California is reliant on runoff from spring snow-melt. Over the century, the Sierra Nevada spring snowpack is projected to reduce by as much as 30 to 90 percent. (CCCC, 2012)
- 23.4. The Mokelumne River watershed, which supplies 90% of Oakland's water, is relatively small, and 40% is developed or unprotected, making it more vulnerable to degradation (See Figures 9 and 10). (The Nature Conservancy of California, 2012)
- 23.4.1. With growing population, drought and more heat may render the watershed inadequate to support Oakland's needs. In 2015, Oakland's total precipitation was 11.8" less than average (Lai, 2016). Under a scenario of a 7.2°F (4°C) rise in temperature, the Mokelumne watershed spring snowpack could decrease by up to half. (East Bay Municipal Utilities District, 2014)
- 23.5. The states emerging groundwater crisis, if not resolved, will threaten some watersheds and increase pressure on others. (The Nature Conservancy of California, 2012)
- 23.6. The East Bay Regional Municipal Utilities District, (EBMUD), which supplies Oakland's water, forecasts that with increases in water demand and climate change, there will be increases in severe water shortages, leading to increased severity of water rationing, decreased water quality, and the district will face challenges managing infrastructure that controls flooding and electricity. (EBMUD, 2014)

**24. Climate impacts will impair agricultural production in California, in particular In the Central Valley.**

- 24.1. The current drought is responsible for the greatest surface water shortfall ever experienced by California agriculture. (Howitt, 2015)
- 24.2. California farmers could lose as much as 25 percent of the water they currently need. During this drought, groundwater extraction increased 72 percent, there was a 45 percent increase in land left fallow, and 21,000 jobs were lost, with a total economic impact of \$2.7 billion. (Howitt, 2015) These consequences impact the general wealth of the state and increase food insecurity, especially for the poor.
- 24.3. Increased temperatures are likely to worsen the quantity and quality of crop yield. Climate-related rises in temperature and ozone pollution will make plants and trees more susceptible to disease and pests and interfere with plant growth. Reduced crop yields are associated with higher food prices, and could reduce the availability of affordable fresh produce. (CCCC, 2012).

Appendix A: Maps for the 30 most populous cities in California



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This stacked bar chart displays the percentage of land in 17 California cities categorized by protection level. The x-axis represents the percentage from 0% to 100%. The y-axis lists the cities. The legend indicates five categories: Developed (dark gray), Agriculture (medium gray), No Known Protection (light gray), Some Level of Protection (checkered), and Highest Level of Protection (dark gray with diagonal lines).

City	Developed	Agriculture	No Known Protection	Some Level of Protection	Highest Level of Protection
Fresno	5%	45%	50%	0%	0%
San Francisco	1%	18%	81%	0%	0%
Modesto	2%	48%	50%	0%	0%
San Bernardino	2%	23%	75%	0%	0%
Los Angeles	3%	8%	89%	0%	0%
MWD Cities	3%	8%	89%	0%	0%
Chula Vista	3%	8%	89%	0%	0%
San Diego	3%	33%	64%	0%	0%
Oakland	4%	42%	54%	0%	0%
Stockton	3%	48%	49%	0%	0%
Sacramento	4%	16%	80%	0%	0%
Bakersfield	4%	58%	38%	0%	0%
Santa Clarita	5%	21%	74%	0%	0%
Inland Empire Cities	5%	21%	74%	0%	0%
San Jose	5%	21%	74%	0%	0%
Fremont	5%	21%	74%	0%	0%
Santa Rosa	5%	10%	85%	0%	0%

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### *Impacts of Climate Change on Health, focus on Oakland*

The health impacts of climate change are occurring now and will worsen in coming years as the cumulative effects of climate change mount. Recent surveys of physicians across the U.S. show that a majority are seeing the effects of climate change in their patients now (Sarfaty et al. 2014). Table 5 details climate-related health impacts relevant to Oakland.

#### **25. Heat illness and deaths may increase in Oakland.**

- 25.1. Extreme heat increases the risks of heat stroke/exhaustion, heart attack, stroke, respiratory disease, and death from dehydration (US EPA, 2016a). Heat waves are more likely to cause excess deaths when the temperature rises above that to which the local population is accustomed and acclimated, especially in the absence of effective heat death prevention plans.
- 25.2. In the Bay Area, Oakland is considered the area most vulnerable to extreme heat, according to a 2012 risk assessment. (California Energy Commission's California Climate Change Center, 2012) This heightened vulnerability is due in part to Oakland residents being less accustomed to high temperatures and to greater socio-economic vulnerability and fewer resources to respond to heat.
- 25.3. Extreme heat events result in more fatalities than any other weather-related phenomenon (Centers for Disease Control and Prevention 2012). By mid-century, mortality caused by heat may increase 2-3 fold in California urban centers during an extreme heat event (CCCC, 2012; Basu and Ostro, 2008a, 2008b). Annual premature mortality due to extreme heat in California is projected to range from 2,100 to 4,300 in 2025 and from 6,700 to 11,300 for 2050. (Ostro 2009, 2011; BAAQMD, 2010).
  - 25.3.1. In the California heat wave of 2006, there were an estimated 655 excess deaths (an average 6% increase), 16,166 excess ED visits, and 1,182 excess hospitalizations statewide. (Knowlton, 2009)
  - 25.3.2. Mortality in Alameda County may increase 9.8% for every 10° F change in mean daily temperature, with an excess mortality risk of 5.1% for people > 65. (Ostro, 2011)
  - 25.3.3. Respiratory and cardiovascular hospital admissions in Alameda County may increase 2.6% and 1.4% per 10°F increase in mean daily temperature. (Ostro, 2011)

**Table 5 Climate change impact summary**

<p><b><i>Health effects of heat exposure</i></b></p> <ul style="list-style-type: none"> <li>• Extreme heat events – especially those above temperatures a population is accustomed to – result in more fatalities than any other weather-related phenomenon, due to heat stroke/exhaustion, heart attack, stroke, respiratory disease, and dehydration. Oakland is considered the most vulnerable to heat in the Bay Area.</li> <li>• By 2050, mortality caused by an extreme heat event may increase 2-3 fold in California urban centers (CCCC, 2012; Basu and Ostro, 2008a, 2008b). Annual premature mortality due to extreme heat in California is projected to range from 2,100 - 4,300 in 2025 and from 6,700 - 11,300 in 2050. Mortality in Alameda County may increase 9.8% for every 10°F change in mean daily temperature, with an excess mortality risk of 5.1% for people &gt; 65. Respiratory and cardiovascular hospital admissions in Alameda County may increase 2.6% and 1.4% per 10°F increase in mean daily temperature.</li> </ul>	<p>(CDC, 2012; Basu and Ostro, 2008a, 2008b; California Energy Commission, 2012; CCCC, 2012; CDC 2012; Ostro, 2009, 2011; Reeves et al., 1994; USGCRP, 2016; US EPA, 2016a)</p>
<p><b><i>Impacts from rising sea levels and extreme weather</i></b></p> <ul style="list-style-type: none"> <li>• 3,100-5,200 Oakland residents are at risk of flooding in coming decades due to higher storm surges, extreme precipitation events, and sea-level rise. Resulting effects include traumatic injury and death, mental health disturbances (anxiety, stress-related trauma), increased infection, communicable disease and other illness per contact with contaminated and toxic run-off, displacement, and disrupted access to safe food, water and essential services.</li> <li>• Consequences of climate effects on water quantity and distribution due to extreme precipitation, flooding and droughts may include increases in vector and water-borne disease incidence and prevalence. Drought, snow melt, and ground water depletion independently and together can affect the availability of clean and safe water for drinking and basic hygiene, increasing risk of infection and spread of disease.</li> <li>• The agricultural effects of drought will lead to higher food prices and food insecurity, along with the diet-related conditions that follow (hypertension, diabetes, etc.). Drought furthermore increases the likelihood of communicable illness spread.</li> </ul>	<p>(Cal-Adapt; CCCC, 2012; CDC, 2010; City of Oakland, 2016b; City of Oakland, 2016a; Howitt, 2015; Pacific Institute 2014; San Francisco Bay Conservation and Development Commission, 2011; USGCRP, 2016; EPA, 2016a)</p>
<p><b><i>Health outcomes of temperature interaction with ozone and particulate matter pollution</i></b></p> <ul style="list-style-type: none"> <li>• Temperature rises accelerate ozone production more in already polluted areas, and air pollution has more severe effects on those with underlying illness. West and East Oakland's high existing air pollution and prevalence of chronic disease makes them especially vulnerable to climate-related increased air pollution. Increased ozone exposure due to rising temperatures will increase the 8,800 deaths that already occur each year in California due to ozone and particulate matter exposure. Ozone pollution also induces respiratory irritation, impaired lung function, aggravation of asthma, allergies, and other lung diseases, heart attacks, and stroke.</li> <li>• Rising temperatures due to greenhouse gases can independently cause excess mortality from ozone and particulate matter exposure: Excess annual air pollution deaths due solely to GHG-related temperature rise may reach roughly 400 ozone-attributable and 600 PM2.5-attributable deaths in the U.S. per 1°C increase.</li> <li>• Temperature rise increases wildfires and resulting air pollution, especially PM2.5, leads to respiratory illness, cardiovascular illness, and premature mortality.</li> </ul>	<p>(CCCC, 2012; EPA, 2013; EPA, 2016a; Jacobsen, 2008)</p>

## **26. Ozone-related mortality and morbidity will increase**

- 26.1. The health impacts of ozone include respiratory irritation, impaired lung function, increased susceptibility to respiratory infections, aggravation of asthma, allergies, and other lung diseases, cardiovascular disease including heart attacks and stroke, and premature death. (EPA, 2013)
- 26.2. Rising temperatures due to climate change can cause excess mortality associated with interactions between ozone and particulate matter exposure. Excess annual air pollution deaths due solely to GHG-related temperature rise may reach roughly 600 PM2.5-attributable and 400 ozone-attributable deaths in the U.S. per 1°C increase. (Jacobsen, 2008) In one study, it was projected that by the 2020s, climate change could cause a 7.3% increase in regional summer ozone-related asthma emergency department visits for children aged 0–17 years (across the New York metropolitan region). (Sheffield, 2011)
- 26.3. Those most vulnerable to ozone’s effects are children and teens, elderly over 65; people who work or exercise outdoors; people with existing lung diseases, such as asthma and chronic obstructive pulmonary disease; and people with cardiovascular disease. However, even healthy individuals can experience chest pain, coughing, nausea, and pulmonary congestion when exposed to ground-level ozone. (ALA, 2016; EPA, 2014)

## **27. Oakland residents face an increasing risk to their health and safety from flooding linked to sea level rise, storm surges, and extreme precipitation.**

- 27.1. An estimated 3,100-5,200 Oakland residents<sup>22</sup> are at risk of flooding in coming decades due to higher storm surges, extreme precipitation events, and sea-level rise. (Pacific Institute, 2014) Likely effects of these scenarios include traumatic injury and death, mental health disturbances (anxiety, stress-related trauma), increased infection and communicable disease, displacement, job loss, and disrupted access to safe food, water and essential services. (City of Oakland, 2016a; Pacific Institute, 2014)
- 27.2. The availability of safe food and drinking water may be limited, and hospitals, emergency services and communications infrastructure may be disabled or hampered. Disruption may be at a city-wide level. (City of Oakland 2016a)
- 27.3. Previous floods in Oakland have led to extensive exposure to water contaminated with toxic waste and / or pathogens. These exposures can increase risk for cancer or

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<sup>22</sup> Oakland residents living in West Oakland, Chinatown, San Antonio, Fruitvale, Central East Oakland, and Elmhurst districts will experience the most exposure to flooding in the future. (Pacific Institute)

other diseases, or promote spread of infectious disease. In particular following power outages, there can be increases in stomach and intestinal illness. (EPA, 2016a)

- 27.4. Emergency evacuations pose health risks to older adults and others who may be unable to access evacuation routes or have difficulty in understanding or receiving warnings of impending danger. (EPA, 2016a)

**28. Changes in water quantity and distribution through extreme precipitation and flooding (compounded by interaction with droughts) may increase water-borne disease incidence and prevalence.**

- 28.1. People become ill if they come into contact with contaminated drinking or recreational water. Health impacts may include gastrointestinal illness like diarrhea, effects on the body's nervous and respiratory systems, or liver and kidney damage (USGCRP, 2016; EPA, 2016a)
- 28.2. Climate effects on the distribution and quality of surface water can impede personal hygiene and impair local sewage systems. (USGCRP, 2016; EPA, 2016a) Natural events (e.g., floods, storms, heavy rainfall, and snowmelt) often can wash fecal matter into potable water. (USGCRP, 2016; EPA, 2016a).

**29. Health effects of drought, snow melt, and ground water depletion on Oakland**

- 29.1. Drought, snow melt, and ground water depletion independently and together can affect the availability of clean and safe water for drinking and basic hygiene, increasing risk of infection and spread of disease. (CDC, 2010)

**30. Rising CO<sub>2</sub> and climate change will affect the quality and distribution of food, with subsequent effects on food safety and nutrition. (USGCRP, 2016)**

- 30.1. Drought and extreme weather events can reduce crop yield. Drought and heat also affect the health of livestock and levels of livestock milk production. Related increases in food prices lead to increases in food insecurity, which in turn is associated with increased risks of chronic diseases such as diabetes, obesity, and hypertension. Food insecurity disproportionately impacts poor people. (USGCRP, 2016; EPA, 2016a)
- 30.2. Higher air and water temperatures foster more rapid growth of microbial organisms such as Salmonella or Vibrio that cause food and water-borne illnesses. (Tirado, 2010; USEPA, 2016a) Higher sea surface temperatures will lead to higher mercury concentrations in seafood, and flooding can introduce contaminants into the food chain through stormwater runoff. (USEPA, 2016a)
- 30.3. Higher atmospheric concentrations of carbon dioxide are associated with lower levels of protein and essential minerals in crops such as wheat, rice, and potatoes. (USEPA, 2016a)



**31. Wildfires and their associated air pollution can cause deaths, injuries, and eye, respiratory, and cardiovascular illnesses– in Oakland.**

- 31.1. Community smoke exposure from wildfires – even when the fire occurs remotely – has been associated with increased emergency department visits and hospital admissions for chronic obstructive pulmonary disease (COPD), bronchitis, asthma, and chest pain. (Ginsberg, 2008) Through a meta-review, a study found very strong evidence linking fire smoke with increased risk of respiratory and cardiovascular diseases and found that children, the elderly and those with underlying chronic diseases appear to be highly susceptible. (Liu, 2015) Exposure to wildfire smoke can increase mortality: an Australian study found a 5% increase in non-accidental mortality and a 10% increase in cardiovascular mortality following exposure to wildfire (bushfire) smoke. (Johnston, 2008)
- 31.2. After the 2003 Californian wildfires, average increases of 70 microg/m(3) PM(2.5) were associated with 34% increases in asthma admissions. For every 10 microg/m(3) wildfire-related PM(2.5) exposure, there were increases in hospital admissions of: 9.% for acute bronchitis; 6.9% for chronic obstructive pulmonary disease (COPD) among 20-64 year olds; 6.4% for pneumonia in 5-18 year olds. There was a 6.1% increased rate of admission for cardiovascular complaints, including an 11.3% increased rate of admission due to cardiac failure. (Delfino, 2003) Effects can be immediate or present after several weeks. (Moore, 2006)

**32. Climate change impacts mental health.**

- 32.1. Experiencing an extreme weather event can cause acute stress, post-traumatic stress disorder, anxiety, depression, and other mental health consequences, particularly when a person loses livelihoods, loved ones, homes, and communities. Even the perceived threat of climate change (for example from reading or watching news reports about climate change) can influence stress responses and mental health. (USGCRP, 2016)
- 32.2. Some groups of people are at higher risk for mental health impacts, such as children and older adults, pregnant and post-partum women, people with pre-existing mental illness (see above), people with low incomes, and emergency workers. (USGCRP, 2016)

**33. Global warming may affect seasonality (increase duration or altered timing) of certain allergic respiratory disorders, triggering asthma and hay fever (IPCC, 1997).**

- 33.1. Allergic illnesses, (e.g., hay fever), affect about one-third of the U.S. population; more than 34 million Americans have been diagnosed with asthma (EPA, 2016a).

**34. Changing climate conditions may lead to changes in the distribution of disease-carrying vectors such as ticks and mosquitos, with subsequent changes in the occurrence of vector-borne diseases such as dengue fever, west nile virus, or zika.**

34.1. In California, the dengue and zika mosquito is now present in multiple counties.

**35. Some populations in Oakland will be disproportionately vulnerable to these adverse health outcomes.**

35.1. While the health impacts of climate change affect all Oakland residents, residents of West Oakland, especially in neighborhoods adjacent to the former Oakland Army Base, are at increased risk due to preexisting health conditions, higher exposure to environmental hazards (such as heat islands and housing in rising sea-level and flood zones), social, economic and demographic factors, and more limited adaptive capacity (California Energy Commission, 2012). West Oakland – and East Oakland – will disproportionately bear environmental exposures and morbidity/mortality burdens due to climate change.

35.2. ***Vulnerability to heat:*** Outdoor workers, homeless, the elderly, low-income people who lack access to air conditioning (or cannot afford to turn it on), young children, pregnant women, people with pre-existing chronic illness, and those who take certain medications are all more vulnerable to adverse health consequences of heat. (USGCRP, 2016)

35.2.1. Heat aggravates existing medical problems in vulnerable populations (Canadian Global Change Program, 1995). For example, mortality during oppressively hot weather is associated predominantly with preexisting cardiovascular, cerebrovascular, and respiratory disorders, as well as accidents. (Haines, 1993; IPCC 1997)

35.2.2. Lower income populations have less access to resources that can offset heat and its related illnesses, including the ability to afford air conditioning and associated electric costs. Modeling of heat-associated mortality finds a significant protective benefit to air conditioner ownership, where a 10% increase in air conditioning prevalence reduced the temperature mortality co-efficient by 1.4% (Ostro 2011). Additionally, lower income populations often lack the medical coverage needed to receive prompt treatment for a heat-related medical condition. (Pacific Institute, 2012) West Oakland has some of the highest levels of poverty in the Bay Area.

35.2.3. People that live in urban heat islands - areas with dense building, high concentrations of impervious surfaces, low tree canopy, and little green space - are at particular risk of heat illness. (USEPA, 2016h) Oakland has several areas in the flatlands with these characteristics.

35.2.4. In temperate coastal regions such as Oakland, excessive heat is infrequent and populations accordingly are less acclimated and less likely to have air conditioning or be familiar with how to protect themselves during a heat wave. (WHO, 2003)

- 35.3. **Vulnerability to poor air quality:** People most at risk for adverse health consequences of increased ozone exposure include people with asthma and other respiratory diseases (e.g. COPD, emphysema), people with cardiovascular disease, children, older adults, and people who are active outdoors, especially outdoor workers. (EPA, 2013)
- 35.4. **Vulnerability due to living in already polluted settings:** Those living in neighborhoods with higher levels of air pollution - such as West Oakland - are more at risk, in part because of their higher prevalence of pollution-related chronic illness. (Jacobsen, 2008)

### *Description of submitted evidence*

Five submissions were made to the city that provided documentation of the relationship between the export and combustion of coal, the association with climate change, and the impact on health and safety. The evidence provided in these submissions is included in our briefs, along with findings from supplemental review.

Substantiated points made	EJ	SC	NCOI	Fox	UCS
Coal export will lead to coal combustion and increased greenhouse gas emissions, with direct local and global climate change consequences	x	x		x	x
Coal export is inconsistent with state, regional, and local climate and air quality policies	x		x	x	x
Climate change and related health impacts in Oakland are and will be significant	x	x	x		x
Health impacts will relate to sea level rise, water shortages, temperature rise, air pollution, their interaction, and more		x	x		x
The cumulative greenhouse gas emissions of the project will be significant on a global scale		x	x		x
This issue is urgent and international commitment involves the whole world community – from global to local	x	x	x		x
Prohibiting transport, storage and handling of the Utah coal as proposed is an effective way to partially protect Oakland from climate change impacts		x			x
There is no established or meaningful mitigation of the climate impacts this coal will have (e.g., no clean coal, no supplanting dirtier fuel, etc.)	x				x

- EJ = Irene Gutierrez, Earth Justice on behalf of Sierra Club, West Oakland Environmental Indicators Project, Communities for a Better Environment, San Francisco Baykeeper (Letter dated 9/2/15)
- SC = Deborah Niemeier of Sustainable Systems Research, LLC for Sierra Club (Report submitted 9/21/15)
- NCOI = No Coal In Oakland (Letter dated 9/18/15)
- Fox = Phyllis Fox for Sierra Club (Report submitted 9/21/15)
- UCS = Laura Wisland, Union of Concerned Scientists (Letter dated 9/18/15)



## Chapter 9: Noise Effects of Coal Transport and Handling in Oakland

### Key Points and Summary of Submitted Evidence

Two documents submitted to the Council for its 9/21/2015 hearing on the Army Base Gateway Redevelopment Project addressed noise levels that would be generated through the export of coal through Oakland:

- The Human Health Effects of Rail Transport of Coal Through Multnomah County, Oregon (Multnomah County Health Department 2013)
- Environmental, Health and Safety Impacts of the Proposed Oakland Bulk and Oversized Terminal by Phyllis Fox, PhD for Sierra Club (Fox 2015)

Conclusions were generally grounded in scientific literature, especially when documenting a range of health effects due to noise exposure.

The main points made in the submissions included:

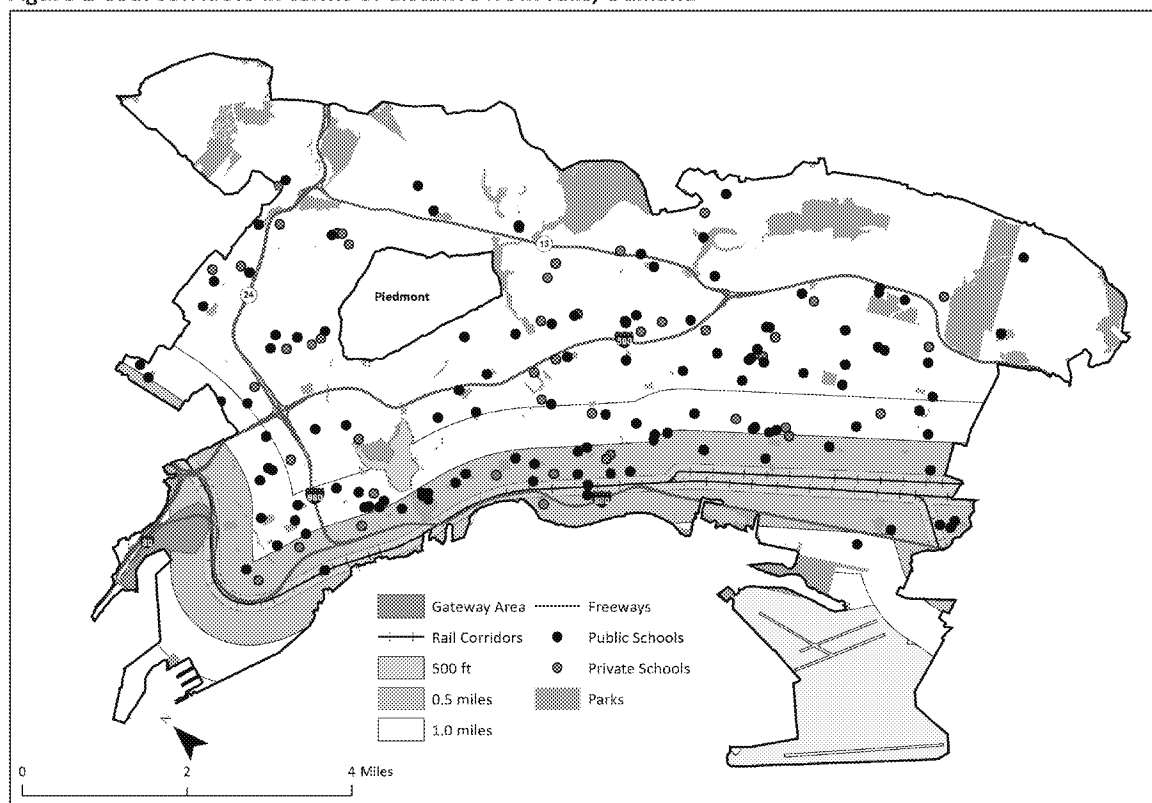
- Coal transport will likely generate pronounced noise
- Noise is implicated in a wide range of adverse health effects
- Cumulative health effects are likely

Additionally, from further analysis, we find that:

- Baseline noise exposure in much of West Oakland already exceeds levels considered compatible with residential usage, and current noise levels are already sufficient to interfere with activity and learning, as well as impair sleep.
- West Oakland will experience increased noise exposure pursuant to OBOT's addition of coal train activity.
- An increased proportion of people, in a larger geographic area, may experience higher risk for a greater number and / or severity of adverse health effects, including:
  - serious annoyance, sleep disturbance, speech disturbance, activity interference, myocardial infarction risk, learning and functioning disturbance (depending upon quality of indoor / classroom acoustics), and possibly hearing deficits
- Several sensitive areas are within the boundaries of anticipated exposure (Figure 1).
  - Raimondi Park is very close to the tracks and is heavily utilized, mostly by children. Roughly 27,375 people visit Raimondi per year, with 54,750 person hours of potential exposure each year.

Details and citations supporting these statements are included in the review below, combining both those that were submitted along with additional information and citations identified by the panel through supplemental review.

Figure 1 Coal corridors in terms of distance from rails, Oakland



Source: CAPE, with rail data from CalTrans, parks data from CPAD 2015b, Gateway area from Oakland Redevelopment Agency, schools from CDE.

## Findings

1. Noise is an environmental stressor that activates physiological responses which in turn can adversely impact health (Ising and Braun 2000). Noise can also directly impact hearing.
2. Characteristics of noise, the exposure setting, and the person experiencing the noise influence its impact.
  - 2.1. Impact on health can vary (1) by *noise characteristics* including sound level, objective noise volume, intensity, duration, continuity, and contrast to ambient / background noise; (2) by *the exposure setting* including time of day that noise is experienced, the distance from source, and wind gradient; (3) by the *functional context*, such as if heard in a hospital or school; and (4) by *subjective perception* of the noise based upon an individual's characteristics. (Münzel et al. 2014) See Table 1 for definitions of acoustical terms.

**Table 1: Definition of Acoustical Terms**

<b>Term</b>	<b>Definitions</b>
Decibel, dB	A unit describing, the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, Leq	The average A-weighted noise level during the measurement period. The hourly Leq used for this report is denoted as dBA Leq(h).
Lmax, Lmin	The maximum and minimum A-weighted noise level during the measurement period.
L01, L10, L50, L90	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, Ldn or DNL	The equivalent noise level for a continuous 24-hour period with a 10-decibel penalty imposed during nighttime and morning hours. (10:00 pm to 7:00 am).
Community Noise Equivalent Level, CNEL	CNEL is the equivalent noise level for a continuous 24-hour period with a 5-decibel penalty imposed in the evening (7:00 pm to 10:00 pm) and a 10-decibel penalty imposed during nighttime and morning hours (10:00 pm to 7:00 am).
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

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Source: Harris, Handbook of Acoustical Measurements and Noise Control, 1998.

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### 3. Noise is implicated in a wide range of adverse health effects.

- 3.1. Chronic exposure to moderate levels of noise, below levels that cause hearing loss, can lead to a diverse set of health and physiological impacts in the general population. (Passchier-Vermeer and Passchier 2000)
- 3.2. Transportation-related noise causes loss of 1 million healthy years of life annually in Europe — a disease burden second only to air pollution. (Hänninen et al. 2014)
- 3.3. Cumulative environmental noise exposure is responsible for 61,000 disability-adjusted life years (DALYs) due to ischemic heart disease, 45,000 DALYs due to cognitive impairment in children, and 22,000 due to tinnitus. (WHO 2011)
- 3.4. Noise works through various mechanisms to cause adverse health effects, including:
  - 3.4.1. *Auditory effects*, such as temporary or permanent hearing loss.
  - 3.4.2. *Biological effects*, whereby noise, including environmental noise, induces the release of stress hormones that create responses such as inflammation and changes in heart rate, and are associated with cardiovascular disease, hypertension, arrhythmia, and myocardial infarction (Babisch et al. 1993, Babisch 2000, 2005, 2006, van Kempen et al. 2002, Stansfeld and Matheson 2003, de Kluizenaar et al. 2009, Selander et al. 2009)
  - 3.4.3. *Extra-auditory effects*, including annoyance and extreme annoyance, sleep disturbance and resultant fatigue, accidents, injuries, cognitive impairment and cardiovascular disease, cognitive impairment in children, exacerbation of mental health disorders (e.g. depression, stress, anxiety, psychosis), and activity interference (moderate levels of noise interfere with routine activities, including having a conversation, concentrating or working). (Passchier-Vermeer and Passchier 2000, Miedema and Oudshoorn 2001, de Kluizenaar et al. 2009, World Health Organization 2009, Basner et al. 2014, Hays et al. 2016). Definitions for selected non-auditory effects amongst those listed above are as follows:
    - 3.4.3.1. *Annoyance*: Noise annoyance is defined as “a feeling of resentment, displeasure, discomfort, dissatisfaction, or offense when noise interferes with someone’s thoughts, feelings, or actual activities” (Passchier-Vermeer and Passchier 2000). Annoyance is a very common response to environmental noise, producing feelings of anger, displeasure, anxiety, helplessness, distraction, and / or exhaustion (World Health Organization 2011). “Annoyance affects both the wellbeing and quality of life among populations exposed to environmental noise.” (Hays et al. 2016)
    - 3.4.3.2. *Sleep Disruption*: A common response to environmental noise that produces some of the most severe extra-auditory effects. (Muzet 2007, World Health Organization 2011, Hume et al. 2012)
    - 3.4.3.3. *Cognitive Impairment in Children*: Children exposed to chronic transportation noise have deficits in reading and memory, suffering the resulting losses in school performance (Evans et al. 1998, Shield and



Dockrell 2003, Evans and Hygge 2007). For instance, in a study of rail and road noise, children exposed to noise levels of 62 dBA<sup>23</sup> (Ldn<sup>23</sup>) had deficits in memory compared to those exposed to 46 dBA (Ldn) (Lercher et al. 2003).

- 3.4.3.4. *Cardiovascular effects*: A meta-analysis of the relationship between noise exposure and heart disease found road traffic noise to be associated with higher risk for myocardial infarction and ischemic heart disease (van Kempen et al. 2002).

**4. Levels of noise that can be generated by train operations correspond to documented levels of effect, for example:**

- 4.1. *Annoyance*: Transportation noise has been ranked among the most significant causes of community dissatisfaction. On the aggregate, the level of high annoyance in a community averages 0 percent at 45 Ldn, approximately 10 percent at 60 Ldn, and escalates to 70 percent at 85 Ldn. (Federal Railroad Administration, accessed May 27, 2016)<sup>24</sup>
- 4.2. *Sleep Disruption*: Sleep disruption effects at various noise levels have been reported by the WHO as follows (World Health Organization 2009):
- Below 30 dBA: No sleep disruption effects are observed
  - 30-40dBA: Modest sleep disruption occurs
  - 40-55dBA: Many adverse health effects and coping behaviors occur (e.g., sleep disturbance, insomnia, and increased use of drugs)
  - Above 55dBA: Disruption is of major concern and adverse health effects are frequent, accompanied by high annoyance and sleep-disturbed/deprived, along with risk of cardiovascular disease
- 4.2.1. An average nighttime noise level of 65 dB will result in self-reported disturbance of sleep in about 15% percent of the population, while a single noise event at 80 dB will result in awakenings in about a third of the population (World Health Organization 2009).
- 4.3. *Speech Interference*: The indoor threshold for speech interference is 45dBA for steady noise, and 55dBA for fluctuating noise; the outdoor threshold ranges from 60dBA – 70dBA. (Bhatia and Puccetti, 2015; US EPA, 1979)
- 4.3.1. Outdoor noise levels of greater than 72 dBA will prevent normal voice level communication at unprotected exterior locations, with .5 meters of distance between the speakers. (US EPA, 1979)
- 4.4. *Cardiovascular effects*: Moderate levels of traffic noise (>65 dBA) have been linked to both hypertension and ischemic heart disease. (Babisch 2008)

<sup>23</sup> For definition see **Table 1: Definition of Acoustical Terms**

<sup>24</sup> <https://www.fra.dot.gov/Page/P0599>

- 4.4.1. Community noise, including traffic noise above 50–60 dBA increases the risk of myocardial infarction and cardiovascular risk was found to increase with increasing daytime noise levels above 60 dBA. (Babisch 2005, 2006, 2008, Selander et al. 2009)
- 4.5. *Activity interference*: Activity is disrupted indoors at a level of 45dBA Ldn and outdoor at a level of 60 dBA Ldn. (Bhatia, 2015)
- 4.6. *Hearing loss*: Chronic or repeated exposure to sounds at or above 85 dB can cause hearing loss (National Institute of Deafness and Other Communication Disorders 2015). Decibels between 80–105 are labeled extremely loud, whereas those above 105 dBA are dangerous. (Coaltrain Facts, 2016)
5. **United States local and state standards are not completely health protective according to World Health Organization guidelines (Human Impact Partners, 2011). WHO noise exposure thresholds are much lower, for example for levels inside (30 dBA) outside (50–55 dBA) homes, as well as for classrooms (35 dBA) (Human Impact Partners, 2011).**
6. **Certain populations may be more vulnerable to the effects of noise exposure.**
  - 6.1. *Children* are likely more vulnerable to negative cognitive effects (van Kamp and Davies 2013). Noise can be detrimental to comprehension, memory, and attention/perception (Haines et al. 2001a, 2001b). Children who are chronically exposed to noise may have impaired cognitive development and subsequent effects on educational attainment (World Health Organization 2011, Stansfeld and Clark 2015).
    - 6.1.1. As an example of cognitive effects of noise, a California study found that at schools within 300 meters (984 feet) of the I-710 corridor, fewer students scored as proficient or advanced for reading (13% fewer) and math (11%) on the California Standardized Test for the 2008–2009 school year. (Human Impact Partners 2011)
  - 6.2. *People with impaired capacity or cognition* may experience greater deficits (e.g. the elderly, mentally ill, depressed, students with learning difficulties, young children, and populations with low economic standing). (van Kamp and Davies 2013)
  - 6.3. *People with pre-existing conditions* such as cardiovascular disease and tinnitus are more at risk for health effects of noise exposure. (van Kamp and Davies 2013)
7. **Coal transport is likely to generate pronounced noise.**
  - 7.1. *Trains produce particularly disruptive noise* because human reaction to noise is influenced in part by the time between noises and the “difference in loudness between a noise event and background” (Berglund et al. 1999), and most train noise is in high contrast to typical ambient conditions (Multnomah County Health Department 2013)
  - 7.2. *Unit coal trains are substantially longer and heavier, with several more engines than freight trains*, increasing the duration of disruption and possibly the loudness. (Fox, 2015)

- 7.3. *Terminal activity may produce a significant amount of noise* including moving rail cars into unloading stations and unloading them. (Multnomah County Health Department 2013, Fox 2015) (Fox & Multnomah submissions – further substantiate)
- 7.4. *Ship transit* for coal may involve larger ships and may also be a source of noise, however this factor has not been studied and requires further review.

#### *Description of background (ambient) noise in West Oakland*

### **8. Baseline (ambient) noise conditions in West Oakland are high.**

- 8.1. Transportation sources such as automobiles, trucks, and trains are the principal sources of noise in West Oakland. In addition to being subject to freeway traffic and BART noise, West Oakland is bordered on its south and west by the Union Pacific Railroad, BNSF Railroad, associated railyards, and Port of Oakland intermodal facilities, all significant noise sources affecting surrounding areas. (Lamphier-Gregory et al. 2014)
- 8.2. The West Oakland Specific Plan Draft EIR looked across several previous noise assessment studies in West Oakland or analogous settings (e.g., Jack London Square) to establish ambient noise levels. On the aggregate, these noise studies indicate that noise levels near unprotected major transportation sources range from CNEL 68 – 72 dBA and areas away from these sources are generally less than 65 dBA. (Lamphier-Gregory et al. 2014)
- 8.3. A 2010 Health Impact Assessment (HIA) for the Port of Oakland conducted by the UC Berkeley Health Impact Group estimated that the majority of West Oakland residents are exposed to ambient noise levels of 75 dB Ldn or higher based on existing conditions (See Figure 2 and Table 2). (UC Berkeley Health Impact Group (UCBHIG) 2010)

Figure 2 West Oakland Noise Contours, Port of Oakland HIA 2010

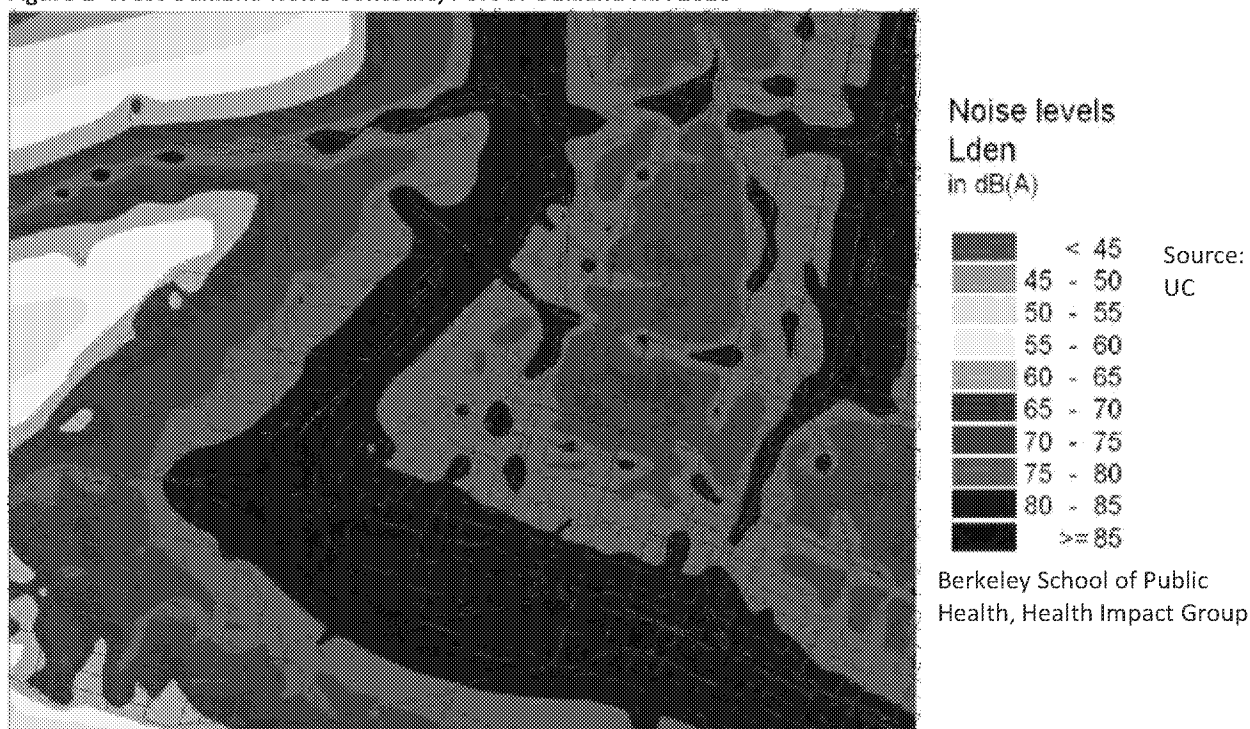


Table 2 West Oakland Population Exposure to Various Noise Levels

dB	Population Exposed	Percent of Total Population
60	247	1%
65	2,110	9%
70	6,169	25%
75	9,696	40%
80	4,707	19%
85+	<u>1,520</u>	6%
Total	24449	

Source: UC Berkeley Health Impact Group (UCBHIG), *Health Impact Assessment of the Port of Oakland*, University of California, Berkeley, CA, March 2010.

**9. Baseline noise conditions in West Oakland are already associated with adverse health and social effects, and in some areas are already incompatible with residential development (See Table 3 for Oakland Land Use Noise Compatibility Guidelines)**

9.1. The West Oakland Specific Plan Draft EIR found several areas near existing transit corridors to be “generally incompatible with residential and other noise-sensitive uses,” and that of the remaining noise environments, most are considered only conditionally acceptable for residential uses (Lamphier-Gregory et al. 2014). Similarly, the Port of Oakland HIA indicates that 90% of West Oakland inhabitants live in an ambient environment of Ldn 65 dBA or higher (see Figure x and Table 7, adapted from UC Berkeley Health Impact Group (UCBHIG) 2010).

9.2. The Port of Oakland HIA (UC Berkeley Health Impact Group (UCBHIG) 2010) estimated that at baseline, in West Oakland:

9.2.1. Greater than one in three residents are likely to be highly annoyed by noise.

9.2.2. 8 myocardial infarction deaths (15 percent of all myocardial infarction deaths) per year may be associated with noise exposure.

9.2.3. Approximately one third of residents may be at risk of sleep disturbance.

9.2.4. With an average noise exposure of 74 dB, West Oakland residents face risk of a 29 percent impairment in recall and reading, and a 4 percent impairment in recognition and attention relative to a typical 60 dB residential environment.

**Table 3 Oakland General Plan Noise Guidelines for Land Use**

Land Use Compatibility Guidelines							
Land Use Category	Community Noise Exposure (L <sub>DN</sub> OR CNEL, dB)						
	50	55	60	65	70	75	80
Residential							
Transient lodging – motels, hotels							
Schools, libraries, churches, hospitals, nursing homes							
Auditoriums, concert halls, amphitheaters							
Sports arenas, outdoor spectator sports							
Playgrounds, neighborhood parks							
Golf courses, riding stables, water recreation, cemeteries							
Office buildings, business commercial and professional							
Industrial, manufacturing, utilities, agriculture							
NA	NORMALLY ACCEPTABLE: Development may occur without an analysis of potential noise impacts to the proposed development (though it might still be necessary to analyze noise impacts that the project might have on its surroundings).						
CA	CONDITIONALLY ACCEPTABLE: Development should be undertaken only after an analysis of noise-reduction requirements is conducted and if necessary noise-mitigating features are included.						
NU	NORMALLY UNACCEPTABLE: Development should generally be discouraged; it may be undertaken only if a detailed analysis of the noise-reduction requirements is conducted, and if highly effective noise mitigation features are included.						
CU	CLEARLY UNACCEPTABLE: Development should not be undertaken.						

Source City of Oakland General Plan

**10. There are likely to be cumulative health impacts associated with the proposed coal export, which could involve up to 4 round trips per day of mile-long trains**

- 10.1. Cumulative health impacts occur in part because biological / non-auditory effects (e.g., increased blood pressure, increased heart rate, vasoconstriction, changes in respiration, and arrhythmia) continue to have deleterious effects on human health even after a person “gets used to” the noise (Human Impact Partners 2011). Bhatia states that there is “no evidence that humans develop a physiologic tolerance to noise.” (Bhatia and Puccetti, 2015)
- 10.2. Transportation-related noise in western Europe accounted for the cumulative loss of 903,000 DALYs due to sleep disturbance and 587,000 DALYs due to interference with normal function and activities. (World Health Organization, 2011)
- 10.3. Long term exposure to noise from road, rail, and air traffic results in physiological and psychological stress including elevated blood pressure, hypertension, ischemic heart disease, and stroke. (Münzel et al. 2014, Halonen et al. 2015, Vienneau et al. 2015)
- 10.4. Impact of this transient noise will be most significant when experienced during sleeping hours and for sensitive receptors, for example children in school or elderly.

*Noise Exposure Assessment*

**11. Populations near the rails will be subject to two cumulative exposure scenarios:**

- 11.1. The accumulation of noise exposure to trains passing through the neighborhood - annually and over the course of the 66-year lease - will create conditions of chronic noise exposure.
- 11.2. Noise from round-trip coal trains blasting 110 dB horns at each of 55 at-grade crossings (as per federal law<sup>25</sup>), will accumulate to 2 hours per day<sup>26</sup> of very loud noise throughout the region according to Fox’s report. (Fox, 2015)

**12. Extrapolating from a prototype sound study of coal trains in Washington State (Bhatia and Puccetti, 2015) (see chapter appendix), we can estimate that noise exposures will reach levels of observed effect and/or exceed established noise standards in both exposure scenarios: near or not near an at-grade crossing (horn blast). See Table 4 for noise estimated noise exposures.**

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<sup>25</sup> Federal regulation requires locomotive horns be sounded for 15-20 seconds before entering all public grade crossings, but not more than one-quarter mile in advance.

[https://www.up.com/real\\_estate/roadxing/industry/horn\\_quiet/index.htm](https://www.up.com/real_estate/roadxing/industry/horn_quiet/index.htm)

Field measurements show an average Reference SEL of 107 dBA at 100 feet from the track increasing to 110 dBA at 110 feet from the at-grade roadway crossing.

<sup>26</sup> Daily duration of train noise: 20-seconds/sounding x 55 at-grade crossings x 6 (one-way x 3 round-trip train trips/day = 6,600 seconds= 1.83 hours of noise per day that is in contrast to background (meaning greater detrimental impact). By extrapolation, the regional loud episodic sound exposure would be 670 hours per year, and roughly 4400 hours over the course of the lease.

12.1. This assessment assumes 4 new coal trains (this parameter is the maximum for the project, but allows us to extrapolate from the Washington study). For sensitivity analysis, upper and lower limits are as follows:

12.1.1. *Lower limit:* Bellingham exposures, since ambient Ldn is lower than West Oakland's, but more closely approximates Oakland in terms of total train activity.

12.1.2. *Upper limit:* Cheney exposures, since Cheney's ambient Ldn is closer to West Oakland's, but the total train activity is higher.

**Table 5 Extrapolated estimates of cumulative noise exposure pursuant to adding OBOT coal trains, associated health effects, and sensitive receptors – distal / proximate to horn blast (per at-grade crossing)**

	100 ft	250 ft	500 ft	1,000 ft	2-4,000 ft
Bellingham Ambient Ldn	75 / 79	65 / 71	60 / 67	56 / 62	55
Cheney: Ambient Ldn	80 / 83	74 / 77	65 / 71	60 / 67	56/61
Health effects	Serious annoyance, sleep disturbance, speech disturbance, activity interference, MI risk, possible learning and functioning disturbance, depending upon quality of indoor / classroom acoustics				
	significant speech disturbance (>65), (hearing loss at >70-75)				
Sensitive Receptors West Oakland		Residential (East Oakland)	Residential	Raimondi Park, Willow Park	Prescott Elementary, St. Patrick, St. Martin de Porres, DeFremery Park, (McClymond High)*

\*Note that McClymond High is about 4,200 feet and the West Oakland Senior Center is about 5,200 feet from the tracks. At the same time, the WHO set an indoor threshold of 30 dBA above which speech intelligibility and learning disruption can occur, and so it's possible that with an outdoor level of 50 dBA that some portion of the campus experiences levels of noise that can disrupt learning.

**13. Those who must be in proximity to the coal export activities will experience the greatest exposure to noise (while also being exposed to the greatest amount of air pollution – these two exposures may interact, although the science is still emerging).**

13.1. In particular, residents in proximity to the tracks and terminal (especially in poor quality housing), children who must attend school, people in nearby care facilities, and people seeking accessible recreational space close to the railway and terminal have greater exposure.

13.2. Workers at the site and on the rails also have greater exposure.

13.3. *Athletes, especially the many youth athletes, who share Raimondi Park will have very high levels of combined noise and air pollution given their very close proximity to the tracks, with a high number of sensitive receptors (i.e. children and athletes).*

13.3.1. Raimondi Park is heavily used, year round. Outside of summer months, a combination of teams uses the fields 4-10P on weekdays and 8A – 10P on weekends. During summer months, the hours of use begin at 9A. Assuming roughly 75 people

per day use the fields 365 days / year = 27,375 visits per year at Raimondi. At usually 2 hours per visit (though some staff are there much longer), that's 54,750 person hours of potential exposure per year.

13.3.2. East Bay United (EBU) Soccer Club is one of the heavy users of Raimondi Park, cataloguing almost 23,000 person hours of exposure per year. Calculations are as follows:

13.3.2.1. January 1 – June 15: 75 people/day, 2 hrs per practice/day, 5 days / week, 375 people/week, 750 person hours / week, 22 weeks, approximately 16,500 person hours / year

13.3.2.2. Sept. 1 – Dec. 15: 75 people/day, 2 hrs per practice/day, 2 day/week, 150 people / week, 300 person hours / week, 14 weeks approximately 4,200 person hours / year

13.3.2.3. Summer camps – 7 hours/day x 75 people / day x 4 weeks = 2,100 person hours / year

13.3.3. Other groups that also use the field include: East Bay Warriors Football Teams, BASAC Charter School, EBSSL Adult Soccer League, and Oakland Youth Rugby.

#### *Noise Impact Assessment*

**14. The prototype study (Bhatia and Puccetti, 2015) applied exposure estimates and the following exposure response functions to estimate the percent of the population that would be affected by activity interference (per annoyance) and sleep disturbance.**

14.1. Percent of exposed who are highly annoyed by the increase in train noise with a threshold of 42 Ldn (Miedema and Oudshoorn 2001):

$$(7.158 \times 10^{-4} (L_{dn} - 42)^3 - 7.774 \times 10^{-3} (L_{dn} - 42)^2 + 0.163 (L_{dn} - 42))$$

14.2. Percent of exposed who experience highly disturbed sleep per the increase in train noise with threshold 42 L<sub>night</sub> (Miedema and Vos 2007):

$$(11.3 - 0.55 (L_{night}) + 0.00759 (L_{night})^2)$$

**15. An increased proportion, in a larger geographic area, would experience health effects related to the OBOT train activity (Table 6).**

15.1. West Oakland's current noise exposure is already sufficient to interfere with activity and learning, as well as impair sleep. Exposure levels and health effects would worsen with incremental increases in rail freight transport of coal.



**Table 5 Extrapolated estimates of possible cumulative impacts of noise pursuant to adding OBOT coal trains, associated health effects, and sensitive receptors – distal / proximate to horn blast (per at-grade crossing)**

Impact	100 ft	250 ft		500 ft	1,000 ft	2-4,000 ft
Bellingham – “lower limit”						
% Experiencing disturbed sleep	9.0 / 11.0	5.0 / 7.5		3.4 / 5.7	2.3 / 4.2	~2 / ~2.5-3
% Experiencing activity interference	22.7 / 30.7	7.9 / 15.9		4.5 / 10.0	2.9 / 6.2	2.5 / ~3 - 4
Cheney – “upper limit”						
% Experiencing disturbed sleep	12.2 / 14.0	9.0 / 10.6		5.3 / 7.7	3.2 / 5.6	~2.2 / 3.7-2.8
% Experiencing activity interference	34.3 / 44.1	20.8 / 27.8		8.7 / 16.3	4.5 / 10.1	2.8-3.6 / 2.7-5.2

**16. Noise mitigation options are available, but generally prove expensive.**

- 16.1. To mitigate train noise, some cities have established quiet zones, in which safety modifications are made to public crossings to exempt trains from horn-blowing. However, these measures are expensive and shift liability from the railroad to the city. (Coal Train Facts 2012)
- 16.2. Prohibition of train movement outside of working hours would provide some noise relief and decrease sleep disturbance.
- 16.3. Maximum allowable noise levels should be adjusted down when sensitive receptors, such as schools and hospitals are present.
- 16.4. Physical improvements to the environment, such as sound walls, and use of sound-absorbing materials can decrease levels of noise exposure.
- 16.5. Title 24 of the California Code of Regulations provides for noise insulation standards for residential buildings, and can be applied when new housing is developed near the rails and terminal. Residences must be designed to limit interior noise to no more than a Ldn of 45 dB (UC Berkeley Health Impact Group (UCBHIG) 2010). This obligation would lead to an additional cost for housing developers in the future.

## APPENDICES

# Appendix Chapter 1: Resiliency, Vulnerability and West Oakland

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### *Levels of use at Raimondi Field*

#### Emailed communication

Raimondi is a very heavily used field essentially year round. EBU is one of the heavy users where essentially we have teams out there on Mondays and Wednesdays starting September 1 through December 15 from 4 – 9 PM. Number of players/coaches/parents that are out there for this time period is 75 per day or 150 for both days. We then have the field on M-F's from January 1 – June 15, again at 75 people/day or 375 people/week.

Other groups that also use the field include:

1. East Bay Warriors Football Teams
2. BASAC Charter School
3. EBSSL Adult Soccer League
4. Oakland Youth Rugby

These organizations plus our essentially use Raimondi from 4-10 PM weekdays and 8 AM – 10 PM on weekends. All of these groups have large numbers of participants in their permitted time slots. From my experience if you assume 75 people-day essentially 365 days/year = 27,375 people/year.

Nino Borsoni, PMP  
Director, Field Operations  
East Bay United Soccer Club  
510.220.0559 Mobile

## Appendix Chapter 2: Air Quality Particulate Matter

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## Figures and Additional Submissions

### *Letter from Doctors John Balmes and Michael Lipsett on particulate matter*

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SANTA BARBARA • SANTA CRUZ

John R. Balmes, M.D.  
Professor of Medicine  
Division of Occupational and Environmental Medicine  
San Francisco General Hospital  
1001 Potrero St., 5K1  
San Francisco, CA 94110

Tel: 415/206-8314  
Fax: 415/605-1551

E-mail: john.balmes@ucsf.edu

June 3, 2016

Oakland City Council  
1 Frank Ogawa Plaza, Suite 226  
Oakland, CA 94612

RE: Proposed coal project at the Port of Oakland

Dear Members of the City Council:

We are two California physicians with many decades of experience in the evaluation of the human health impacts of exposure to ambient air pollution. We are submitting these comments to provide information about some potential health impacts that may result from the proposed coal train project. Below we present a brief summary of some relevant published literature (with references at the end), followed by a short description of our backgrounds and qualifications.

#### **Principal Health Impacts of Particulate Matter Air Pollution**

Particulate matter (PM) is a heterogeneous airborne mixture of solid and liquid particles, varying widely across time and space. PM levels are generally described and regulated according to the concentration of different inhalable size fractions: specifically, PM<sub>10</sub> (particles with a median diameter less than 10 microns [or  $\mu\text{m}$ ]) and fine particles or PM<sub>2.5</sub> (diameter less than 2.5  $\mu\text{m}$ ). The principal types of PM expected from the proposed coal rail transport project -- diesel exhaust and coal dust -- are only two among many sources, but from a public health standpoint, they should not be treated differently from any other type of PM. **In other words, since diesel particles and a significant portion of coal dust fall within the PM<sub>2.5</sub> and PM<sub>10</sub> size ranges, the health effects consistently linked with ambient PM are also likely to result from exposure to these two coal train-associated pollutants.**

Hundreds of peer-reviewed scientific articles link PM<sub>10</sub> and PM<sub>2.5</sub> exposure with premature mortality and with the occurrence of many serious health outcomes, including heart attacks and strokes, lung cancer, as well as hospital admissions and emergency room visits for a variety of cardiovascular and respiratory conditions (including asthma, chronic obstructive lung disease, and respiratory infections). Other well-documented effects include increased respiratory symptoms (especially among asthmatics), decreased lung function (both short- and long-term), missed days at school and work, pre-term births and other adverse reproductive outcomes. This literature has been exhaustively reviewed by the U.S. Environmental Protection Agency (2009); many articles corroborating and extending these findings have been published since then (e.g., Brook et al. 2010; Guarnieri and Balmes 2014; Hart et al. 2015; Lipsett et al. 2011; T  treault et al. 2016).



The adverse physiological effects of PM on the cardiovascular system have been likened to those of cigarette smoke, and include low-grade inflammation and narrowing of arteries, increased tendency to form blood clots (which can cause strokes and heart attacks), and increased blood pressure. The American Heart Association considers PM<sub>2.5</sub> as a cause of both acute events (heart attacks and strokes – sometimes within hours of exposure) and as a contributor to the long-term development of cardiovascular disease (Brook et al. 2010).

Many studies have linked PM exposure with worsening of asthma, as measured by increased symptoms and medication use, emergency room visits and hospitalizations, school absences, and decreased lung function (US EPA 2009; Guarneri and Balmes 2014). PM<sub>2.5</sub> exposure causes increased oxidative stress and inflammation in the lung, which are hallmarks of asthma. Local and systemic inflammation underlie the development of many chronic diseases, not just asthma. There is some evidence that PM exposure can also cause new cases of asthma, but this is not as firmly established as that for asthma exacerbations in people who already have the disease (Guarneri and Balmes 2014).

Diesel particles' effects on asthma and allergy have been extensively studied: they can increase allergic responses and make it easier for people who already have allergies to develop new ones. Diesel exposure also increases airway inflammation, though some people with mild, well-controlled asthma may experience less immediate inflammation from diesel exposure than others (Balmes 2011). Diesel particles are also known to contain a variety of chemicals known to cause airway inflammation and damage, including polycyclic aromatic hydrocarbons (PAHs), metals, and chemically reactive chemicals known as free radicals (IARC 2014). The International Agency for Research on Cancer (IARC – a part of the World Health Organization) has also authoritatively designated diesel exhaust as a known human carcinogen (i.e., cause of cancer – IARC 2014).

While coal mining has long been associated with devastating occupational lung disease, there are only a few studies of environmental exposure to coal dust. There is some evidence that environmental exposure may be linked with increased respiratory symptoms in children. Brabin et al. (1994) reported increased wheezing, excess cough, breathlessness, and school absenteeism among children attending primary schools located between 0.5 and 2 kilometers (km) from a dock area in England where coal and petroleum coke were unloaded and stored when compared with children attending schools 3 to 8 km away. Pless-Mulloli et al. (2000) reported increased doctor visits for respiratory conditions (but no increases in some other measures of lung disease) among children living in communities "near" opencast coal mining sites in northern England versus those living further away. A few studies examining coal mining communities in the U.S. suggest that residential proximity to coal mines may be linked to cancer incidence and to increased rates of heart, lung, and kidney disease (Mueller et al. 2015; Hendryx and Ahern 2008). However, it is difficult to conduct such environmental health studies: none of these was designed or carried out in such a way as to be able to accurately assess specific effects of ambient coal dust on human health.

However, there is a large body of evidence that coal dust is toxic. It contains some of the same harmful constituents as diesel particles -- PAHs, metals, and free radicals (Dalal et al. 1995). Laboratory studies indicate that coal dust can damage lung cells and cause inflammation in a several ways (Schins et al. 1999). In occupational settings, coal dust exposure causes severe and

often fatal chronic lung diseases. Therefore, as with diesel exhaust, coal dust particles within the size range of regulated PM (that is PM10 and PM2.5) should not be treated differently from any other kind of PM when it comes to assessing human health risks and protecting public health.

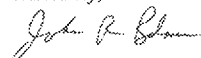
#### Our backgrounds

John Balmes, M.D., is a physician-scientist who is a Professor of Medicine at UCSF and a Professor of Environmental Health Sciences in the School of Public Health at UC Berkeley. He is an Attending Physician in the UCSF Division of Occupational and Environmental Medicine and the Division of Pulmonary and Critical Care Medicine at San Francisco General Hospital. At UC Berkeley, he is the Director of the Northern California Center for Occupational and Environmental Health and the UC Berkeley-UCSF Joint Medical Program. He is also one of the Principal Investigators of the Berkeley-Stanford Children's Environmental Health Center. Dr. Balmes has been studying the effects of occupational and environmental agents on respiratory and cardiovascular health for 35 years.

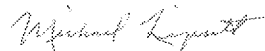
Michael Lipsett, M.D., is a physician-epidemiologist who worked on environmental health issues in California state government for nearly three decades before retiring in December 2013. He also served as an Associate Clinical Professor at the University of California, San Francisco School of Medicine. For much of his career, while at the California Office of Environmental Health Hazard Assessment, he developed the medical and public health basis for California's ambient air quality standards and conducted environmental epidemiological research, particularly in air pollution. Most recently he served as the Chief of the Environmental Health Investigations Branch in the California Department of Public Health. For many years, he was a member of the Advisory Council of the Bay Area Air Quality Management District and chaired its Public Health Committee, and served as well on the Board of the American Lung Association (Alameda, Contra Costa, Solano County affiliate). He has received several awards from government and non-governmental agencies for his work on air pollution.

We appreciate your consideration of these comments during your review of the coal rail project in the Port of Oakland.

Sincerely,



John Balmes, M.D.  
Professor of Medicine, UCSF  
Professor of Environmental Health Sciences, School of Public Health, UC Berkeley



Michael Lipsett, M.D. (retired)  
Former Chief, Environmental Health Investigations Branch  
California Department of Public Health

*Response to Comments from Washington Burns M.D. Executive Director Prescott-Joseph Center*

Given on Oct 14, 2015.

First, we would like to acknowledge the important contributions that Dr. Burns has made to the West Oakland community. His time and effort has provided many benefits to its citizens. Nevertheless, it is important for us to address his comments. Below we have paraphrased his main comments and provided a response to each.

**Comment one:** This issue is too much for Oakland to take on and coal use will continue anyway.

**Response:** California, in general, and the cities in the Bay Area, in particular, have been an example for the rest of the world with their progressive policies to reduce fossil fuel use. Banning coal from the Oakland Army Base is consistent with this policy and provides an example for communities around the world. In addition, this comment strikes us as the “tragedy of the commons” where individual users acting independently and according to their own perceived self-interest behave contrary to the common good of all users by depleting a shared resource (in this case the ability of the earth to bear the impacts of fossil fuel combustion).

**Comment two:** The publication of Pless-Mulloli, et al. (2000) regarding an open cast mining operation in England is used as evidence to state there will be no impacts on asthmatics in West Oakland.

**Response:** Regarding the experimental design of Pless-Mulloli, et al. (2000): This study, cherry picked from among dozens of available studies, is not relevant to the situation in West Oakland since it involves exposures from large open cast mines. In this case, two different groups were compared: those living close versus far from the mines. As pointed out by the authors, the actual individual exposures for each group are very difficult to measure given the varying distances, wind conditions and topography. In at least one comparison, the cleaner “control” group had higher PM10 (particles less than 10 microns; PM2.5, less than 2.5 microns, was not measured) concentrations than the “exposed” group. Thus, unlike the case in West Oakland where there is a very direct spatial relation between the railyard and the exposed population, the actual exposure experience will be very difficult to measure in the case of open cast mines in the central region of Britain. PM10 is much more variable over space than is PM2.5 and therefore is more difficult for a single monitor to measure accurately. It is well known in the biostatistical literature that if there is important mis-measurement of exposures, it will make it much more difficult to find an effect from the exposure, if one exists. Thus, between the larger particle size, wind and topography issues, pollution measurement in this study is quite challenging. Nevertheless, the authors report that a significant association was found between daily levels of PM10 and respiratory symptoms among asthmatics. While an interesting study, there are several other shortcomings. For example, there is no apparent control for use of medicine. It could be that the “exposed” group of asthmatics use more medicines including inhalers and corticosteroids. The latter may prevent some asthma attacks from occurring so that the “exposed” group may have the same (or even less) asthma attacks than the “control” group. In fact, there is also evidence from the study that the “exposed” group goes to the doctor more often. This could mean that there is both more disease from the coal exposure and a greater need and use of medicine for this subgroup.

In fact, it is surprising that a director of a mobile asthma clinic ignores the vast literature on the impacts of particulate air pollution on asthma, particularly in children. There are several dozen quality studies examining these effects in the peer review literature. Without going into a full literature review, we can highlight some of the

more important and well-conceived recent studies. Several of these studies were conducted in California and involve the examination of tens of thousands of subjects. Specifically, recent studies have found that PM2.5 has the following effects on asthma:

1. Prenatal or early childhood exposure was associated with asthma development by age 6 (Hsu et al. 2015; Brauer et al. 2007).
2. Increased pediatric emergency department visits for asthma, wheeze and upper respiratory infections (Strickland et al. 2016; Alhanti et al. 2016).
3. Reduced lung function in minority youth with asthma (Neophytou et al. 2016) {note that decreased lung function substantially increases the risk of various diseases at adulthood}.
4. Increased bronchitic symptoms in children with asthma (Berhane et al. 2016, McConnell et al. 2003).
5. Early or late exposure increases the risk of developing asthma in adults (Young et al. 2014; Kunzli et al. 2009).
6. Emergency room visits for children and adults (Malig et al. 2013).

**Comment Three:** Trust TLS to do the right thing and never let coal see the light of day.

**Response:** There's no reason to believe that the coal companies will do the "right" thing when they have CEOs and stockholders and others whose only purpose is to maximize profit. They will aim to do whatever they can do as cheaply as possible. If it is cheaper to run coal cars without covers, which it is, this is what they would prefer. In fact, according to the BNSF website, the coal companies fought the BNSF rule requiring surfactants on all coal cars. Further, even if they use covered cars, there's no guarantee that there will be zero emissions of coal dust or that they will keep using these covers for the life of the project. Further, there is likely to be an increase in diesel emissions from fuel combustion to carry the heavier coal load. Both the coal dust and diesel will impact asthmatics.

**Summary:** The proposed hauling of coal through West Oakland and its unloading will increase coal dust, diesel particles and noise pollution. All of these factors have known and substantial health impacts, particularly on children with asthma. In addition, the subsequent burning of up to 10 million tons of coal per year that would be exported to other countries with minimal pollution abatement would result in additional impacts on the global climate. These impacts would be experienced locally in terms of more frequent and intense heat waves and higher levels of ozone pollution. Both of these also have known important health impacts.

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Hsu et al. (2015) *American Journal of Respiratory and Critical Care Medicine* 192:1052-9.  
Malig et al. (2013) *American Journal of Epidemiology* 178(1):58-69.  
McConnell et al. (2003) *American Journal of Respiratory and Critical Care Medicine* 168:790-797.  
Neophytou AM. *American Journal of Respiratory and Critical Care Medicine* 2016 (in press)  
Pless-Mulloli, et al. (2000) *Occupational and Environmental Medicine* 57:145–151.  
Strickland et al. (2016) *Environmental Health Perspectives* 124:690-696.  
Young et al. (2014) *American Journal of Respiratory and Critical Care Medicine* 190:914-21.

Table 1 - Air quality findings from submitted evidence

	Submissions contributing to finding (✓ = cited primary source, o = no citation) (coal support submissions are shaded)																
	Coal opposition												Coal support				
Finding	EJ	Alv	Fox	SSR	Ans	Jaf	Ost	OC	Mul	NCIO	Ahe	SB	JH	Bur	HDR	Primary source	
Exposure																	
Relative to neighboring communities, West Oakland already suffers from high levels of existing air pollution, as evidenced by the following: <ul style="list-style-type: none"><li>• In 2010, annual averages for PM<sub>2.5</sub> concentration in West Oakland were in excess of 11 µg/m<sup>3</sup>, relative to state and federal standards 12 µg/m<sup>3</sup>.</li><li>• West Oakland's level of diesel particulate matter is 3 times higher than the rest of the air basin, 5 times higher than the rest of Oakland, and 7 times higher than the rest of Alameda county.</li><li>• West Oakland experiences higher incident rates of conditions related to air pollution (asthma, low birth weight, diabetes, heart disease, stroke, cancer, and premature mortality).</li></ul>	✓			✓	o			✓		✓						CARB, 2008; CBE, 2010; OEHHA data, 2014; Rubenstein, 2014; Pacific Institute, 2003; Fujita and Campbell, 2010; Cal Dep of Pub Hlth, 2012	
Coal trains emit one pound of coal dust or more per car per mile, or tens of thousands of pounds of dust lost over a single trip from Utah to the proposed terminal.	✓		✓	✓	✓	✓		✓	✓	✓	✓						U.S. Dept of Trans, 2011; Minutes: Rail Energy Trans Adv Comm, 2009; de Place, 2011; Simp Weath Assoc, 1993
Trains subject to BNSF surfactant regulations produce PM2.5 concentrations roughly twice that of normal freight via coal dust and diesel exhaust <u>along the entire length of the trip</u> , leading to intense spikes of acute exposure to particulate matter in surrounding areas.			✓	✓		✓	✓	✓			✓						Jaffe et al., 2015; Jaffe et al., 2014
Shipping coal out of the proposed terminal will increase airborne pollutants through (1) diesel emissions from unloading/loading and train switching activities, and (2) fugitive coal dust from wind erosion while coal is stored in trains or stockpiles.	✓			✓													AMI Environmental, 2012; Sierra Research, 2007
Coal dust contains a number of toxic metalloids and metals, including silica, arsenic, cadmium, chromium, lead, mercury, manganese, beryllium, copper, iron, aluminum, and nickel.	✓		✓		o		o			✓							Colinet, 2010; Epstein et al., 2011; USEPA, 2009a

	Submissions contributing to finding (✓ = cited primary source, ○ = no citation) (coal support submissions are shaded)																
	Coal opposition												Coal support				
Finding	EJ	Alv	Fox	SSR	Ans	Jaf	Ost	OC	Mul	NCIO	Ahe	SB	JH	Bur	HDR	Primary source	
With proper packing, load profiling, and topping, the "vast majority" of coal dust is emitted from coal trains while they accelerate from the loading point.																○ no citation†	
A study for the Tongue River Rail Project in Montana found that pollutant concentrations near coal train shipping lanes (cars were uncovered, with proper load profiling and topping agents) were below state and federal standards.																✓ US Dept of Trans, 2015	
Health Impacts																	
According to the WHO, EPA, and numerous epidemiological studies, adverse health effects occur at all ambient particulate matter concentrations studied to-date. That is, the relationship between particulate matter and poor health is observed even at levels below federal, state, and WHO standards.							○	○	✓	○						WHO, 2003	
Acute health effects																	
The preponderance of pollution-related asthma literature finds a strong link between exposure to particulate matter and all of the following in children: incident asthma, respiratory episodes due to asthma, missed school due to respiratory illness, and asthma emergency department visits.	✓		✓	✓	○		✓	✓	✓	✓	○					Ames, 2012; Brabin et al., 1994; Dockery et al., 1989; Malig et al., 2013 Ostro et al., 2009; Brook et al., 2010; Health Effects Inst, 2010; Pandya et al., 2002; USEPA, 2009b	
Acute exposure to particulate matter has been shown to be related to cardiovascular disease including non-fatal heart attack and stroke.	✓		✓	✓	○		✓	✓		✓						Ames, 2012; USEPA website; Kan et al., 2003; Peters et al., 2001; Malig and Ostro, 2009; Ostro et al., 2006; Brook et al., 2010; USEPA, 2009b	

	Submissions contributing to finding (✓ = cited primary source, o = no citation) (coal support submissions are shaded)															
	Coal opposition										Coal support					
Finding	EJ	Alv	Fox	SSR	Ans	Jaf	Ost	OC	Mul	NCIO	Ahe	SB	JH	Bur	HDR	Primary source
Acute exposure to particulate matter has been shown to be related to all-cause premature mortality.			✓				✓	✓		✓						USEPA website; Malig and Ostro, 2009; Ostro et al., 2006; USEPA, 2009b
Coal stored in enclosed spaces such as domed structures or covered rail cars has a documented history of spontaneously combusting. Moreover, coal dust is liable to explode when a high enough concentration is exposed to an ignition source. Both these possibilities pose significant occupational hazards to those working with coal shipments.	✓	✓			✓				✓	✓						US Dep of Energy, 1993; de Place, 2012; Hossfeld and Hatt, 2005; Atkinson, 2009; Newcastle Coal Infra Grp; US Dept of Energy, 2002
<i>Chronic health effects</i>																
Chronic exposure to particulate matter is associated with a number of cardiopulmonary conditions, including hypertension, COPD, chronic bronchitis, IHD, and stroke.	✓	o	✓	✓	o	✓		✓	✓	✓	o					Ames, 2012; Hendryx and Ahern, 2008; Dockery et al., 1993; Janssen et al., 2011; Brook et al., 2010; WHO website; Pope III C et al., 2002; USEPA, 2009
Multiple studies show pregnant women exposed to diesel emissions are more likely to experience complications, including spontaneous abortion and low birth weight.	✓						✓	✓								CBE, 2010; Green et al., 2009
Pollutants commonly found in diesel (PM <sub>2.5</sub> , NO <sub>x</sub> , and ozone) are associated with reduced lung development and reduced lung function in adolescents, with chronic exposure throughout childhood leading to permanent lung underdevelopment.	✓	o		✓	o				✓							Ames, 2012; Gauderman et al., 2004; Thaller et al., 2008; Pope and Dockery, 1992
The literature demonstrates a strong link between particulate matter exposure and cancer. Cancer risk is not just occupational, but applies to those living within proximity of port, railyard, or mining activities.		o	✓		o				✓		o					CARB, 2007; Pope III et al., 2002
Occupational exposure to coal dust over a prolonged period of time causes a number of serious respiratory illnesses: pneumoconiosis,	✓		✓	o	o				✓	✓						Colinet, 2010; Ames, 2012; Wade et al., 2011;

	Submissions contributing to finding (✓ = cited primary source, o = no citation) (coal support submissions are shaded)																
	Coal opposition												Coal support				
Finding	EJ	Alv	Fox	SSR	Ans	Jaf	Ost	OC	Mul	NCIO	Ahe	SB	JH	Bur	HDR	Primary source	
chronic bronchitis, emphysema, pulmonary tuberculosis, lung cancer, and silicosis. Moreover, studies of residential areas surrounding coal mining facilities have indicated that the health effects from exposure to such operations spill over into the community at-large, with higher-than-expected rates of COPD, hypertension, heart disease, kidney disease, and cancer.																Hendryx, 2009; Hendryx and Ahern, 2008; Hendryx et al, 2007, 2010	
Particulate matter exposure disproportionately harms vulnerable populations, including children, the elderly, asthmatics, individuals with low incomes, and individuals with pre-existing cardiovascular or respiratory conditions.	✓		✓	✓			✓	✓	o	✓	o					USEPA website; Malig and Ostro, 2009; Malig et al., 2013; Ostro et al., 2006, '09, '14; Morello-Frosch et al 2011; Brabin et al., 1994; Ames, 2012	
Exposure to opencast mining operations in the UK did not increase respiratory episodes amongst children, and further qualitative assessment showed parents in close proximity had a more favorable opinions of the mining operations after they had been in place for an extended period of time.										✓				✓		Moffatt and Pless-Mulloli, 2003; Pless-Mulloli et al., 2000; Pless-Mulloli et al.2001	
Ecosystem impacts																	
Coal dust and coal leachates can have a number of detrimental effects on the aquatic ecosystems of waterways bordering rail lines and the terminal, including but not limited to: • Damage to plants/animals living close to the surface of the water. • Reduced development of aquatic life due to suppressed photosynthetic potential, clogged respiratory/digestive organs, and settling of coal onto the floor of the waterway. • Increased acidity (due to coal's sulphur content) and trace metal concentration.	✓		✓				o			✓						Ahrens and Morrisey, 2005; Campbell and Devlin, 1997; Johnson and Bustin, 2006	
Coal dust and coal leachates negatively impact soil by increasing its heavy metal concentration and altering its hydrology, interrupting the life cycles of everything from nitrogen-fixing lichens to animals that rely on plant growth for nourishment.			✓								✓					Bounds and Johannesson, 2007; Spencer, 2001; Piechota et al., 2002	



## Appendix Chapter 3: Assessment of Mitigations for Fugitive Coal Dust

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## Other materials

### *Memo from LoraJo Foo to City of Oakland regarding rail car covers for coal*

To: Claudia Cappio, Assistant City Administrator  
Honorable Mayor Libby Schaaf  
Oakland City Council  
City Attorney Barbara Parker

From: Lora Jo Foo  
No Coal in Oakland

Date: June 2, 2016

Subject: Covers for rail transport of coal

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I. ECOFAB COVER FOR RAIL TRANSPORT OF COAL HAS NEVER BEEN FIELD TESTED FOR COAL DUST EMISSIONS NOR HAS IT RECEIVED FRA APPROVAL

In responses to concerns raised by the public that the transport of coal by rail through Oakland will endanger the health and safety of Oakland residents, Terminal Logistics Solutions (TLS) has repeatedly stated, most recently in its May 22, 2016 press advisory, that:

Any coal that may be shipped through Oakland Global will not emit coal dust – in fact, coal will never see the light of day. Rail cars will be covered from their point of origin using proven technology, an elaborate underground transloading system, enclosed dome storage, and a completely encapsulated operation.<sup>27</sup>

The proven technology that TLS was referring to for rail car covers is a design by EcoFab. At a press conference on May 23, 2016, when asked whether TLS was doing testing to be sure no coal dust escaped the rail cars, Jerry Bridges, CEO of TLS, responded:

"FRA last year approved these particular covers, Ecofab is the name of the company, they approved these rail car covers for the transportation of coal."

Bridges also told the East Bay Times that EcoFab tested the covers.<sup>28</sup>

Contrary to Bridge's assertions, in fact, EcoFab has never tested the covers to determine their effectiveness in preventing leakages of fugitive coal dust. Nor has the Federal Rail Administration (FRA) approved EcoFab covers.

In the week of May 23, I interviewed Doug Bock, EcoFab's Vice President of Marketing and Sales, and also communicated with him by email regarding covers for rail transport of coal.

Bock stated in an email dated May 27, 2016 regarding Bridges' press conference statement that:

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<sup>27</sup> <http://www.businesswire.com/news/home/20160522005047/en/MEDIA-ADVISORY-Oakland-Community-Civic-Leaders-Voice>

<sup>28</sup> See Erin Baldassari, Supporters of shipping coal through Oakland say it will bring jobs, East Bay Times (05/24/2016) [http://www.eastbaytimes.com/breaking-news/ci\\_29929850/supporters-shipping-coal-through-oakland-say-it-will](http://www.eastbaytimes.com/breaking-news/ci_29929850/supporters-shipping-coal-through-oakland-say-it-will)

If Jerry has said that the FRA has approved our cover for coal, he is mistaken. Ecofab has at no time sought or received FRA approval for the cover we have presented to TLS.<sup>29</sup>

In our phone conversation on May 24, 2016, Bock stated that EcoFab has never done specific testing of its covers for coal transport.

I also interviewed and communicated by email with Dr. Harold Blankenship, Mechanical Engineer in the Office of Railroad Safety of the FRA about the approval process for coal car covers. He made clear that the FRA does not issue approvals for rail car covers and is not involved with testing for coal dust emissions. In an email dated May 26, 2016,<sup>30</sup> Dr. Blankenship responded to my questions as follows:

Q: Does the federal rail authority have to “approve” these covers before they are made commercially available?

Ans: Yes and No. The FRA and our Canadian Regulatory partner—Transport Canada work to enforce safety on all north American railroads. We do not “approve” coal car covers, HOWEVER, if for instance a company designs a “cover” and wants a safety review, the FRA will do this as a courtesy, with the intent to see that such a cover does not interfere with employee safety, block access to side ladders, end ladders, sill steps, handbrakes, or introduce an unacceptable risk to railroad employees.

Q: Is testing for leakage of fugitive coal dust required in the approval process?

Ans: No, FRA does not get involved with any fugitive coal dust emission tests as far as I know.

Q: Are there any other companies who have received approval or whose approval is pending?

Ans: FRA does NOT approve covers EXCEPT when requested to provide guidance for a particular design as it relates to the safety appliance arrangement contained in the proposal. Once reviewed, the FRA may issue a letter that the proposed design may or may not comply with current safety appliance regulations contained in AAR S-2044 and Title 49 Code of Federal Regulations (CFR) Part 231.

In summary, the proven technology that Bridges claims exists for rail car covers for coal is a mirage. EcoFab never tested its cover to determine if it is effective in preventing coal dust leakage. And the FRA performs safety reviews of rail car covers but does not review whether the covers prevent leakage of coal dust. Thus, neither FRA nor any federal agency has established standards for field testing the effectiveness of coal covers’ containment of coal dust.

## II. OF THE COVERS FOR COAL TRAINS NOW COMMERCIALY AVAILABLE, NONE HAVE BEEN FIELD TESTED AND NONE HAVE MADE IT TO MARKET.

To determine whether covers for coal train cars are used anywhere in the U.S., whether any are commercially available, and whether they have been tested for their effectiveness in controlling fugitive coal dust, I interviewed the companies that have reportedly designed rail car covers for coal.

Dave Gambrel, a coal transportation consultant and former director of transportation for Peabody Energy, in a 2013 article in Coal Age listed the five companies that have worked on “different rail car cover designs to prevent

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<sup>29</sup> The full text of Doug Bock’s email response is attached below.

<sup>30</sup> The full text of Dr. Harold Blankenship’s email is attached below.

coal dust from flying out the tops of rail cars.”<sup>31</sup> I reached these companies by phone and posed these questions to them:

- 1) Why did you decide to go into this product line?
- 2) Did you go beyond the design stage? Did you produce a prototype? Is this design now commercially available?
- 3) Did you do testing to determine if the covers prevented leakage of coal dust? If yes, what were the results?

In summary, while three of the five companies state they have commercially available covers, none have manufactured any to date. While two companies performed functionality tests, that is, to determine if the covers opened and closed as designed, none of these covers has been field tested to determine their efficiency in keeping coal dust from escaping during transport. Below is a summary of the responses from the five companies to the questions I posed to them.

1. Strategic Rail System (Rush-Co) (<http://www.rush-co.com/srs-rail/>)

On May 23, 2016, I interviewed Evan Jones, President of Strategic Rail System (SRS). SRS was approached by Union Pacific (UP) to design covers for coal cars. Around four years ago, SRS built seven prototypes and tested them on UP lines. SRS designed covers that would automatically open and close for quicker loading and unloading, using a rotary system, not bottom dump. Anticipating that the federal government would soon adopt a regulation requiring covers of coal train cars, SRS bought a plant to gear up for production. Its covers were commercially available. But no regulation was adopted so there was no demand for the covers. SRS mothballed the project. The field testing that was done on UP lines was for functionality, that is, to determine if the covers opened and closed as they were designed to do. The covers worked as designed. However, one issue remained and that was how long the solar-powered batteries that are mounted on each car/cover to open and close the covers would last. SRS did not perform any field tests to determine the effectiveness of the covers in preventing leakage of coal dust.

2. CoalCap (Global One Transport) (<http://www.coalcap.com/>)

On May 23, 2016, I interviewed Jason Dial and Darrell Dial of Global One Transport (GOT). BNSF asked GOT to design covers to test and use for the export market. Five years ago, they built a cover and tested it from the Powder River Basin to Ohio. They had one test car behind the locomotive. They made several trips logging approximately 40,000 miles. They tested for functionality and it was a success – the cover stayed on the car and rotated fine. FRA has asked for certain modifications on their design, including placing handholds on the side of the cars. While Darrell Dial claims that dust is 100% contained, he did not perform field testing for coal dust emissions. He did videotape from time to time and saw no coal dust escaping and saw no dust on top of the covers or anywhere on the covers. When asked whether he might not have seen coal dust because it may have blown away during transport, he admitted that was possible. GOT’s product is “commercially available” but they won’t go into production until they receive an order.

3. CleaRRails, LCC

On May 23, 2016, I interviewed Mark Pettibone of CleaRRails. In 2015, his design (Coal Guard) received approval for safety from the FRA. He doesn’t have a prototype yet. He hasn’t done modeling for whether or not coal dust will be 100% contained. While other companies’ covers have two doors that come off on the side of the car, his is

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<sup>31</sup> <http://www.coalage.com/departments/transportation-tips/2736-coal-dust-control-in-the-pacific-northwest.html#.VzuPOGZrXhO>

a front-to-back design. A canister sits on either the front or back of car with a rolled up aluminum cover, like a garage door.

4. EcoFab (<http://www.ecofab.com>)

On May 24, 2016, I interviewed Doug Bock of EcoFab. A Utah coal mining company approached EcoFab about covers for coal cars. EcoFab adapted an existing cover, the Roto Cover, for transporting coal. The existing cover has been used for 40 years in the transport of lead, copper, zinc and low level radioactive material. Because TLS plans for bottom dump and not rotary cars, EcoFab adapted the Roto Cover for coal. The existing cover lifts off. The cover for coal is the same cover but is hinged and opens automatically. It is fixed permanently on the train car and removed only for preventative maintenance. EcoFab has never done specific testing for covers for coal. For that matter, it has never tested the existing covers used for transport of lead, copper and zinc to determine if dust or particles from these commodities have escaped during transport. As stated above, in an email dated May 27, 2016, Bock stated that EcoFab has at no time sought or received FRA approval for the cover it presented to TLS.

5. Structural Composite of Indiana (United Rail Covers) ( <http://www.railcarcovers.com>)

URC designed three types of covers. But a year ago, the new owner of the company decided to drop the product line. I was not able to reach anyone at the company who was involved in designing the covers.

### III. CONCLUSION

Coal dust can break down to as small as PM2.5. According to the California EPA and World Health Organization, there is no safe level of exposure to PM2.5. Therefore, rigorous testing is needed to determine if the covers that are now commercially available can prevent the escape of particles this small. However, as my interviews with four of the five companies that have designs and/or prototypes for coal covers reveal, none of them has done field testing to determine their effectiveness in preventing coal dust from escaping during transport.

For around four decades, railroads have been using covers for the transport of grain, fertilizer, copper, zinc, lead and other commodities. Tests for fugitive dust for the above commodities may or may not have been done at some point. We do not know if these covers are effective in preventing the escape of dust of these commodities. Even if they are, we don't know if the covers would work as effectively for coal dust. EcoFab's Roto Cover has been adapted to transport coal. TLS has stated that it plans to use this cover. While this cover may have been used to transport other commodities for decades, will the adapted version for coal do what it was designed to do, that is keep coal dust from escaping? Moreover, with covered coal cars, is there a potential for explosive concentrations of coal dust to form inside the containment? Might a blast occur from a static electricity discharge or other accidental source of ignition? Without field testing over a long period, we do not know.

Numerous questions remain unanswered because no such field testing has been done. Do these other commodities break down to as small as PM2.5? Can the seals on covers keep PM2.5 from leaking out? With particles this small, can the naked eye even see them escaping from the cars? How long do the seals last when coal rather than grain is the commodity? Without field testing over a period of time, we don't know how the covers will perform over time and in differing weather. Will they freeze up or malfunction when there is snow or ice or rain? Will they deform or twist or turn in the wind? Will they be as effective on the current fleet of train cars as on the latest generation of cars? Without field testing over a period of time, we do not know the answers to these questions.

### EMAIL CORRESPONDENCE ON COVERS FOR COAL TRAINS

From: "Doug Bock" <[DBock@ecofab.com](mailto:DBock@ecofab.com)>  
Date: May 27, 2016 1:03 PM  
Subject: Ecofab Covers  
To: "Iora jo foo" <[Ijfoo70@gmail.com](mailto:Ijfoo70@gmail.com)>

If Jerry has said that the FRA has approved our cover for coal, he is mistaken. Ecofab has at no time sought or received FRA approval for the cover we have presented to TLS. Having said that Ecofab did receive approval for covering and containing low level radioactive material with the very same cover. In 1994 the US Department of Transportation (DOT) determined that the Ecofab Cover System met the criteria for a closed transport vehicle as specified in "Title 49 CFR 173.403 (c )." The approval of our cover system was sought and achieved by our customer at the time.

From: **lora jo foo** <ljfoo70@gmail.com>  
Date: Fri, May 27, 2016 at 11:09 AM  
Subject: Re: Covered coal cars  
To: Doug Bock <DBock@ecofab.com>

Thanks for quick response. At a press conference earlier this week, when asked about whether TLS was doing testing to be sure no coal dust escaped the rail cars, Jerry Bridges responded:

"FRA last year approved these particular covers, Ecofab is the name of the company, they approved these rail car covers for the transportation of coal."

I reviewed my notes and thought you said EcoFab did not seek FRA approval. Is that correct? Did Bridges misunderstand?  
lora jo

From: **Doug Bock** <DBock@ecofab.com>  
Date: Fri, May 27, 2016 at 10:53 AM  
Subject: RE: Covered coal cars  
To: lora jo foo <ljfoo70@gmail.com>

Yes we have spoken to and given a presentation to Terminal Logistics Solutions. Yes it was a Utah based mining company.

From: **lora jo foo** <ljfoo70@gmail.com>  
Date: Fri, May 27, 2016 at 10:37 AM  
Subject: Covered coal cars  
To: Doug Bock <DBock@ecofab.com>

Dear Doug,

We spoke earlier this week about covers for coal train cars. I have two follow up questions I hope you can answer. You said that it was a mining company that approached EcoFab about your covers. Has anyone from Terminal Logistics Solutions, TLS, the company that will build and operate the Oakland export terminal contacted you or anyone else in your company to inquire about the covers? The principles of TLS are Jerry Bridges and Omar Benjamin. And can you tell me which mining company contacted you about the covers? Was it a Utah company? Any assistance would be greatly appreciated.

Lora Jo

From: **Blankenship, Harold (FRA)** <harold.blankenship@dot.gov>  
Date: Thu, May 26, 2016 at 4:53 AM  
Subject: RE: Covers for coal train cars  
To: lora jo foo <ljfoo70@gmail.com>

Lora Jo,

Before we begin, I think I should give you some background as to my expertise, resume, etc.

I am a registered professional engineer with an electrical engineering degree, a mechanical engineering degree, an MBA and doctorate in operations management.

2. I spent 30 years with Norfolk Southern Railroad in a variety of management positions in the operating (mechanical and transportation) departments.

3. At present I have been with the FRA here in Washington, DC for 16 years, so basically I have 46 years of "hands on" railroad experience.

4. All my work is centered around "Railroad Safety" and regulation enforcement.

I am attaching a copy of my current position description and primary responsibilities here at the U.S. Department of Transportation Federal Railroad Administration (FRA).

**Answers/Responses to Lora Jo's questions:**

1. What was the impetus for the proposed rule? Ans. There are many federal agencies that may have at some point explored whether a "rule" was needed to govern the transport of coal, (EPA? DOT? Commerce?) so, without seeing a "hard copy" of a proposed rule, it would be hard to make any assumption here. Again, why was the "rule" not pursued? Without "seeing" what was proposed we cannot accurately give an opinion as it would be conjecture only.
2. Does the federal rail authority have to "approve" these covers before they are made commercially available? Ans. Yes and No. The FRA and our Canadian Regulatory partner—Transport Canada work to enforce safety on all north American railroads. We do not "approve" coal car covers, HOWEVER, if for instance a company designs a "cover" and wants a safety review, the FRA will do this as a courtesy, with the intent to see that such a cover does not interfere with employee safety, block access to side ladders, end ladders, sill steps, handbrakes, or introduce an unacceptable risk to railroad employees.
3. Is testing for leakage of fugitive coal dust required in the approval process? Ans. No, FRA does not get involved with any fugitive coal dust emission tests as far as I know.
4. Are there any other companies who have received approval or whose approval is pending? Ans. FRA does NOT approve covers EXCEPT when requested to provide guidance for a particular design as it relates to the safety appliance arrangement contained in the proposal. Once reviewed, the FRA may issue a letter that the proposed design may or may not comply with current safety appliance regulations contained in AAR S-2044 and Title 49 Code of Federal Regulations (CFR) Part 231.
5. Has EcoFab applied for approval of its covers? Ans. Without a file number or correspondence control number, I cannot tell whether the EcoFab cover has received an FRA safety appliance review.

From: lora jo foo <ljfoo70@gmail.com>  
Date: Wed, May 25, 2016 at 11:54 AM  
Subject: Covers for coal train cars  
To: harold.blankenship@dot.gov

Dear Dr. Blankenship,

I left a voice message and thought I'd email you my questions for you to consider. I am assisting Dr. Heather Kuiper who coordinates an independent Public Health Experts Panel assessing evidence to determine the health impacts of the transport of coal from Utah to Oakland, CA. Their conclusions will be submitted to the Oakland City Council who is considering an ordinance to ban or regulate coal. One of the issues the council will look at is whether there are measures that would prevent leakage of fugitive coal dust during the rail transport of coal. Here's my questions:

- 1) A few years back a federal agency was considering adopting a rule requiring all coal trains be covered. In the end, no rule was issued. What was the impetus for the proposed rule? And why was the rule not pursued?
- 2) I have interviewed four companies who have designed covers for coal train cars. Does the Federal Rail Authority have to approve these covers before they are made commercially available? Is testing for leakage of fugitive coal dust required in the approval process? One of the companies stated that they did not need FRA approval for their covers since they've been used for decades for other commodities such as zinc, lead, and copper. I understand that Mark Pettibone's ClearRails covers were FRA approved and that CoalCap's (Global One Transport) approval is pending. Are there any other companies who have received approval or whose approval is pending? In particular, has EcoFab applied for FRA approval of its covers?

I can be reached at 510-842-0647 or 510-282-9454. Looking forward to speaking with you. Lora Jo

## Appendix Chapter 4: Hazardous Toxics Accompanying Coal Dust

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## Appendix Chapter 5: Local Impacts of International Combustion of Coal

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# Appendix Chapter 6: Responses to Developer Comments on Coal Dust

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# Appendix Chapter 7: Occupational and Environmental Hazards of Coal Transport and Handling

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## Appendix Chapter 8: Climate Change and Health in Oakland

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## Appendix Chapter 9: Noise Effects of Coal Transport and Handling in Oakland

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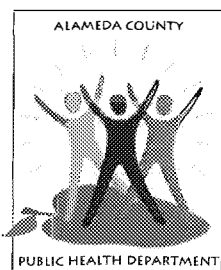
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**Table 4 Parameters For Noise Model Everett-Bellingham Rail Line at Bellingham**

	Bellingham			Cheney		
Train Type	Coal	Freight	Passenger	Coal	Freight	Passenger
Locomotives per train	5	5	2	5	5	2
Length of Rail Cars (feet)	7300	8000	850	7300	8000	1020
Average Speed	30	30	45	30	30	45
Wheel flats (%)	10%	10%	10%	10%	10%	10%
Rail type	Jointed	Jointed	Jointed	Jointed	Jointed	Jointed
Elevated Tracks	No	No	No	No	No	No
Sound Walls	No	No	No	No	No	No
Building Rows	One Row / 250 ft	One Row / 250 ft	One Row / 250 ft	One Row / 250 ft	One Row / 250 ft	One Row / 250 ft







ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
PUBLIC HEALTH DEPARTMENT

Rebecca Gebhart, Acting Director  
Dr. Muntu Davis, Director and Health Officer

Office of the Health Officer

1000 Broadway, 5<sup>th</sup> Floor  
Oakland, CA 94607

(510) 267-8000  
(510) 267-3212

June 14, 2016

Claudia Cappio  
Assistant City Administrator  
City of Oakland  
1 Frank H. Ogawa, 3<sup>rd</sup> floor  
Oakland, CA 94612  
[ccappio@oaklandnet.com](mailto:ccappio@oaklandnet.com)

**Re: Health and Safety Impacts of Coal Transport through Oakland**

Dear Ms. Cappio:

As the County Health Officer, I write to inform you that I have reviewed the report, "An Assessment of the Health and Safety Implications of Coal Transport through Oakland," and concur with the analysis and findings.

Please feel free to contact me with any questions.

Sincerely,

Muntu Davis, MD, MPH  
Alameda County Health Officer

## Klein, Heather

---

**From:** Woo, Winnie  
**Sent:** Wednesday, June 15, 2016 1:32 PM  
**To:** Klein, Heather  
**Subject:** FW: 2 Questions Regarding OBOT plans

---

**From:** Cappio, Claudia  
**Sent:** Wednesday, June 15, 2016 1:30 PM  
**To:** Woo, Winnie  
**Subject:** FW: 2 Questions Regarding OBOT plans

---

**From:** Cappio, Claudia  
**Sent:** Wednesday, May 11, 2016 3:34 PM  
**To:** Phil Tagami  
**Cc:** Mark McClure  
**Subject:** 2 Questions Regarding OBOT plans

Hi Phil and Mark -- as we review the public record and other information in anticipation of the Council's s June 27 public hearing, our consultant's had the following 2 questions. I tried to relay the one about the anticipated volume when we met on Friday -- it is stated as question 2. I would appreciate your response as soon as possible. Thanks, C

### Facility design.

**Question:** Does the proponent have any update or additional information for the offloading, handling, storage and on loading activities at the proposed OBOT Terminal to add to BOD, dated July 2015 by Terminal Logistics Solutions (TLS) and submitted to the City of Oakland?

### Commodities.

**Question:** What is this correct throughput volume of commodities by type A and B?

- a. With respect to the plans for rail delivery of Utah coal to the future OBOT facility, is the estimated commodity throughput for coal as noted for Commodity A of 5.0 MMTPA (Million Metric Tonnes per Annum) in the BOD dated July 16, 2015, p. 5, Table 6-1, Terminal Throughput? This translates to 5.51 Million short tons per year of coal for export through OBOT.
- b. Throughput for Commodity B is listed as 1.5 MMTPA (1.6 M short tons) totaling 7.1 Million short tons in commodity throughputs. In CCIG/OBOT/TLS' response to the City' Question #6 dated 9/28/2015, this total is quoted as 7.5 Million metric tonnes of 2 bulk commodities; however

there is a 0.4 Million tonne discrepancy between these two total commodity numbers as quoted. Which is the correct number?



May 16, 2016

[VIA ELECTRONIC MAIL]

Ms. Claudia Cappio  
Assistant City Administrator  
CITY OF OAKLAND  
ccappio@oaklandnet.com

Re: Responses to Inquiries by ESA

Dear Claudia,

In response to your May 11 email forwarding inquiries from ESA for its analysis of an administrative record (which we note is still being compiled with the public comment period having been extended to this coming Monday, May 16), we will address the specific questions below. However, a few facts must be clarified first.

As noted in our May 3, 2016 comment letter to the City on the proposed ESA scope, the entire effort is premature and, consequently, will produce nothing but speculative analyses. The ultimate design for the terminal at the West Gateway has not been completed. As we frequently note, there is yet to be a confirmed operator for the terminal ( TLS is in a lease option period), nor has any particular commodity been confirmed ( we have kept you and the city staff apprised of a number of potential commodities contingent on a sublease, and concurrence from the class I rail roads. Thus the design for this purpose-built facility has not been finalized or confirmed. The ultimate design will be a multi-disciplinary effort by many experts so, among other things, it will be very expensive. It would be folly to make that effort and expend those funds in advance of knowing the type, number, and quantity of commodities to be handled. We simply are not there yet.

Accordingly, any analysis by ESA as to the presence or absence of a "condition substantially dangerous to [workers or surrounding residents'] health or safety" will be, at best, hypothetical and speculative. The analysis will have to be premised upon assumptions as to design, operations, surrounding conditions, and numerous other variables which will ultimately have to be pinned down, but as yet remain unknown. Accordingly, commensurate with its professional and ethical obligations, we trust that any future ESA analysis or report will fully identify all assumptions upon which it bases its purported analysis and that state and expressly disclose that any conclusions, summaries, analyses are wholly contingent upon the veracity, or lack thereof, of those assumptions.

As to the specific ESA questions you forwarded:

***Facility design.***

***Question:*** Does the proponent have any update or additional information for the offloading, handling, storage and on loading activities at the proposed OBOT Terminal to add to BOD, dated July 2015 by Terminal Logistics Solutions (TLS) and submitted to the City of Oakland?

OAKLAND BULK AND OVERSIZED TERMINAL  
300 FRANK H. OGAWA PLAZA, SUITE 340 OAKLAND CA 94612 (T) 510-268-8500 (F) 510-225-3954

**ER 1460**

OAK 0007846



No. This is a purpose-built facility and that “purpose” has yet to be defined with any degree of certainty. We have shared with the City that our expectation previously was for dry bulk commodities, but even that is not a certainty at this point. Thus, foundational and defining aspects of the ultimate design for the terminal remain unconfirmed.

As to the Basis of Design (BoD), we have been clear since its compilation on behalf of TLS, and indeed introductory pages in the document itself explain, what the BoD is and is not. It is a foundation of regulations and standards upon which any future design must be premised. Whatever is designed and proposed for the West Gateway will definitely comply with the BoD. That in no way, however, limits the universe of potential facilities that could be required on the West Gateway based upon whatever commodity ends up being confirmed. Whether soda ash, grain, wood pellets, liquids, coal, or break bulk, it will comply with the BoD. That fact gives neither us, the City, nor ESA any level of particularity from which to conduct a design and operations analysis that will be anything more than assumption-rich and speculative.

We look forward to meeting with the City and presenting TLS’ further refined design parameters, operations protocols, and proposed permitting approach once they have exercised their option and have made the requisite determinations and preliminary analysis. Again, they are simply are not there yet.

***Commodities.***

***Question: What is this correct throughput volume of commodities by type A and B?***

- a. *With respect to the plans for rail delivery of Utah coal to the future OBOT facility, is the estimated commodity throughput for coal as noted for Commodity A of 5.0 MMTPA (Million Metric Tonnes per Annum) in the BOD dated July 16, 2015, p. 5, Table 6-1, Terminal Throughput? This translates to 5.51 Million short tons per year of coal for export through OBOT.*
- b. *Throughput for Commodity B is listed as 1.5 MMTPA (1.6 M short tons) totaling 7.1 Million short tons in commodity throughputs. In CCIG/OBOT/TLS’ response to the City’ Question #6 dated 9/28/2015, this total is quoted as 7.5 Million metric tonnes of 2 bulk commodities; however there is a 0.4 Million tonne discrepancy between these two total commodity numbers as quoted. Which is the correct number?*

The BoD used generic commodity designations (i.e., “Commodity A” and “Commodity B”) because there was no and remains no commitment to handle any particular commodity. The generic designation was purely for illustrative purposes of the very limited purposes of the BoD as explained above.

Of the dozens of potential commodities explored by TLS during its due diligence phase, there is no and has been no commitment or “plan” to ship “Utah coal” or any other commodity through the terminal. The quantity, source, state/locale, customer, nor ultimate destination have been defined.

Further, throughput volumes are also highly contingent upon numerous site configuration and logistics variable that have yet to be determined by OBOT, the yet-to-be-determined operator, the class I common carriers (rail lines), EBMUD, and others. These include capacity of the storage track as to both OBOT- and Port-controlled facilities, rail crossings, available back line storage, design size and speed of conveyance, loading equipment, shipping schedules, and then-of course present market conditions.

# OBOT

OAKLAND BULK AND OVERSIZED TERMINAL

And each of these undefined variables potentially evolves based upon the identified commodity. Dry or liquid? Powdery versus granular versus chunky versus break bulk. Each variable is potentially different based upon the commodity. Perhaps a matrices of all of the potential methods of conveyance could be created between unit train, manifest, bulk rail car or "ram" spreader technology. I would advise the figures be used as a ROM range based on available storage track.

The folly and speculative nature of this exercise is, hopefully, becoming apparent. To re-imagine a yet-to-be designed facility based upon an infinite number of assumptions on variables on a commodity-by-commodity basis produces, again, nothing but an endless stream of hypothetical and speculative musings. Whatever the final product may be, it will be anything but "substantial evidence."

So does that mean this is an impossible task, understanding and evaluating a bulk commodity terminal? Of course not. It is done all the time throughout the country and the world. Where the City is misguided is premising its timing and analysis on commodities. There is a universe of known, established, tested, and implemented protocols, best practices, and operations mandates for these facilities and operations. The Surface Transportation Board, Environmental Protection Agency, common carrier railroads, other industry partners, BAAQMD, and innumerable others provide the regulatory context for handling each commodity. Rather than reinventing the wheel by initiating safety reviews on a commodity-by-commodity and politically-driven basis, the issue instead is the facility itself.

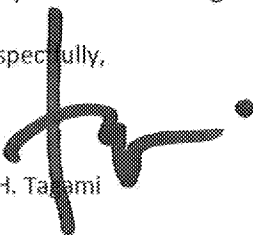
As the City has already determined and vested, the proper inquiry is whether the terminal facility itself can and will implement, at a minimum, the well established procedures and protocols required by the government and industry at all levels, regardless of which commodity happens to be in demand by the market at that particular point in time.

We recognize that these responses are likely to be of little assistance to ESA. However, to make speculative assumptions on variables yet to be confirmed or defined will do nothing to legitimize an effort that, again, has no potential to be anything but speculative.

Should ESA have further questions or inquiries, please compile them in a single set and we will be happy to consider them. We do not wish to engage in multiple rounds of circular questions based upon unknown assumptions and speculative premises. While we want to be helpful to the City, we cannot, in good conscience, ignore the obvious and inherent impossibility of this review producing substantial evidence regarding the design and operations of a facility that simply does not exist.

Of the 120+ "news" stories released by various outlets, most have repeated the same narrative to support a national political campaign, void of well documented facts known by you and your staff. The absence of factual accuracy as to the project and what we have been working on with Oakland city staff for the past several years in this process is troubling.

Respectfully,



P. H. Talamí

OAKLAND BULK AND OVERSIZED TERMINAL

300 FRANK H. OGAWA PLAZA, SUITE 340 OAKLAND CA 94612 (T) 510-268-8500 (F) 510-225-3954

ER 1462

OAK 0007848

***A Study of***

***Fugitive Coal Dust Emissions  
In Canada***

**November 2001**

**The Canadian Council of Ministers of the Environment  
(CCME)**



**A Study of**  
***Fugitive Coal Dust Emissions***  
***In Canada***

**November 2001**

*For:*  
**The Canadian Council of Ministers of the Environment  
(CCME)**

Prepared for the CCME by:  
**Douglas L. Cope**  
and  
**Kamal K. Bhattacharyya**

Submitted by:  
**D. COPE ENTERPRISES**  
930 Maple Hill Road  
Oxford Station, Ontario  
K0G 1T0

*Scientific Authority:*  
Contract # 163-2001  
T. Wakelin  
Air Resources Branch  
BC Ministry of Environment, Lands and Parks

Contract # 208-2002  
C. Vézina  
Pollution Data Branch  
Environment Canada

## ***DISCLAIMER NOTICE***

This report has had a limited technical review by the CCME and the content does not necessarily reflect the views and policies of the CCME or its members. Mention of trade names or commercial products does not constitute endorsement for use.

This unedited version of the report is undergoing a limited distribution to transfer the information to people working in related studies. This distribution is not intended to signify publication and, if the report is referenced, it should be cited as an unpublished report for the CCME.

Any comments concerning the contents of the report should be directed to:

**Tony Wakelin**

Air Resources Branch  
Ministry of Environment, Lands and Parks  
Mailing:  
PO Box 9341, Stn Prov Govt, Victoria, B.C. V8W 9M1  
Location:  
3rd Floor 2975 Jutland Rd., Victoria, B.C. V8T 5J9  
Phone: (250) 356-0634 FAX: (250) 356-7197  
e-mail: Tony.Wakelin@gems5.gov.bc.ca

**Christian Vézina**

Criteria Air Contaminant Division  
Pollution Data Branch  
Environment Canada  
PVM, 351 St. Joseph Blvd.  
Hull, Quebec, K1A 0H3  
Tel: (819) 994-2975  
Fax: (819) 953-9542

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Kelly Der, GVRD

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and

the United States Department of Energy

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A more complete list of all who contributed to this report is presented in Appendix C.

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## ***EXECUTIVE SUMMARY***

In Canada in 2000, coal was mined in five provinces, imported into seven, exported from three and consumed in nine. Coal was transported by barge, ship, truck and by rail. The coal came from mines in Alberta, British Columbia, Saskatchewan, New Brunswick, Nova Scotia, and the United States and was moved to ports and end-use facilities from Newfoundland to British Columbia.

As a result of the activities associated with the mining, shipping, importing, exporting and consuming of coal, coal dust may become airborne or become a *fugitive emission*. However, because of the dispersed and diverse nature of the various operations involved, fugitive coal dust emissions cannot be readily measured. Therefore federal, provincial and regional environment agencies must rely on estimates in order to compute overall emissions totals.

To estimate fugitive coal dust emissions for coal industry operations one requires data related to the following variables:

- quantity of coal mined, handled or shipped,
- the frequency of the activity or operation,
- the length of the activity (distance or time),
- the properties of the coal used,
- the efficiency of control measures, and
- local weather parameters at the time of the activity.

When possible, this information is then combined within an average emission factor (EF) for the particular operation or activity.

The purpose of this study is to attempt to estimate fugitive coal dust emissions for the various operations in the coal cycle from mine to end-use facility in Canada for 2000. However, because nuisance coal dust from trains has been an environmental issue for decades, particular emphasis is placed the emission factors and the emissions estimates from the transport of coal by rail.

Emissions for coal mining in Canada in 2000 were attempted using the latest production data that were available. An attempt was also made to estimate fugitive coal dust emissions at major Coal Terminals and from truck transport for 2000. While the Coal Terminal and truck transport estimates provide and indication as to the emissions from these two sectors, the uncertainties involved in the calculations were extremely high and they should only be considered rough estimates.

Fugitive dusting can also occur in relation to coal storage piles. Unfortunately, while some data in relation to coal storage piles were assembled for 2000, there was insufficient information available to allow fugitive dust estimates to be calculated. Fugitive dust emission from coal storage piles is an area where additional study is required.

In 2000, coal was transported by ship and barge in Canada. However, while some information on these activities has been presented, because of insufficient data, no fugitive dust emission estimates in relation to ship or barge transport were attempted.

As noted, a significant portion of this investigation focuses on fugitive coal dust emissions related to the transport of coal by rail in Canada in 2000. The accuracy of the present emission factors (EFs) for estimating fugitive coal dust from unit trains has been questioned. Therefore, an attempt was made to find new or revised emission factors for that sector. Coal rail transport databases were queried and contacts made in Canada, the United States and Australia.

It was discovered that coal dust emissions from trains are of concern in other countries, particularly in the state of Virginia in the USA. However, no emission factors for coal rail transport appear to have been created, since those developed in the early 1980s.

Regardless, while no new emission factors were discovered, the investigation revealed areas where changes to the present emission factors and their application could improve the accuracy of the rail generated fugitive coal dust estimates in emissions inventories.

For estimating fugitive coal dust emissions from rail transport on a national basis, it is recommended that a modified version the basic emission factor used for the estimates in Environment Canada's national *Criteria Air Contaminants (CAC) Inventory* be used. One modification is to accept that the basic emission factor is for the uncontrolled fugitive dust emissions and not for 75% control as presently assumed. Another modification is in regard to the use of that formula. It is felt that instead of the current practice of using the formula to produce new estimates for each provincial distance segment, an overall estimate for the entire rail journey should be produced. That overall estimate should then be prorated by distance segment. The BC Ministry of Environment Lands and Parks (MELP) currently uses the latter technique to prorate emissions for the Lower Fraser Valley.

For estimating fugitive coal dust emissions from rail, it is recommended that, the basic CAC EF be modified using:

- New PM<sub>10</sub> and PM<sub>2.5</sub> scaling factors,
- A precipitation factor,
- An adjusted dust control factor of 99%, and
- A linear distance factor to prorate emissions.

In this study, all of the above factors were employed to estimate emissions for the rail transport sector of the coal industry in 2000.

New scaling ratios for the conversion of total particulate estimates to PM<sub>10</sub> and PM<sub>2.5</sub> emissions are suggested. The results of this investigation suggest that the scaling factors presently used by both Environment Canada the BC MELP are too high or too great. Experiments conducted in the 1980s indicated that a fraction of the coal emitted by rail cars is likely greater in size than is allowed for by the present scaling factors.



Also, while using a dust control efficiency of 99% may appear excessive, it is the dust control efficiency currently assumed by Environment Canada for assessing national rail coal dust emissions. The use of an efficiency of 99% is also supported by the visible dusting evidence gathered in 2000 for coal trains in British Columbia. Only about 1% of the loaded coal trains, observed in Hope, BC in 2000, were assessed as 'heavy' emitters in terms of visible dust emissions.

In regard to inventories of fugitive coal dust, the present practice is for the federal and provincial agencies to estimate fugitive coal dust emissions only for coal mining and coal rail transportation. The fugitive dust emissions from truck transport, coal storage piles and large Coal Terminals are not estimated. However, many storage piles and Coal Terminals are located near populated areas. Therefore, it is recommended that emissions from these sources be included in future inventory estimates of fugitive coal dust.

The operations in relation to coal storage piles frequently produce fugitive dust emissions, and the activities involved with storage pile management are many and can vary from day to day. Consequently, the variables involved in estimating emissions are numerous. However, if data related to specific storage piles were available, there are emission factors that could be used for estimating emissions from these sources. It is suggested that regional, provincial and/or national agencies may wish to investigate the possibility of gathering the data required to estimate emissions from the coal storage piles that are located in or near large urban areas.

In addition to the issue of more accurate estimates for  $PM_{10}$ ,  $PM_{2.5}$  and total emissions of fugitive coal dust, there is the issue of nuisance soiling. Since the 1970s, nuisance soiling has been a problem in relation to coal blown from loaded railcars that travel from the Alberta and BC borders to Vancouver. Therefore, in Appendix B this report includes an updated overview of the issue of nuisance soiling from coal blown from railcars.

For unit coal trains, visible dusting incidents cannot be quantitatively linked to overall dust control efficiency. However, the number of visible dust events related to unit coal trains that were reported in 2000 confirm that the emissions control effectiveness of the dust suppressant systems used by certain mines that ship coal to Vancouver was less than 100% in that year.

## **ABBREVIATIONS**

<b>AP-42</b>	- US EPA Compilation of Air Pollutant Emission Factors
<b>BC MELP</b>	- British Columbia Ministry of Environment Lands and Parks
<b>CA</b>	- Coal Association of Canada
<b>CAC</b>	- Criteria Air Contaminants (Inventory of Environment Canada)
<b>CBDC</b>	- Cape Breton Development Corporation
<b>CEPA</b>	- Canadian Environmental Protection Act
<b>CCME</b>	- Canadian Council of Ministers of the Environment
<b>CCMTA</b>	- Canadian Council of Motor Transport Administrators
<b>CTA</b>	- Canadian Transportation Agency
<b>EIA</b>	- U.S. Department of Energy, Energy Information Administration
<b>EPA</b>	- U.S. Environmental Protection Agency
<b>EPWG</b>	- Emissions and Projections Working Group (see NEIPTG)
<b>LFV</b>	- Lower Fraser Valley – Hope to Vancouver British Columbia
<b>MELP</b>	- British Columbia Ministry of Environment, Lands and Parks
<b>NAICC</b>	- National Air Issues Co-ordinating Committee
<b>NCACI</b>	- National Criteria Air Contaminant Inventory
<b>NEIPTG</b>	- former name of the EPWG
<b>PART</b>	- Total Particulate as used by Environment Canada CAC Inventory
<b>PDB</b>	- Pollution Data Branch, Environment Canada
<b>PM<sub>2.5</sub></b>	- Particulate Matter 2.5 micron and smaller
<b>PM<sub>10</sub></b>	- Particulate Matter 10 micron and smaller
<b>TSP</b>	- Total Suspended Particulate

## ***Glossary of Terms***

<b>Emission Factor (EF)</b>	<ul style="list-style-type: none"> <li>- An estimate or statistical average of the rate at which a contaminant is released to the atmosphere as a result of some activity divided by the level of that activity. The Emission Factor (EF), therefore, relates the average quantity of each contaminant emitted according to an appropriate base quantity. EFs are usually expressed as a weight of contaminant divided by a unit weight, volume, distance or duration of associated activity that emits the pollutant. EFs are usually obtained from data of varying degrees of accuracy and may be presented for either uncontrolled sources or facilities having air pollution control devices in place.</li> </ul>
<b>fine particulate matter</b>	<ul style="list-style-type: none"> <li>- all particulate matter less than 10 microns in diameter includes both PM<sub>10</sub> and PM<sub>2.5</sub> fractions</li> </ul>
<b>friable</b>	<ul style="list-style-type: none"> <li>- easily crumbled</li> </ul>
<b>fugitive emissions</b>	<ul style="list-style-type: none"> <li>- air pollution derived from human activities that do not emanate from a particular point, such as an exhaust pipe or stack. Coal dust from trains and roadway dust are examples of fugitive emissions.</li> </ul>
<b>opacity</b>	<ul style="list-style-type: none"> <li>- the percentage of light transmitted from a source that is prevented from reaching a light detector</li> </ul>
<b>overburden</b>	<ul style="list-style-type: none"> <li>- the rock and/or earth covering a seam of coal</li> </ul>
<b>Particulate Matter (PM)</b>	<ul style="list-style-type: none"> <li>- any aerosol that is released to the atmosphere in either solid or liquid form. [Includes Particulates]</li> </ul>
<b>PM<sub>2.5</sub></b>	<ul style="list-style-type: none"> <li>- airborne particulate matter with a mass median diameter less than 2.5 µm</li> </ul>
<b>PM<sub>10</sub></b>	<ul style="list-style-type: none"> <li>- airborne particulate matter with a mass median diameter less than 10 µm</li> </ul>
<b>parts per million (ppm)</b>	<ul style="list-style-type: none"> <li>- a volumetric concentration measurement of contaminants</li> </ul>
<b>smoke (diesel)</b>	<ul style="list-style-type: none"> <li>- all particles, including aerosols, suspended in the exhaust stream of a diesel engine that absorb, reflect, or refract light</li> </ul>
<b>Total Suspended Particulate (TSP)</b>	<ul style="list-style-type: none"> <li>- airborne particulate matter with an upper size limit generally considered to be approximately 75 µm in aerodynamic equivalent diameter.</li> </ul>
<b>transmittance</b>	<ul style="list-style-type: none"> <li>- the fraction of light transmitted from a source which reaches a light detector</li> </ul>
<b>unit train</b>	<ul style="list-style-type: none"> <li>- a train with a similar consist of cars and that carries only one cargo. For the purposes of this report, that cargo is coal.</li> </ul>

# ***Fugitive Coal Dust Emissions In Canada***

## **Chapter 1**

### ***Introduction***

In Canada in 2000, coal was mined in five provinces, imported into seven, exported by three and consumed in nine.\*

**Table 1.1 Coal in Canada In 2000**

Province	Mine	Import Coal	Consume Coal
British Columbia	Yes		Yes
Alberta	Yes	Yes	Yes
Saskatchewan	Yes		Yes
Manitoba		Yes	Yes
Ontario		Yes	Yes
Quebec		Yes	Yes
New Brunswick	Yes	Yes	Yes
Nova Scotia	Yes	Yes	Yes
PEI			
Newfoundland		Yes	Yes
All Territories			

\* Data as reported by the Coal Association of Canada (CA 2001)

As a result of the activities associated with the mining, transportation, storing, transfer and consumption of coal, coal dust became airborne or became a *fugitive emission*. These airborne fugitive emissions are the subject of this investigation.

### ***1.1 Estimating Fugitive Coal Dust Emissions***

Fugitive coal dust emissions are of concern because of their possible adverse health affects, their tendency to soil or to be a nuisance pollutant, and the possibility of their causing cross-contamination of other bulk products.

While the implications of fugitive coal dust emissions on the health of workers in the coal industry (and related industries) are of major importance, they are beyond the scope of this investigation. The objective of this report is to attempt to determine the levels of fugitive coal dust emissions in Canada as they may relate to contributions to urban levels of particulate matter, PM<sub>10</sub> and PM<sub>2.5</sub> and to nuisance soiling in 2000.

In general, because of the dispersed and diverse nature of the various operations involved in the extraction, processing, loading, storage, unloading and shipping of coal, fugitive



coal dust emissions cannot be readily measured. Therefore federal and provincial environment agencies must rely on estimates. To estimate fugitive coal dust emissions for each coal industry operation one must gather data related to the following variables:

- The quantity of coal mined, handled or shipped,
- The frequency of the activity or operation,
- The length of the activity (distance or time),
- The properties of the coal used,
- The efficiency of control measures, and
- The local weather parameters at the time of the activity.

This information is then combined within an emission factor (EF) for the particular operation or activity.

One purpose of this study is to attempt to gather the emission factors, activity data and coal throughput for the various operations in the coal cycle from mine to end-use facility in 2000 and to estimate emissions of  $PM_{10}$ ,  $PM_{2.5}$  and total particulate. Particular attention is paid to the emissions of fugitive coal dust from unit trains.

An estimate can never be more than just that, an estimate of what is really happening. However, one way of improving the accuracy of estimates is by improving the emission factors used to produce the estimate. Fugitive coal dust from unit trains is one area where the current EFs used by federal, provincial and regional agencies to develop emission estimates require review.

An example as to why accurate fugitive coal dust emission estimates from unit trains are required is a statement from a recent report on the results of the BC program to test smoke emissions from on-road Heavy-Duty Vehicles. (Newhook 2000)

*In the Vancouver area, despite representing only about 4% of the registered vehicle fleet, Heavy-Duty Diesel Vehicles are estimated to be significant sources of both NOx and PM, contributing 15% of total mobile source NOx and 16% of total mobile source-related PM. The contribution to overall PM would be greater except for a large amount of PM attributable to fugitive coal dust blown from trains, which accounts for 37% of the total mobile source PM inventory.*

In other words, if the emissions estimates for rail generated fugitive coal dust are inaccurate, they may mask the overall contribution of other sources of PM in an airshed.

## **1.2 Particulate Matter – $PM_{10}$ $PM_{2.5}$ and Total**

Particulate matter air pollution refers to a mixture of solid and liquid particles suspended in the air. The smaller particulates are sometimes described as an aerosol, which refers to a stable mixture of particles suspended in a gas. Airborne particulate matter is a mixture of chemical species and size fractions. Airborne particles usually range in diameter from 0.005 to 100 microns in size. *Total Suspended Particulate* (TSP) refers to particulate up to 75 microns in aerodynamic diameter. However, the particles of greatest concern, from a human health perspective, are those with an aerodynamic diameter of less than 10 microns, since they can penetrate the lung.

In Canada for ambient air assessment, fine particulates are currently divided into two distinct fractions. Particulates that are less than 2.5 microns in size ( $PM_{2.5}$ ) and the

coarser fraction particulates that are less than 10 microns in aerodynamic diameter (PM<sub>10</sub>). Minute particulates in the ambient air may occur naturally or be man-made. At present there is a Canada-wide Standard for PM<sub>2.5</sub> and PM<sub>10</sub> has been declared toxic under the new *Canadian Environmental Protection Act* (CEPA). (Canada Gazette Part II, 9 May 2001)

### 1.2.1 Nuisance Dusting

In addition to the issue of fugitive coal dust in regard to human health, and the estimation of those emissions for inventory purposes, there is the problem of nuisance dusting. In this study, an attempt has been made to separate these two issues. However, they are linked, and an overview of nuisance dusting problems, in particular nuisance dusting from unit trains, has been included for completeness. (See Appendix B)

Nuisance soiling or dusting is not specifically defined in the federal government's *Canadian Emissions Inventory of Criteria Air Contaminants*. (Deslauriers 1999)

However, in regard to its investigations into fugitive coal dusting, the Australian Environment Department has developed the following definition: (AMEEF 2001)

*Nuisance dust is a term generally used to describe dust that reduces environmental amenity without necessarily resulting in material environmental harm.*

While attempts to estimate the PM<sub>10</sub> and PM<sub>2.5</sub> portions of total fugitive coal dust emissions are relatively new, complaints and investigations into nuisance pollution regarding fugitive coal dust emissions in Canada have a history in many areas of the country.

**Table 1.2 General Areas of Nuisance Fugitive Coal Dust Complaints Registered in Canada 1980 to 2000**

Province or Territory	Mines	Storage Piles	Trains	Trucks	Terminals and Loading to Ships
British Columbia		yes in 1980s	27 in 2000		yes in 2000
Alberta				road dust only	
Saskatchewan					
Manitoba		yes in 1980s			
Ontario		yes in 1990s			yes in 1980s
Quebec					yes in 1980s
New Brunswick					
Nova Scotia		yes in 1980s			yes in 1980s
PEI					
Newfoundland					
All Territories					

In Table 1.2, the intent is to show the areas where dusting is or has been a problem, and where, to the best that could be determined during this short investigation, official complaints have been registered. It was not possible to list number of complaints received in certain areas; since some were community related and involved numerous complaints regarding the same incident.

Dusting from trains is the prime focus of this investigation. In 2000, complaints regarding nuisance dusting from 27 unit coal trains were registered in BC. (See Appendix B)

In British Columbia, nuisance dusting from coal trains has been a source of citizen complaint since 1974. More recently, according to officials with the Canadian Pacific Railway (CPR), there were incidents of dusting in 1994 and sporadically from 1994 to 2000. (CTA 2000)

*The CPR typically received only a couple of sporadic complaints per year, usually in early summer and usually from residents in the Agassiz and Kent regions.*

Similar dust complaints from residents in the area of Flood, BC were received by Canadian National (CN) in the early to mid-1990s.

Fugitive dust complaints regarding coal emissions from storage piles, either at coal terminals or at end-use facilities, have been registered in at least four provinces since 1974. By the late 1980s, the complaints regarding nuisance dusting that had been received by Environment Canada in connections with coal storage piles included the following: (Cope 1988)

- The International Pier in Sydney, Nova Scotia,
- The storage piles on a pier at Port Stanley, Ontario, and
- The coal stored at the Nanticoke, Ontario power plant.

In 1987 there was an investigation by the Environment Canada and the provincial government regarding complaints from nearby residents of coal dusting from the storage pile and handling at the International Pier in Sydney, Nova Scotia. (Ternan 87)

In the 1980s there were a series of 'town hall' meetings in Port Stanley, Ontario regarding nuisance coal dust complaints in regard to the storage and handling of coal at the port. The coal was for the nearby Saint Mary's Cement plant. Complaints regarding coal dusting in Port Stanley were also received by Environment Canada in the 1990s.

In the 1980s, dusting complaints regarding storage piles and coal transfer operations at ports were registered in Quebec City and in connection with three of the coal terminals in British Columbia. (Cope 1988)

In British Columbia in 2000, the Greater Vancouver Regional District (GVRD) received one complaint regarding dusting from storage piles at the coal export facility at Roberts Bank. (GVRD 2001)

In Manitoba, in the past, nuisance-dusting complaints have been registered by private citizens who reside near Manitoba Hydro's Selkirk Generating Station. However, the possibility of future complaints is moot, since it is reported that over the next two years the Selkirk plant will be converted to natural gas to displace all coal use.

In Alberta, complaints have been received by government agencies regarding fugitive dust generated by coal trucks on haul roads from mine to power plants. These complaints were related to dust emissions from the coal cargo and from road dust.

All of these incidents related to public nuisance dusting from windblown coal illustrate that coal does become airborne and does cause problems in Canada.



## Chapter 2

### ***Coal in Canada in 2000***

As noted in Chapter 1, in Canada in 2000, coal was mined in five provinces, imported into seven, exported by three and consumed in nine. In this Chapter, the data available at in the spring of 2001 for the coal industry in Canada in 2000 are presented. In many instances, data for 2000 were not available. Cautions have been added to the text, if the data used for emissions calculations were not for 2000.

#### ***2.1 Coal Mines***

The coal mines operating in Canada in 2000 are illustrated in Table 2.1. While the production data for most of the mines was available for 2000, for a number, 1999 data were used. It was felt that for most cases the changes from 1999 to 2000 were minor.

In regard to fugitive dusting from coal trains, because of its nature and the distances it is shipped, the coal mined in Alberta and British Columbia is the main focus of this study.

The Lignite coal mined in Saskatchewan is by its nature less friable (therefore fewer fines) than most of the Alberta and BC coals. Also, the majority of the Saskatchewan coal is shipped only short distances by truck from mine to end-use facilities. Similarly, in New Brunswick, although the coal is closer to western coal in nature than is the Saskatchewan lignite; it is generally shipped shorter distances than the Alberta and BC coal.

In Nova Scotia, the majority of the province's production was from an underground mine in Cape Breton, and most of that coal was shipped only a short distance from the mine to a local power plant. However, that one remaining underground mine in Cape Breton, the Prince mine, closed in November 2001.

Some of the smaller mines in Nova Scotia ship coal by rail and truck over longer distances, but the quantities are small. There is no historical record of dusting complaints in regard to these shipments.

The majority of coal in Canada is mined in the open in operations that are referred to as open pit or strip mines. By their nature these operations generate dust from blasting, drilling, overburden removal, loading, hauling, unloading, processing, and final transport loading. These two mine types are as defined by their names. In general, an open pit operation takes place in a more concentrated area than does a strip mine. For open pit mines the coal seams may be in a deep pit that extends deep into the ground, or as a pit into the side of a hill or mountain. In some cases such as the Minto area of New Brunswick, coal that was once mined using underground mining techniques is now mined by removing hundreds of feet of rock and dirt, the *overburden*, to get at the coal deep in the ground. A large open pit is formed as a result of this overburden removal. A surface strip mine is a mining operation where, in general, the coal seam is not as deep under the ground than it is in an open pit operation. The coal is mined by stripping the overburden from the surface using devices such as draglines or bulldozers to reach the coal that is below.



**Table 2.1 Canadian Coal Mines 2000**

Mine	Prov.*	Type	Location	Marketable Coal Production 2000 (10 <sup>6</sup> Tonnes)
Bullmoose	BC	Open Pit	Tumber Ridge, NE Closing 2003	1.60
Coal Mountain	BC	Open Pit	SE	2.30
Elkview (Balmer)	BC	Open Pit	SE	3.00
Fording River	BC*	Open Pit	SE	8.30
Greenhills	BC*	Open Pit	SE	4.20
Line Creek	BC	Open Pit	SE	3.50
Quinsam	BC	Underground	Vancouver Island	0.24
Quiotette	BC	Open Pit	Northeast – Closed 2000	1.00
Willow Creek	BC	Open Pit	Northeast – open 2001?	0.00
Coal Valley	Alta	Strip	Hinton, NW mid	1.00
Genesee	Alta*	Strip	Warburg – Mid	3.60
Gregg River	Alta	Open Pit	NW mid – Closed 2000	2.10
Highvale	Alta	Strip	NW	13.00
Luscar	Alta	Open Pit	Hinton, NW mid	2.80
Obed	Alta	Open Pit	Hinton, NW mid	1.80
Paintearth (+Vesta)	Alta	Strip	Mid	3.50
Sheerness (+Montgomery)	Alta	Strip	Mid	4.00
Smoky River	Alta *	Underground + Open Pit	Grande Cache, NW Closed 2000?	1.80
Whitewood	Alta*	Strip	NW	2.30
Bienfait	Sask	Strip	Estevan, SE	2.00
Boundary Dam/Shand (Utility)	Sask	Strip	SE	6.50
Costello	Sask	Strip	Estevan, SE	?
Poplar River	Sask	Strip	SW	4.00
Minto	NB*	Open Pit	SE – Closing?	0.24
Alder Point	NS*	Surface	Cape Breton	0.06
Coalburn	NS	Surface	Thorburn, Pictou County	0.03
Little Pond	NS*	Surface	Cape Breton	0.01
Prince (Phalen closed 00)	NS	Underground	Cape Breton – Closed 2001	0.98
Springhill Project	NS*	Surface	Springhill, Cumberland Cty	0.01
St. Rose	NS	Surface	Inverness County	0.03
Stellarton	NS	Surface	Stellarton, Pictou County	0.20

\* production information is estimated from 1999 data

While underground mines once dominated the coal mining industry in Canada, in 2000 there were only three underground mines accounted for in the information available on coal mines. One underground mine is located in the interior of Vancouver Island near Comox and the other is the Prince mine in Cape Breton (now closed). Until the end of 2000 there was a combined underground and open pit mining operation in the Smoky River area of Alberta. Since this mine's equipment was listed for sale late in 2000, it was assumed that the mine was closed by the end of 2000. In the 1980s there was also an underground hydraulic coal mine in the area of Sparwood, BC, but this mine is now closed.

## **2.2 Imported Coal**

In 1998 almost 19 million tonnes of coal were imported into Canada. While details related to all imports were not available, the total for 2000 was judged to be similar to the amount imported in 1998, Table 2.2.

For example, in 1998 coal was reported as imported into Alberta, Manitoba and Quebec. (CA 2001) However, information as to similar imports in 2000, and as to how that coal was shipped, was not available.

Fortunately, imported coal for the steel mills in southern Ontario in 2000 was reported. The coal for these mills is landed by ship at or near company facilities on Lake Ontario and Lake Erie. See Table 2.8. (Stelco 2001, Dofasco 2001)

A large quantity of coal is imported each year by *Ontario Power Generation* (OPG) Inc. (OPG is ex-Ontario Hydro). While it is thought that most of this coal arrives by ship and is unloaded at or near the company power plants, this could not be confirmed. Little new information was available regarding the coal imported by Ontario Power Generation Inc. in 2000. However, the total quantity that is imported by OPG annually will change by 2005 when the Lakeview coal generating station is slated to switch to natural gas. Larger cuts in OPG's imports could also occur if the company also switches the Nanticoke plant to natural gas.

The coal imported into New Brunswick arrives by ship at Belledune and is used at the nearby Belledune Power Plant. (NB 2001)

In 2000 Nova Scotia Power Corporation imported just over 2 million tonnes of coal. It arrived by ship at either the International Pier in Sydney or at Auld Cove in the Strait of Canso. With the recent announcement of the closure of the Prince mine in Cape Breton, the quantity of coal imported into Nova Scotia may increase in the near future.

In 2000, a small amount of coal was also imported by ship into Halifax for a private company near Brookfield. It is assumed that this coal was trucked from Halifax to Brookfield, Table 2.6. The coal that is imported into Newfoundland is landed at Sept. Iles, Quebec and shipped by train to Labrador City.

For the purposes of estimating fugitive coal dust emissions, it was assumed that most of the coal imported into Canada in 2000 was landed by ship. It was also assumed that most was landed at end-user port facilities or nearby and transferred by truck, or other wheeled movers, short distances to the end-user facilities.

During the last 20 years fugitive dusting incidents have been reported for coal handled or stored at a number of the receiving terminals and at end-user docks associated with imported coal.

**Table 2.2 Coal Imported into Canada - 2000**

	Destination	Landed at	Delivered by	Imports tonnes
Alberta	Alberta Total =			6,324*
Manitoba	Manitoba Total =			493,902*
Ontario	St. Mary's Cement	Port Stanley	ship	?
	Dofasco	Hamilton	ship	1,500,000
	Stelco	Hilton Works, Hamilton	ship	1,026,660
	Stelco	Lake Erie Works	ship	744,629
	Lambton Power Plant			3,421,680*
	Nanticoke Power Plant			7,236,809*
	Lakeview Power Plant			1,243,452*
	Ontario Total =			15,173,231
Quebec	Quebec Total =			847,043*
NB	Belledune Power Plant	Belledune	ship	1,022,070
NFLD	Iron Ore Coy, Labrador City	Sept. Iles	ship	49,471
NS	NS Power Corp	International Pier, CB	ship	1,200,000
	NS Power Corp	Auld Cove, St. of Canso	ship	850,000
	Lafarge Canada, Brookfield	Halifax	ship	35,000
	NS Total =			2,085,000
			Total Canada =	19,677,041

\* 1998 data

## 2.3 Exported Coal

In 2000, three coal terminals in British Columbia and one in Ontario exported Coal, Table 2.3

These four terminals are large operations that feature a circular loop of track for unloading mile long unit trains. Some of these terminals handle a variety of bulk products in addition to coal.

These four coal terminals feature rotary-dumpers for emptying their coal cars. These dumpers operate with cars that are fitted with special couplers that allow individual cars to be dumped without the necessity of decoupling.

The Neptune, Thunder Bay and Roberts Bank rotary-dumpers are located inside housings that limit dusting during the unloading operations.

In the 1990s, it is reported that the Quinsam mine on Vancouver Island exported coal via a small terminal facility on Texada Island in the Strait of Georgia. It was reported that this mine did not export coal in 2000.

**Table 2.3 Canadian Coal Exports - 2000**

Terminal	Name Location	Prov	tonnes	Mines that may have Supplied Export Coal in 2000
Westshore Terminals Ltd.	Roberts Bank Vancouver	BC	22,500,000	Coal Valley, Gregg River Luscar, Obed, Alta Coal Mountain, Elkview, Line Creek, Fording River, Greenhills, BC Powder River Basin, Montana Powder River Basin, Wyoming
Neptune Bulk Terminals (Canada) Ltd.	Vancouver Harbour Vancouver	BC	4,962,000	Coal Valley, Gregg River Luscar, Obed, Alta Smoky River, Alta
Texada Island	Texada Island Strait of Georgia	BC	0	Quinsam, BC
Ridley Terminals Inc.	Ridley Island Prince Rupert	BC	6,000,000*	Coal Valley, Gregg River Luscar, Obed, Alta Bullmoose, Quintette, BC
Thunder Bay Terminals Ltd.	McKellar Island Thunder Bay	Ont	1,830,000*	Coal Valley, Gregg River Luscar, Obed, Alta Coal Mountain, Line Creek, BC Bienfait, Sask Powder River Basin, USA
	<b>Canada Exports</b>	<b>=</b>	<b>35,292,000</b>	

\* 1999 data from the Coal Association

## **2.4 Transportation – Rail, Truck and Vessels**

Coal from Canadian mines is moved to market by rail, truck, barge or ship. As far as could be determined, in 2000, most of the coal imported into Canada arrived by ship and was unloaded near the facilities where it would be used.

### **2.4.1 Rail Transport**

In Western Canada, unit trains are used to move coal from mines along the BC/Alberta border to terminals in Vancouver, Prince Rupert and Thunder Bay, Tables 2.5 and 2.6.

In Saskatchewan unit trains are used to move lignite coal from the Poplar River mine approximately 20 km to the Poplar River Power Plant. The Bienfait mine ships lignite coal by rail to Ontario for use at power plants near Thunder Bay. The rest of the lignite coal mined in Saskatchewan is moved by truck to nearby power plants.

In Western Canada, three rail companies haul domestic coal by unit train: (Table 2.4)

- Canadian Pacific (CP)
- Canadian National (CN)
- British Columbia Railway (BCR)



**Table 2.4 Canadian Railway Coal Car Fleets in Western Canada**

Railway Company	CP	CN**	BCR
<b>1985</b>			
Train Sets	19	12	9
Total Cars	2250	1379	889
<b>2001</b>			
Train Sets	?	12	2
Total Cars	3211*	1379	~200

\* includes 625 new cars added in 2000 and an additional 625 that will be added in 2001. (CPR 2000)

\*\* An information update for 2000 was not available

In 2000, the Canadian National reported that it transports metallurgical and thermal coal for the export market in a unit train configuration in rotary gondola cars. The length of the CN unit trains is 112 cars for their 53-foot cars (including new aluminum cars) and 102 cars for standard 58-foot steel car sets. CN also moves coal, metallurgical coke, and petroleum coke in small car blocks or single cars in other types of equipment, such as covered hoppers and bottom dump cars. (CN 2001)

CP added 625 new coal cars in 2000 and added 625 more new cars in 2001. (CP 2000) With the closing of one mine in Northeast BC, the BCR now operates fewer coal car sets than it did in the 1980s.

The movement of coal by rail in Atlantic Canada is on a much smaller scale than in the West. In the 1980s, some of the coal from the Minto mine in New Brunswick moved by rail to a power plant near the Quebec border. However, in 2000, it was reported that Minto coal was shipped by truck to the local power plant at Grand Lake and to the power plant at Belledune, NB. (NB 2001)

In Nova Scotia, details regarding all of the coal movements were not available. However, it is known that the majority of the coal from the Prince mine (the only large active mine in that Glace Bay group in 2000) was shipped by unit train approximately 8 km to the Lingan power plant.

While coal was shipped in other parts of Canada in 2000, it is felt that little of this coal is shipped by rail.

The Iron Ore Company of Canada imported a small quantity of coal for use at its facility near Labrador City. This coal was landed by ship in Sept. Iles, Quebec and taken by rail to Labrador.

In addition to imports, both the Roberts Bank and Thunder Bay terminals are reported to be experimenting with transshipping coal for export from the Powder River Basin in the USA via their terminals. This coal will enter and be transported through Canada in unit trains. The exact routes are not known at this time.

Unfortunately, as noted, during the short span of this investigation, information on the method of transporting most of the imported coal in Canada in 2000 was not available.

**Table 2.5 Rail Shipment of Coal In Canada - 2000**

Ship by Rail in 2000 from	From	To⇒	Roberts Bank, BC	Neptune, BC	Ridley Island, BC	Thunder Bay, Ont	Other Destinations
Originating Mine	Prov.	Transport Railway Coy.					
Bullmoose	BC	BCR/CN			yes		
Coal Mountain	BC	CP	yes			yes	
Elkview (Balmer)	BC	CP	yes				
Fording River	BC	CP	yes				
Greenhills	BC	CP	yes				
Line Creek	BC	CP	yes			yes	
Quintette	BC	BCR/CN			yes		
Coal Valley *	Alta	CN	yes	yes	yes	yes	
Gregg River *	Alta	CP	yes	yes	yes	yes	
Luscar *	Alta	CN	yes	yes	yes	yes	
Obed *	Alta	CN	yes	yes	yes	yes	
Smoky River	Alta	CN		yes			
Bienfait	Sask	CN & CP				yes	Ont Power
Poplar River	Sask	Dedicated rail					Sask Local
Prince	NS	Dedicated rail					NS Local
Imported Coal							
For Iron Ore Company	Nfld	?					Que to Labrador
Transshipment							
Powder River Basin, Montana	BC		yes				
Powder River Basin, Wyoming	BC		yes				
Powder River Basin	Ont					yes	

\* coal may not have been shipped to all four terminals in 2000. Breakdown not known.

**Table 2.6 Quantity of Coal Shipped by Rail in Canada - 2000**

Mine	Prov.	Status 2000	millions of tonnes
Bullmoose	BC	Closing 2003	1.60
Coal Mountain	BC	operating	2.30
Elkview (Balmer)	BC	operating	3.00
Fording River	BC	operating	8.30
Greenhills	BC	operating	4.20
Line Creek	BC	operating	3.50
Quintette	BC	closed in 2000	1.00
Coal Valley	Alta	operating	1.00
Gregg River	Alta	closed in 2000	2.10
Luscar	Alta	operating	2.80
Obed	Alta	operating	1.80
Smoky River	Alta	closed in 2000?	1.80
Bienfait	Sask	operating	2.00
Poplar River	Sask	local train	4.00
Prince (Phalen)	NS	operating	0.98
Imports by Rail			
For Iron Ore Cy	Nfld	via Que	0.05
Transshipment			
Powder River Basin, Montana	RB, BC	test only	?
Powder River Basin, Wyoming	RB, BC	test only	?
Powder River Basin	TB, Ont	test only	?

### **2.4.2 Truck Transport**

In this report, for emissions calculation purposes, the transport of coal by truck refers only to the movement of marketable coal away from the property of the originating mine, Table 2.7. The information reported in Table 2.7 does not include the movement of coal from mine face to preparation facility or to mine load-out. For these operations, and the fugitive emissions associated with them, it was assumed that emissions related to these activities are included in, and accounted for, under 'mining' operations.

In Saskatchewan, trucks are used to move lignite coal from mine to market in all operations with the exception of those described in Section 2.4.1 for the Poplar River and the Bienfait mines. Most truck shipments in the province involve the movement of the lignite coal to nearby power plants.

As noted, in the 1980s, some of the coal from the Minto mine in New Brunswick moved by rail, however, in 2000 it was reported that all coal from the Minto mine was moved by truck to the nearby Grand Lake power plant or to the Belledune power plant. (NB 2001) For the future, NB Power has recently announced a plan to shut the Grand Lake facility in 2004. The fate of Minto coal and the mine is not known at this time.

Also, information was not available in regard to the movement of the coal imported by the Nova Scotia Power Corporation. For this report it was assumed that it was moved by truck. Similarly for a small amount of coal imported by ship to Halifax for a private company near Brookfield. It was assumed that the coal was trucked from Halifax.

In 2000 the Quinsam mine on Vancouver Island shipped coal by truck to port facilities in the Comox area where the coal was loaded on barges for shipment to end-use plants in the Lower Fraser Valley.

Also in British Columbia in 2000, the Bullmoose mine in the Northeast moved its coal by truck from the mine approximately 36 kilometers to the rail load-out.

### **2.4.3 Vessels, Ship and Barge, Transport**

In 2000, all of the coal exported from Canada from the terminals listed in Section 2.3 was loaded into and transported by ship. Although it could not be confirmed at the time of writing, it was assumed that most of the coal imported into Canada in 2000 also arrived by ship, Section 2.2.

Other coal that is moved by water in Canada includes a quantity that is shipped by barge from Comox, BC. In the 1990s some of this coal was barged to Texada Island, BC for export. However, in 2000 the coal from Comox was reported as shipped by barge to local end-use facilities, likely cement plants, in the Lower Fraser Valley.

The coal from mines in BC and Alberta that arrives by rail at Thunder Bay is loaded into ships for transport to Ontario and to export.



**Table 2.7 Coal Moved by Truck in Canada - 2000**

Mine	Prov.	To	Distance km	millions of tonnes
Bullmoose	BC	Truck to Rail Load-out	36	1.60
Quinsam #	BC	Truck to Barge	50	0.24
Genesee *	Alta	Genesee Power Plant	10	3.60
Highvale **	Alta	Keephills Power Plant	10	3.63
Highvale **	Alta	Sundance Power Plant	10	9.37
Paintearth	Alta	Battle River Power Plant	5	3.50
Sheerness	Alta	Sheerness Power Plant	5	4.00
Whitewood *	Alta	Wabamun Power Plant	10	2.30
Boundary Dam/Shand **	Sask	Boundary Dam Power Plant	10	4.84
Boundary Dam/Shand **	Sask	Shand Power Plant	10	1.66
Bienfait #	Sask	Char Facility	5	0.20
Minto	NB	Grand Lake Power Plant	35	0.122
Minto#	NB	Belledune Power Plants	270	0.122
Alder Point #	NS	Domestic Coal Yard	40	0.06
Little Pond	NS	Lingan Power Plant	20	0.01
Springhill Project #	NS	Trenton Power Plant	100	0.01
St. Rose #	NS	Trenton Power Plant	200	0.03
Stellarton #	NS	Trenton Power Plant	10	0.20
Coalburn#	NS	Trenton Power Plant	20	0.03
<b>Coal Imported by</b>		<b>Landed at</b>	<b>For use by</b>	
NS Power Corp.#	NS	International Pier	Lingan & Pt Aconi	20
NS Power Corp.#	NS	Auld Cove	Trenton & P Tupper	100
Lafarge Canada#	NS	Halifax	Kilns at Brookfield	80
St. Mary's Cement#	Ont	Port Stanley, Ont.	St. Mary's Ont.	80

\*\* prorated by Megawatts for Power Plant

# distances are approximations

\*1999 data

The quantity of western coal shipped to Ontario Power Generation for use in their Power Plants was not available, but the quantities used by Dofasco and Stelco in their steel operations is shown in Table 2.8. (Selco 2001, Dofasco 2001)

Stelco received one trial shipment of coal from Western Canada in 2000. This coal arrived by ship from Thunder Bay. The company has planned for four such shipments, or approximately 94,000 tonnes, in 2001.

In 2000 Nova Scotia Power Corporation imported just over two million tonnes of coal. It arrived by ship at either the International Pier in Sydney or at Auld Cove in the Strait of Canso. (NS Power Corp, 2001) A small amount of coal was also imported by ship to Halifax for use by a private company near Brookfield. It was assumed that this coal was trucked from Halifax.

The data regarding the movement of coal by ship and barge in Canadian waters in 2000 was extremely limited. In regard to the emissions of fugitive coal dust, no information as to the nature of the shipments made by water was available. It was assumed that all coal shipped by powered vessels was in covered holds, therefore emissions while underway should be minimal. The only reported shipments by barge were from Vancouver Island to facilities in and around Vancouver. Whether the barges were covered or open was not reported. No attempt has been made to estimate emissions from ships or barges while underway.



**Table 2.8 Coal Moved by Ship or Barge - 2000**

Port Where Landed	Destination	Source	Port Shipped From	Quantity 2000 tonnes
<b>Canadian Coal</b>				
Hamilton, Ontario	Dofasco	Western Canada	Thunder Bay, Ont	200,000
Hamilton, Ontario	Stelco	Western Canada	Thunder Bay, Ont	94,000
Port Stanley, Ont	St. Mary's Cement	?	?	?
Ontario	?	Coal Mountain, BC	Thunder Bay, Ont	?
Ontario	?	Line Creek, BC	Thunder Bay, Ont	?
Texada, BC	by barge for export	Quinsam, BC	Comox, BC	0
Vancouver, BC	by barge	Quinsam, BC	Comox, BC	240,000
<b>Imported Coal</b>				
International Pier, Sydney	Lingan & Point Aconi PPs	?	?	1,200,000
Auld Cove, S of Canso	Point Tupper & Trenton PPs	?	?	850,000
Halifax, NS	Lafarge, Brookfield	?	?	35,000
Belledune, NB	Belledune PP	?	?	1,022,070
Sept. Isle, Quebec	Iron Ore Coy, Labrador City	?	?	49,471
Hamilton, Ontario	Dofasco	USA	?	1,500,000
Hamilton, Ontario	Stelco	USA	Toledo or Sandusky	1,026,660
Lake Erie, Ontario	Stelco	USA	Toledo or Sandusky	744,629
Samia, Ont	Ont Power Gen Lambton PP	USA	?	?
Nanticoke, Ont	Ont Power Gen Nanticoke PP	USA	?	?
Toronto, Ontario	Ont Power Gen Lakeview PP	USA	?	?

## 2.5 Storage Piles

At many junctures during the process that takes coal from mine face to end-use facility, coal will be stored. This storage may be long or short term. The coal may be stockpiled in the open or it may be housed in a containment structure.

In Western Canada it is not uncommon for mines to have rail load-out facilities that feature coal storage silos that can hold up to a full unit train load (over 10,000 tonnes of coal) or more. However, at end-use facilities and import/export terminals, because of the size of the operations, it is more common for coal to be stored in uncovered piles.

For this study, because of the limited data that were available, the discussion of dusting from storage piles in Canada must remain general. An attempt has been made to list the facilities in Canada in 2000 that were *likely* to have stored coal in piles (mines excluded), Table 2.9

**Table 2.9 Major Coal Storage Sites in Canada – 2000**

Port or End-Use Facility	Prov	Total Coal Throughput	Port or End-Use Facility	Prov	Total Coal Throughput
Terminals		tonnes	Landed at For Power Plant		
Westshore, Roberts Bank	BC	22,500,000	Samia Lambton PP	Ont*#	3,421,680
Neptune, Vancouver	BC	4,962,000	Nanticoke Power Plant	Ont*#	7,236,809
Texada Island	BC	0	Toronto Lakeview PP	Ont*#	1,243,452
Ridley, Prince Rupert	BC**	6,000,000	Belledune Power Plant	NB	1,143,570
Thunder Bay	Ont**	1,830,000	International Pier, CB	NS	1,200,000
Landed at For			NS Power Corp	NS	1,200,000
Hamilton Dofasco	Ont	1,500,000	Auld Cove	NS	850,000
Hamilton Stelco	Ont	1,026,660	NS Power Corp	NS	850,000
Lake Erie Stelco	Ont	744,629	Other Power Plants		tonnes
Port Stanley	Ont	?	Genesee Power Plant	Alta**	3,600,000
St. Mary's Cement	Ont	?	Sundance Power Plant	Alta#	9,368,344
Sept. Iles	Que	49,471	Kepphills Power Plant	Alta#	3,631,656
Iron Ore Coy	Nfld	49,471	Battle River Power Plant	Alta	3,500,000
Montreal?	Que	731,000	Sheerness Power Plant	Alta	4,000,000
End Use for ?	Que**	731,000	Wabamun Power Plant	Alta**	2,300,000
Halifax	NS	35,000	Selkirk Power Plant	Man	276,483
Lafarge Brookfield	NS	35,000	Brandon Power Plant	Man	275,930
Comox	BC	240,000	Grand Lake Power Plant	NB	121,500
Cement Plants LFV	BC	240,000	Lingan Power Plant	NS	1,670,000
Other Facilities			Trenton Power Plant	NS	820,000
Char Facility	Sask#	200,000	Point Aconi Power Plant	NS	385,000
Domestic Coal Yard	NS	60,000	Point Tupper Power Plant	NS	425,000
			Thunder Bay Power Plant	Ont*#	624,197
			Atikokan Power Plant	Ont*#	423,861
			Boundary Dam Power Plant	Sask#	4,840,426
			Shand Power Plant	Sask#	1,659,574
			Poplar River Power Plant	Sask#	4,000,000

\* 1998 data

\*\* 1999 data

# prorated by megawatts

## 2.6 End-Use Facilities

Many of the 'end-use' facilities for coal in Canada in 2000 are also as listed in Table 2.9. While there were more small users in each province, the facilities listed are those that account for the bulk of the coal consumed in Canada in 2000.

In 2000, fugitive coal dust emissions at end-use facilities were likely associated with the unloading and movement of coal to and from storage piles located at or near the facilities.

## Chapter 3

### ***Estimating Fugitive Coal Dust Emissions***

As noted earlier, fugitive coal dust emissions cannot be readily measured and must be estimated. In general, because of the widespread nature of most coal operations, they are usually treated as *Area Sources* for the purpose of estimating emissions. Area Sources are defined as: *Activities or sources of emissions that are too numerous or too small to be accounted for on an individual basis.* (Deslauriers 1999) Therefore, federal and provincial environment agencies and the coal industry must rely on general emission estimates for evaluating the impact of windblown fugitive coal dust.

There are many variables that can affect fugitive coal dust emissions, and hence emission estimates. Since these parameters can vary from site to site and from case to case, it is difficult to accurately estimate fugitive emissions. In general, collective averages must be employed. Unfortunately, under most circumstances, combining generalized emission factors (EFs) with generalized activity data is the only method that is available for estimating fugitive coal dust emissions.

Historically, fugitive coal dust emissions for each coal industry sector or operation are estimated by combining the quantity of coal mined, handled or shipped with the frequency of the activity or operation. The general equation for estimating uncontrolled fugitive coal dust emissions is:

$$\text{Uncontrolled Emissions} = EF \times \text{Quantity of Coal} \times \text{Activity Factor} \quad (3.1)$$

Where:

EF = the emission factor for the activity in kg/tonne of coal  
Quantity of Coal = the quantity in tonnes that is mined or moved  
Activity Factor = the number of times (or duration or distance) the activity takes place in a year

To account for the impact of emissions controls modify equation 3.1 by applying a percentage related to control efficiency:

$$\text{Controlled Emissions} = EF \times \text{Quantity of Coal} \times \text{Activity Factor} \times (100 - \text{Control Efficiency})/100 \quad (3.2)$$

Where:

Control Efficiency = the % efficacy of the control  
i.e. if the Control Efficiency is 99% enter 99 in the formula.

#### ***3.1 Federal - Provincial Estimates for Fugitive Coal Dust Emissions***

*The Canadian Emissions Inventory of Criteria Air Contaminants (CAC Inventory)* is published every five years by Environment Canada. (Deslauriers 1995, 1999) That inventory attempts to draw together data from across the country on the emissions of Particulate Matter, Sulphur Oxides, Oxides of Nitrogen, Carbon Monoxide and Volatile Organic Compounds. The CAC Inventory collects information from each province and territory to assemble its emissions estimates.



For particulate emissions until the 1990 inventory, only emissions of Total Particulate Matter (TPM) were reported. For the 1995 and future inventories, emissions of PM<sub>10</sub> and PM<sub>2.5</sub> have been added to the TPM emission estimates.

The emission factors and formulas employed in the CAC Inventory to estimate fugitive coal dust emissions are described in the *1995 Criteria Contaminants Emissions Inventory Guidebook*, section 1.9.1 Industrial Sector: Coal Mining and Processing. (NEIPTG 1999)

For computing emission estimates PM<sub>10</sub> and PM<sub>2.5</sub>, Environment Canada, the provinces and the United States Environmental Protection Agency (EPA) apply scaling factors to the emission factors developed for estimating total particulate matter or PART. Emissions of PM<sub>10</sub> and PM<sub>2.5</sub> are calculated by multiplying the appropriate scaling factor by either the EFs or the calculated emissions.

In general, the techniques used by Environment Canada, and the provinces to estimate fugitive coal dust emissions do not differ. The one exception is in British Columbia where officials used a different EF for estimating emissions for the rail transport of coal. Therefore, for the 1995 CAC Inventory, *coal dusting from unit trains* was the only sector where a province used a fugitive coal dust emission factor and technique that was different from the one used by Environment Canada. (See Chapter 5)

The techniques for estimating fugitive coal dust emissions for the coal industry from coal mine to end-user are discussed in the ensuing chapters. In general, unless it was discovered that there were problems in relation to the techniques employed for the 1995 CAC Inventory estimates, those methods were used in this report. (Deslauriers 1999)

### **3.2 Parameters Affecting Emissions and Control**

As noted, because of their fugitive or unconfined nature, it is difficult to predict or estimate the severity of coal dust emissions from any source. The factors that may affect fugitive coal dust emissions regardless of source include:

- ◆ type of coal
- ◆ coal fines content
- ◆ coal moisture content
- ◆ frequency of activity or frequency of disturbance of the coal
- ◆ surface area exposed
- ◆ ambient conditions: precipitation, wind speed, heat, freezing

#### **3.2.1 Weather**

As noted, one of the factors that will have an effect on fugitive coal dusting is the local ambient weather. The factors likely to have the most influence on fugitive dusting are precipitation, maximum temperature and wind speed and direction.

In general, most fugitive dusting complaints in regard to nuisance soiling, regardless of source, have been associated with periods of high temperature, high wind and little or no precipitation. For coal carried by rail over long distances in open rail cars in unit trains, it is not just the local weather at the time of emissions that can influence the severity of the dust emissions episodes. Hot and dry weather 'up route' of the emissions can influence the emissions at the point of observation. See discussion Section 5.2.3.1.

## **Chapter 4**

# ***Coal Mining - Fugitive Coal Dust Emission and Control***

### **4.1 Coal Mining**

The mining of coal comprises a number of activities depending upon mine type. In 2000 in Canada, there were three types of coal mines: underground, open pit and strip mines.

#### **4.1.1 Underground Coal Mines**

As noted in Chapter 2, in Canada in 2000 there were two underground coal-mining operations, accounted for in the information available on coal mines, plus a third that combined an underground mine with an open pit mine. (Table 2.1)

Underground mines by their nature will emit far less fugitive dust, above ground, into the local ambient environment than surface mines of a similar productivity. In this report, when estimating emissions for the two underground operations in 2000, dust emissions were only calculated for surface unloading activities.

#### **4.1.2 Surface Coal Mines**

As noted in Chapter 2, there were two general types of surface coal mine in operation in Canada in 2000, *Open Pit Mines* and *Strip Mines*. For surface and open pit mines, fugitive coal dust can be generated in connection with any one of the following operations:

- Overburden Removal and Replacement
- Drilling and Blasting
- Dragline or Bulldozer Operation
- Loading and Unloading
- Transfers Mine to and from Process Plant

The drilling and blasting may be associated with both the overburden removal operation or to the actual mining of the coal seam. The overburden, the earth or rock covering the coal seam must be broken up and moved to another site. This may be accomplished using bulldozers, shovels, mobile loaders and trucks and/or by a dragline.

Once the overburden has been removed, the coal must be moved from the mine face to the processing plant. This may be achieved by number of means that may include loaders, draglines, trucks, and/or conveyor systems. Coal dust will be become airborne and fugitive emissions will result as a result of any one of these repetitive operations.

For air pollution inventory purposes, it is virtually impossible to account for every one of these operations at every mine in each province. Therefore, the norm is for activities to be grouped together. An attempt is then made to present emission factors for each of the groups of activities in terms of the total coal mined each year, Section 4.2.

### **4.1.3 Process Plant Emissions**

Most coal undergoes some level of processing after it is mined and before it is shipped to the end-user. The processing required may be a relatively simple operation that involves the crushing or breaking of the coal into a size that can be used by an end-user. However, many operations in Western Canada use more sophisticated processing. The processing of coal often involves a complex series of steps that may include sizing, washing, cleaning and sometimes drying operations. These operations usually take place in a coal cleaning or processing building. The extent to which different shipments of coal from the same mine are processed can also vary depending upon the requirements of the end-user or customer.

While coal dust may become wind borne as a result of coal-cleaning and processing operations, these emissions cannot truly be described as 'fugitive'. The processing operations at the majority of mines in western Canada normally take place in enclosed structures. These operations usually require emission controls that are covered under provincial permits and emissions will be regulated accordingly. This is particularly true for operations that require coal to be processed and thermally dried.

Emissions related to *Coal Processing* plants are not included in this report because:

1. They are "processing plants" and not an open wind-blown fugitive dust source,
2. They are contained in structures with sophisticated emissions controls,
3. The emissions and their control should be known and covered by provincial permits,
4. Loading to and from the plants is covered under general mining fugitive emissions, and
5. Virtually all of their fugitive dust emissions are likely confined to mine property.

Not including possible fugitive emissions related to *Coal Processing* is supported by the control efficiencies listed in the *Air and Waste Management Association (AWMA)* manual. The manual lists the control efficiency for coal cleaning as 100%. Therefore, for most of the large coal mining operations in Western Canada, the fugitive dust emissions from Coal Processing would be close to zero. (AWMA 2000)

The dusting associated with coal loading and unloading from process plants is considered to be included under the loading and unloading operations associated with coal mining, Table 4.1. Other coal emissions associated with *Coal Processing* or coal-cleaning are considered beyond the scope of this report and have not been estimated.

## **4.2 Emission factors - Coal Mines**

For emission inventory purposes, provincial and federal governments estimate fugitive dust emissions from mining operations, using the emission factors (EFs) shown in Table 4.1. The NEIPTG Guidebook states that these emission factors were "taken from section 11.9 of AP-42 5<sup>th</sup> edition (U.S. EPA 1995), and from factors used in previous Environment Canada inventories". (NEIPTG 1999)

The PM<sub>10</sub> and PM<sub>2.5</sub> emission factors were derived using data from the EPA SPECIATE software. The scaling factors used for the CAC Inventory 1995 emissions estimates were:

$$PM_{10} = 0.545 \times PART$$

$$PM_{2.5} = 0.33 \times PART$$

Where: PART is the EF for total particulate matter (TPM).



Obviously, the emission factors in Table 4.1 are the generalized EFs that are used to estimate emissions for *Area Sources* in emissions inventories. Their strength is that they allow universal application to any coal mining operation for which yearly quantity of coal mined is known. They can be applied to individual mines or to total provincial production data.

The weakness of the emission factors shown in Table 4.1 is that, other than in a general way, they do not account for individual coal mining operations and the specific parameters at those mines that can influence fugitive coal dust emissions.

**Table 4.1 CAC 1995 Inventory Coal Mining  
– Uncontrolled Emission Factors**

Coal Mining Emission Factors	PART	PM <sub>10</sub>	PM <sub>2.5</sub>
	kg/tonne	kg/tonne	kg/tonne
Mining	0.0130	0.0071	0.0043
Raw Coal Loading – mine	0.0200	0.0109	0.0066
Raw Coal Unloading – mine	0.0330	0.0180	0.0109
Overburden Removal	0.0060	0.0033*	0.00198*
Pile Wind Erosion (t/ha)	0.85		

\* Correction made for scaling factor    PART = total particulate

The NEIPTG Guidebook (NEIPTG 1999) does not mention dust control techniques or efficiency of dust suppression methods in connection with the coal mining EFs. Therefore, it is assumed that the emission factors and the resulting estimates are for uncontrolled emissions.

As illustrated in Table 4.2, the information presented by the US EPA in the latest version of Table 11.9-2 of AP-42 contains more complicated EFs for coal mining than are currently employed for computing provincial and national emissions for the 1995 CAC Inventory. The EFs in Table 4.2 are clearly labeled by the EPA as uncontrolled emission factors. (EPA 2001-2) However, although these EFs may produce more accurate emission estimates for coal mining, they are intended for application to individual mines where the factors that may influence emissions are known for specific operations.

While data related to these parameters could be obtained for individual Canadian mines, such information is not readily available and is not public knowledge. Considerable resources would be required to assess and report on individual coal mining operations.

The influence of weather on coal mining emissions is also not included or accounted for by the EFs in either Table 4.1 or 4.2. Heavy precipitation and snow cover will likely limit fugitive dust emissions by inhibiting the wind entrainment of coal dust. Since weather conditions and their influence on coal dusting may vary on a day to day or week to week basis, detailed weather recording would be required at or near mine sites in order to judge the influence of local weather on fugitive dusting. A discussion of the potential influence of weather on fugitive coal dust emissions is presented in Section 5.2.3.1.

For this study, the EFs used to compile the 1995 CAC Inventory were used to compute fugitive coal dust emissions for coal mining, Section 4.4.

**Table 4.2 US EPA AP-42 Table**

(Table 11.9-2 EPA 2001-2)

**EMISSION FACTOR EQUATIONS FOR UNCONTROLLED OPEN DUST SOURCES  
AT WESTERN SURFACE COAL MINES**

Emissions By Particle Size Range (Aerodynamic Diameter) <sup>b,c</sup>						
Operation	Material	Emission Factor Equations		Scaling Factors		Units
		TSP <30µm	<15 µm	<10µm <sup>d</sup>	<2.5 µm/TSP <sup>e</sup>	
Blasting f	Coal or Overburden	0.00022(A) <sup>1.3</sup>	ND	0.52 <sup>e</sup>	0.03	kg/blast
Truck loading	Coal	0.580/(M) <sup>1.2</sup>	0.0596/(M) <sup>0.9</sup>	0.75	0.019	kg/Mg
Bulldozing	Coal	35.6 (s) <sup>1.2</sup> /(M) <sup>1.4</sup>	8.44 (s) <sup>1.3</sup> /(M) <sup>1.4</sup>	0.75	0.022	kg/hr
	Overburden	2.6 (s) <sup>1.2</sup> /(M) <sup>1.3</sup>	0.45 (s) <sup>1.5</sup> /(M) <sup>1.4</sup>	0.75	0.105	kg/hr
Dragline	Overburden	0.0046 (d) <sup>1.1</sup> /(M) <sup>0.3</sup>	0.0029 (d) <sup>0.7</sup> /(M) <sup>0.3</sup>	0.75	0.017	kg/m3
Vehicle traffic <sup>g</sup>						
Grading		0.0034 (S) <sup>2.5</sup>	0.0056 (S) <sup>2.0</sup>	0.6	0.031	kg/VKT
Active storage pile <sup>h</sup> (wind erosion and maintenance)	Coal	1.8 u	ND	ND	ND	kg/(hectare)(hr)

Note all symbols < should be < or equal to

VKT = vehicle kilometers traveled. ND = no data. b Particulate matter less than or equal to 30 µm in aerodynamic diameter is sometimes termed "suspendable particulate" and is often used as a surrogate for TSP (total suspended particulate). TSP denotes what is measured by a standard high volume sampler.

c Symbols for equations:

A = horizontal area (m<sup>2</sup>), with blasting depth < 21 m. Not for vertical face of a bench.

M = material moisture content (%)

s = material silt content (%)

u = wind speed (m/sec)

d = drop height (m)

W = mean vehicle weight (Mg)

w = mean number of wheels

d Multiply the < 15-µm equation by this fraction to determine emissions, except as noted.

e Multiply the TSP predictive equation by this fraction to determine emissions.

f Blasting factor taken from a reexamination of field test data.

g To estimate emissions from traffic on unpaved surfaces by vehicles such as haul trucks, light-to-medium duty vehicles, or scrapers in the travel mode, see the unpaved road emission factor equation in AP-42 Section 13.2.2



### **4.3 Fugitive Dust Control - Coal Mines**

In general, fugitive dust control at an underground coal mine is more of an occupational health issue for workers than it is an environmental issue. It is therefore beyond the scope of this investigation. However, for surface mining activities coal dust control may include one or more of the following (Note, rail transport fugitive dust control measures at coal mines are addressed separately in Chapter 5.):

- water sprays at appropriate locations
- water and sealant sprays on roads
- covered conveyor systems
- enclosed crushing, cleaning and processing operations
- cyclones and scrubbers at cleaning plants and transfer points
- enclosed or covered storage piles
- enclosed rail load-out facilities

As noted, the emission factors in the NEIPTG Guidebook (NEIPTG 1999) were used to compute fugitive coal dust emissions related to Canadian coal mining operations in 2000. Since no mention is made in that publication as to dust control techniques or efficiency of dust suppression methods, it is assumed that the emission factors and the resulting estimates are for uncontrolled emissions.

If the control efficiency of specific dust control features at specific mines is known, then the EFs could be modified as illustrated in equation 3.2, Chapter 3.

### **4.4 Emissions Estimates - Coal Mines**

As noted, the CAC Inventory methodology as described in the NEIPTG Guidebook (NEIPTG 1999) was used to compute the fugitive coal dust emissions related to Canadian coal mining operations in 2000. As noted above, it is assumed that the emission factors from the NEIPTG Guidebook, Table 4.1, and the resulting estimates are for uncontrolled fugitive coal dust emissions.

The production data for most mines was available for 2000. However, for a number, 1999 data were used. It was felt that for most of these the changes from 1999 to 2000 were likely minor.

For this report, for the coal mining emissions estimates, the following changes were made to the CAC Inventory data and methodology:

- The Quinsam mine in BC is now an underground mine. Formerly it was an open pit surface mine.
- For the coal mining Emission Factors Table 1.9.1 in the Guidebook there appears to be an error in scaled EFs for  $PM_{10}$  and  $PM_{2.5}$  in Overburden Removal. Using the  $PM_{10} = 0.545 \times \text{PART}$  and  $PM_{2.5} = 0.33 \times \text{PART}$  the EF for  $PM_{10}$  should be 0.0033 not 0.0031 and  $PM_{2.5}$  should be 0.00198 and not 0.0009. The changes were made and the EFs shown in Table 4.1 were used.

Only the 'unloading' segment of surface mining operations group of activities was used to make emissions calculations for the two underground mines in 2000. (Table 4.1)

The uncontrolled fugitive coal dust emissions estimates calculated for Canadian coal mines for 2000 are presented in Table 4.3. Because no data were available related to the size of the storage piles at individual mines, storage pile emissions at mines were not estimated. The sources used for the mine related data used in the calculations are listed in Appendix C.

## ***4.5 Discussion – Fugitive Coal Dust from Coal Mining Operations***

The EFs currently used to calculate fugitive coal dust emissions for coal mining operations are well suited for producing general provincial or national estimates. However, it must be recognized that they have their limitations in regard to accuracy in estimating emissions from individual mines. If an agency wishes to obtain more accurate estimates of emissions for a particular mine, it is suggested that the more detailed EFs that are contained in the EPA's AP-42 could be used. However, in order to apply these EFs individual day-to-day operations at a particular mine would have to be recorded for a significant period in order to develop acceptable average or mean values.

For example, to apply the EFs in Table 4.2, one would have to know details such as: the number of blasts per day, the hours that bulldozers were used, the dragline drop heights, the kilometers and trips made by trucks and graders plus the size of storage piles. This information would then be combined with the silt and moisture content of the coal.

Of importance for inventory consideration is the location of most mines in Canada. Most are situated in isolated areas away from populated urban centres. Therefore, it is suggested that for their inventories, agencies may wish to segregate PM<sub>10</sub> and PM<sub>2.5</sub> emissions from coal mining from PM<sub>10</sub> and PM<sub>2.5</sub> emissions estimates for the other sources that are located in and around urban population centres.

### **Cautionary notes regarding the emissions estimates in Table 4.3:**

- The 'overburden' emissions estimates are likely to include non-coal dust.
- These annual emissions estimates do not account for the likely mitigating effect on fugitive emissions of localized precipitation.
- The emission factors that were used are general averages and therefore the uncertainties associated with the emissions estimates are likely to be high.

**Table 4.3 Uncontrolled Fugitive Coal Dust Estimates for Coal Mining Operations for 2000 (Emissions in tonnes)**

Use CAC EFs	Prov	Gross#	PART	PM <sub>10</sub>	PM <sub>2.5</sub>	PART	PM <sub>10</sub>	PM <sub>2.5</sub>	PART	PM <sub>10</sub>	PM <sub>2.5</sub>	PART	PM <sub>10</sub>	PM <sub>2.5</sub>	PART	PM <sub>10</sub>	PM <sub>2.5</sub>
Mines		Mt	Mining	Mining	Mining	Loading	Loading	Loading	Unload	Unload	Unload	OverB	OverB	OverB	Total	Total	Total
Bullmoose	BC	2.30	29.9	16.3	9.9	46.0	25.1	15.2	75.9	41.4	25.0	13.8	7.5	4.6	165.6	90.3	54.6
Coal Mountain	BC	3.37	43.9	23.9	14.5	67.5	36.8	22.3	111.3	60.7	36.7	20.2	11.0	6.7	242.9	132.4	80.2
Elkview (Balmer)	BC	5.14	66.9	36.4	22.1	102.9	56.1	33.9	169.7	92.5	56.0	30.9	16.8	10.2	370.3	201.8	122.2
Fording River	BC*	12.93	168.0	91.6	55.5	258.5	140.9	85.3	426.6	232.5	140.8	77.6	42.3	25.6	930.7	507.2	307.1
Greenhills	BC*	5.36	69.7	38.0	23.0	107.2	58.4	35.4	176.8	96.4	58.4	32.2	17.5	10.6	385.8	210.3	127.3
Line Creek	BC	4.90	63.7	34.7	21.0	98.0	53.4	32.3	161.7	88.1	53.4	29.4	16.0	9.7	352.8	192.3	116.4
Quilotite	BC	2.09	27.1	14.8	9.0	41.7	22.7	13.8	68.9	37.5	22.7	12.5	6.8	4.1	150.3	81.9	49.6
Quinsam (UG mine)	BC	0.24	**			**			7.9	4.3	2.4	**			7.9	4.3	2.4
Coal Valley	Alta	1.84	23.9	13.1	7.9	36.8	20.1	12.2	60.8	33.1	20.1	11.1	6.0	3.6	132.6	72.3	43.8
Genesee	Alta*	4.32	56.2	30.6	18.5	86.4	47.1	28.5	142.6	77.7	47.0	25.9	14.1	8.6	311.0	169.5	102.6
Gregg River	Alta	2.98	38.8	21.1	12.8	59.7	32.5	19.7	98.5	53.7	32.5	17.9	9.8	5.9	214.9	117.1	70.9
Luscar	Alta	3.41	44.3	24.2	14.6	68.2	37.2	22.5	112.5	61.3	37.1	20.5	11.1	6.7	245.4	133.8	81.0
Highvale	Alta	13.22	171.9	93.7	56.7	264.4	144.1	87.3	436.3	237.8	144.0	79.3	43.2	26.2	952.0	518.8	314.2
Obed	Alta	3.78	49.1	26.8	16.2	75.6	41.2	24.9	124.7	68.0	41.2	22.7	12.4	7.5	272.2	148.3	89.8
Paintearth (+Vesta)	Alta	3.50	45.5	24.8	15.0	70.0	38.2	23.1	115.5	62.9	38.1	21.0	11.4	6.9	252.0	137.3	83.2
Sheerness (+ Montgomery)	Alta	4.00	52.0	28.3	17.2	80.0	43.6	26.4	132.0	71.9	43.6	24.0	13.1	7.9	288.0	157.0	95.0
Smoky River (UG & OP mine)	Alta*	1.97	25.6	14.0	8.5	39.4	21.5	13.0	65.0	35.4	21.5	11.8	6.4	3.9	141.8	77.3	46.8
Whitewood	Alta*	2.39	31.0	16.9	10.2	47.7	26.0	15.7	78.7	42.9	26.0	14.3	7.8	4.7	171.7	93.6	56.7
Bienfait	Sask	2.00	26.0	14.2	8.6	40.0	21.8	13.2	66.0	36.0	21.8	12.0	6.5	4.0	144.0	78.5	47.5
Boundary Dam (Shand Utility)	Sask	6.50	84.5	46.1	27.9	130.0	70.9	42.9	214.5	116.9	70.8	39.0	21.3	12.9	468.0	255.1	154.4
Costello	Sask	0.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Poplar River	Sask	4.00	52.0	28.3	17.2	80.0	43.6	26.4	132.0	71.9	43.6	24.0	13.1	7.9	288.0	157.0	95.0
Minto	NB	0.24	3.2	1.7	1.0	4.9	2.6	1.6	8.0	4.4	2.6	1.5	0.8	0.5	17.5	9.5	5.8
Prince (UG mine)	NS	1.15	**			**			38.0	20.7	12.5	**			38.0	20.7	12.5
Alder Point	NS	0.06	0.8	0.4	0.3	1.2	0.7	0.4	2.0	1.1	0.7	0.4	0.2	0.1	4.3	2.4	1.4
Coalburn	NS	0.03	0.3	0.2	0.1	0.5	0.3	0.2	0.9	0.5	0.3	0.2	0.1	0.1	1.9	1.0	0.6
Little Pond	NS	0.01	0.1	0.0	0.0	0.1	0.1	0.0	0.2	0.1	0.1	0.0	0.0	0.0	0.5	0.3	0.2
Springhill Rail Bed	NS	0.01	0.1	0.1	0.0	0.2	0.1	0.1	0.3	0.2	0.1	0.1	0.0	0.0	0.7	0.4	0.2
St. Rose	NS	0.03	0.4	0.2	0.1	0.7	0.4	0.2	1.1	0.6	0.4	0.2	0.1	0.1	2.4	1.3	0.8
Stellarton	NS	0.20	2.6	1.4	0.9	4.0	2.2	1.3	6.6	3.6	2.2	1.2	0.7	0.4	14.4	7.8	4.8
<b>Total Canada</b>		<b>90.03</b>	<b>1152.3</b>	<b>628.0</b>	<b>380.2</b>	<b>1772.7</b>	<b>966.1</b>	<b>585.0</b>	<b>2970.9</b>	<b>1619.2</b>	<b>980.2</b>	<b>531.8</b>	<b>289.8</b>	<b>175.5</b>	<b>6427.8</b>	<b>3503.1</b>	<b>2120.9</b>

\* Used 1999 data \*\* underground mine #Gross mining production is prorated from marketable coal data UG - Underground mine OP - Open Pit mine Mt = 10<sup>6</sup> tonnes



## Chapter 5

### ***Rail Transport*** ***Fugitive Coal Dust Emission and Control***

#### ***5.1 Rail Transport***

As noted in Chapter 1, the shipment of coal by unit coal train in Canada can result in fugitive coal dust emissions en route. Portions of these emissions are likely to be in the  $PM_{10}$  and  $PM_{2.5}$  range and may contribute to local airshed loadings in the population centres through which the trains transit.

The fugitive coal dust emissions from loaded coal cars can be controlled. The current practice at most of the mines in Alberta and British Columbia, that ship coal by rail over long distances, is to spray the surfaces of the coal load in each car with sealant spray to attempt to control fugitive dusting. (Appendix B)

Coal remaining in 'empty' cars can also contribute to coal dust emissions en route. Coal left in rail cars that are not fully dumped at the end terminals (or that is frozen in the bottom of cars) can be a source of coal dust on the route back to the mine. (Wituschek 86) In British Columbia in 2000, on more than one occasion, 'empty' rail cars in unit trains returning to mines were reported as being sources of heavy fugitive dusting.

#### ***5.2 Emission Factors – Rail Transport***

As noted, one of the main objectives of this investigation is to attempt to improve fugitive coal dust emissions estimates for coal carried in unit coal trains. However, it is particularly difficult to estimate emissions from an open-top rail car. The additional variables that can effect the emission rate include: (Cope 1986)

##### Easily measured parameters

- ◆ rail car dimensions
- ◆ route length
- ◆ coal moisture content at start of journey
- ◆ coal surface coated at the start of the journey
- ◆ the sealant crust remaining at the end of the journey

##### Less easily measured parameters

- ◆ total surface area of coal load each car
- ◆ train speed at all points en route
- ◆ total surface covered each car en route
- ◆ jostling of load and crust on route
- ◆ ambient conditions on route: wind speed and direction, precipitation
- ◆ the proportion of coal lost at each stage of a journey

Regardless, even if available, it is difficult to incorporate these factors into a readily useable emission factor (EF). (See Section 5.2)

One focus of this study is to quantify fugitive coal dust blown from the unit coal trains that travel through British Columbia on their way to export terminals on the West Coast of Canada. One of the principal objectives was to search for new and/or improved emission factors (EFs) for the transport of coal by rail in Canada with particular emphasis on the EFs for the emissions of PM<sub>10</sub> and PM<sub>2.5</sub>.

*Note that unless specific reference is made to 'empty' coal cars, the discussion of EFs related to rail in this report is in reference to 'loaded' rail cars. Empty cars are discussed briefly in Section 5.2.4.2.*

Investigations into fugitive coal dust EFs in the early 1980s found that several researchers had estimated *uncontrolled* emission factors for total particulate matter for coal shipped by unit train. The papers cited in the 1986 Environment Canada report were:

- *In Transit Control of Coal Dust from Unit Trains*, Fisheries and Environment Canada, Technology Development Report, Guarnaschelli, C., EPS-4-PR-&&-1, May 1977;
- *A Study of Coal Dust Contamination of Canadian Cellulose's Watson Island (Prince Rupert) Pulp Mill for the Operation of a Coal Terminal on Ridley Island and Coal Unit Train Access and Egress to the Proposed Terminal*, Beak Consultants, Hardy Associates (1978), Sandwell and Company, Swan Wooster Engineering Company, September 1980; and
- *In-transit Wind Erosion Losses of Coal and Method of Control*, Mining Engineering, USA publication, Nimerick, K.H., and Laflin, G.P., August 1979.

The data presented by these three research teams provided the best information available at the time regarding EFs for unit trains. The conclusion was that: (Cope 1986)

*When no coal dust control measures were employed, the maximum potential coal losses (for a one way trip of approximately 1100 km over rough terrain during dry conditions through British Columbia to Vancouver) are estimated to be in a range from 0.5% and 3.0 % of the total coal load.*

The distance of 1100 km was chosen as the reference scenario, since it represents the approximate distance over which most mines on the BC/Alberta border must ship to reach coal terminals in Vancouver, Table 5.1.

In conjunction with the field studies in the early 1980s, by Environment Canada and the province of British Columbia, a series of controlled, wind tunnel experiments were funded in an attempt to derive an emission factor for coal train dusting. The data from those experiments revealed: (MH 1983)

*A range of uncontrolled emission factors that falls within 0.008 kg/t-km to 0.016 kg/t-km (or 0.9% to 1.76% of the total coal load for a distance of 1 100 km) determined by wind tunnel studies in 1983.*

This range for experimental EFs falls within the 0.5% to 3.0% of load that were developed by the earlier researchers.

Since no measured emissions data are available, the provincial and federal governments use emission factors to estimate the total quantity of coal dust emitted by loaded rail cars in Canada. Environment Canada used the EF discussed in Section 5.2.1 to estimate fugitive dusting from coal trains for their last published, 1995, Criteria Air Contaminants (CAC) Inventory. (Deslauriers 1999)

Of the provinces and territories, only British Columbia employed an EF that differed from the one used by Environment Canada, Section 5.2.2. A comparison of EFs used for estimating fugitive dust emissions is presented in Table 5.2.

**Table 5.1 Approximate Rail Distances  
for Coal Transport in Canada**

Province	Destination	Total Distance
Mines		km
<b>British Columbia</b>		
Bullmoose*	Ridley Island, BC	1180
Coal Mountain*	Thunder Bay, Ontario	2073
Coal Mountain*	Vancouver	1141
Elkview (Balmer)*	Vancouver	1055
Fording River*	Vancouver	1169
Greenhills*	Vancouver	989
Line Creek	Vancouver	1141
Line Creek	Thunder Bay, Ontario	2102
Quintette*	Ridley Island, BC	1250
<b>Alberta</b>		
Coal Valley	Vancouver	1093
Coal Valley	Ridley Island, BC	1381
Coal Valley	Thunder Bay, Ontario	2282
Gregg River	Vancouver	1114
Gregg River	Ridley Island, BC	1408
Gregg River	Thunder Bay, Ontario	2309
Luscar	Vancouver	1108
Luscar	Ridley Island, BC	1404
Luscar	Thunder Bay, Ontario	2305
Obed	Vancouver	958
Obed	Ridley Island, BC	1257
Obed	Thunder Bay, Ontario	2264
Smoky River*	Alberta	1180
<b>Saskatchewan</b>		
Bienfait*	Sask.	58
Bienfait*	Ridley Island, BC	1180
Poplar River*	Sask	20
<b>Nova Scotia</b>		
Prince*	NS	8
<b>Import</b>		
Nfld Import*	Labrador	350

\* Indicates estimated distance, other distances from company supplied information.



### 5.2.1 CAC Inventory Emission Factors

The NEIPTG Guidebook contains a description of the method used by Environment Canada to compile rail coal dust emissions in the 1995 CAC Inventory: (NEIPTG 1999)

*For coal transportation, emission factors were derived from the quantities of coal transported by rail, the distance traveled on the railroad and the type of containment of the coal (control, closed environment, covered wagon, etc.). Provincial average emission factors were based on the following formula:*

$$EF = 0.1 * (0.62 * D)^{0.6} \quad (5.1)$$

Where: EF = the emission factor in kg/tonne of coal transported and  
D = the distance travelled by rail cars (km).

The original formula as published in 1991 was  $EF = 0.1 * (\text{miles})^{0.6}$  kg/tonne. The 0.62 factor was added to allow the distance D to be entered in kilometres and not miles. Equation 5.1 represents a metric conversion of the original formula as published in the:

*Methods Manual for Estimating Emissions of Common Air Contaminants in Canada*, ORTECH International for Environment Canada, May 1991.

The original formula was developed by SNC/GECO and ORF in 1981. It was designed to allow a distance factor to be incorporated into the basic emission loss equation of 0.1 kg/tonne. The reference is: *A Nationwide Inventory of Anthropogenic Sources and Emissions of Primary Fine Particulate Matter*, SNC/GECO Canada Inc. and Ontario Research Foundation, Prepared for Environment Canada, 1981.

As noted in Section 5.2, from the findings of several researchers, the maximum uncontrolled emissions for coal carried at least 1100 km over rough terrain is 0.5% of the load of 100 tonnes or 500kg per car. This factor is the conservative end of the range of emission factors that was derived in three separate studies. Therefore, the 0.1 kg/tonne EF represents a control level of approximately 98%.

However, the Guidebook also claims that the EF in equation 5.1 is not the 'uncontrolled' EF for loaded cars: (NEIPTG 1999)

*This formula was developed assuming a 75 % particulate control. Assuming that the formula is linear with respect to percent control of particulate and that the percent control in Canada is actually 99 % for rail transport of coal, the formula was adjusted to become:*

$$EF \text{ for total particulate PART} = 0.1 * (0.62 * D)^{0.6} * ((100-99)/(100-75)) \quad (5.2)$$

*The provincial average emission factors were calculated using the amount of coal transported by rail, the origin and destination of this coal and the distance of the specific rail destination.*

For over 20 years, for sprayed coal loads in trains, the total crust-retention on loaded rail cars at the end terminals, after a long journey, has been used as a measure of dust control. Therefore, although empirical evidence is limited, the references to the amount of dust control may relate to the quantity of sealant crust-retention at the end terminals. However, to date, such an assumption is not supported by measured data that can establish a one-to-one direct link between crust-retention and dust control percentage. (Section 5.3.2.1)

Therefore, 75% control in the formula may relate to 75% crust-retention at the end terminal. However, the accepted minimum level for dust control, since 1975, has been 85% crust-retention. Lacking empirical evidence to the contrary, the NEIPTG Guidebook may have erred on the side of caution and used a dust control effectiveness of 99%.

Reflecting upon the origins of the CAC EF, and the data behind its creation, it is felt that the following may apply in regard to dust control efficiency for unit coal trains:

- As illustrated in Table 5.2, the basic CAC EF, equation 5.1, appears to correlate to the basic uncontrolled EF of 0.5% of the coal load over a distance of 1100 km; and
- Therefore, contrary to what is stated in the Guidebook, the basic EF, equation 5.1, may be the *uncontrolled* EF for coal dust emission and not the EF at the 75% control point.

Support for accepting the basic CAC EF as the uncontrolled EF comes from recent emissions measurement work performed for the Norfolk Southern railway. The group that performs the ongoing measurements for the Norfolk Southern considers a loaded coal car with a crust-retention of less than 80% to be an uncontrolled car in regard to its potential for fugitive dust emissions. Therefore, one could assume that an EF based on a 75% crust-retention would be the uncontrolled EF. (SWA 2001)

The contention that the CAC EF represents an uncontrolled EF of 0.5% of the load also seems to be supported by the EF comparison data presented in Table 5.2. For various assumed EFs, the calculations in Table 5.2 attempt to estimate coal dust emissions for a rail car carrying 100 tonnes of coal travelling 1100 km ( $\approx$  700 miles) from a mine to a coal terminal. These are the same parameters that were used for illustration purposes in the 1986 Environment Canada background report on rail car dusting. (Cope 1986)

Scenario #1 in Table 5.2 illustrates the estimated emissions if the CAC EF is assumed to be the uncontrolled EF. The resulting emissions of 0.5015% of the load is strikingly similar to the 0.5% of the load, or the uncontrolled EF used by the BC MELP.

Scenario #4c in Table 5.2 illustrates the estimated emissions if the dust control efficiency is assumed to be 85%. The resulting EF of 0.0752% is again almost the same as the 0.075% employed to produce example calculations for the Environment Canada background report in 1986. Those calculations also assumed 85% control. (Cope 1986)

The difference between the simple 0.5% of the load EF and the EF produced by the CAC equation 5.1 appears to be the slight variation created by the non-linear function represented by equation 5.1.

Regardless, the basic formula used for the CAC inventory calculations is flawed in that it does not take into account the following:

- The moisture content of the coal;
- The wind and/or train speeds;
- The difference between coal types with different fines content; and
- The dust control created by precipitation en route.



*Moisture Content:*

While moisture content is not factored into the equation, it may not vary significantly for a particular mine. If moisture content is felt to be critical, then it could be monitored by mine on yearly basis. The EFs used could then be adjusted by adjusting the overall emission control factor by mine.

*Wind Speed:*

The combined wind-over velocity that results from ambient wind and train speed is not used as a variable in equation 5.1. However, it may be sufficient to acknowledge that for most train journeys, the combined wind-over velocity is likely sufficient to create airborne dust. As noted in Section 5.2.3.1, over half the trains through the Lower Fraser Valley in January 2000 exceeded the threshold speed for dust entrainment. Therefore, it is likely that when combined with average winds in any particular area that the combined wind-over velocity which is sufficient to cause dust emissions. At present, there is insufficient data available for any in depth analysis of this parameter.

*Fines Content:*

For most Western Canadian coals, the fines content is likely sufficient to produce dusting. One mine claims that in 2000 their fines content was from 8 to 11 percent. In the 1980s, samples tested by the Alberta Research discovered that 7% of the coal was less than 200 mesh (75 micron). (Cope 86) Therefore, it appears that coal fine content has changed little in 20 years.

*Precipitation:*

Precipitation is a factor that should be accounted for in the rail coal dust EF. Precipitation is discussed in Section 5.2.3.1 and suggestions for changes to the current techniques for estimating emissions are presented.

**Table 5.2 Rail Car Coal Dust Emission Factor Comparison**

#	Scenarios	The Emission Factor	Distance D	tonnes shipped (approx. 1 railcar)	EF	For Scenario TPM Emissions in tonnes	As a % of 100 tonne Load	or as a multiplication factor x tonnes carried
	100 tonnes of coal carried in one open top car for 100 km							
	CAC Inventory 1995 Basic Formula is 1	CAC EF			kg/tonne		% load	
1	EF in kg/tonne coal transported = where D = distance travelled in km	$0.1 \times (0.62 \times D)^{0.6}$	1100	100	5.015	0.5015	0.5015	0.00501
2	If 1 assumes 75% control, uncontrolled EF =	$0.1 \times (0.6 \times D)^{0.6} \times (100-75)/(100-75)$	1100	100	20.060	2.0060	2.0060	0.02006
3	Based on 2 then the 99% control EF =	$0.1 \times (0.62 \times D)^{0.6} \times (100-99)/(100-75)$	1100	100	0.201	0.0201	0.0201	0.00020
4a	Assume Scenario 1 is really an uncontrolled EF. Then the 99% control EF =	$0.1 \times (0.62 \times D)^{0.6} \times (100-99)/100$	1100	100	0.050	0.0050	0.0050	0.00005
4b	Same as 4 but assume control is only 90%	$[0.1 \times (0.62 \times D)^{0.6} \times (100-90)/(100)]$	1100	100	0.501	0.0501	0.0501	0.00050
4c	Assume control is only 85%	$[0.1 \times (0.62 \times D)^{0.6} \times (100-85)/(100)]$	1100	100	0.752	0.0752	0.0752	0.00075
	Wind Tunnel EF Range in 1986	Wind Tunnel Uncontrolled EFs						
	Experiments found uncontrolled EFs range to be 0.9% to 1.76% of load	EF in % of total load over 1100 km			t/tonne			
5a	If uncontrolled EF is 0.9% of load	$0.9/100 \times \text{tonnes carried}$	1100	100	0.009	0.9000	0.9000	0.00900
5b	If uncontrolled EF of 1.76% of load	$1.76/100 \times \text{tonnes carried}$	1100	100	0.0176	1.7600	1.7600	0.01760
	Environment Canada in 1986	summed Uncontrolled EF is 0.5 to 3 % of total coal load			t/tonne			
6	If uncontrolled EF of 0.5% of load	$0.5/100 \times \text{tonnes carried}$	1100	100	0.005	0.5000	0.5000	0.00500
7	If uncontrolled EF of 1.0% of load	$1.0/100 \times \text{tonnes carried}$	1100	100	0.01	1.0000	1.0000	0.01000
8	If uncontrolled EF of 3.0% of load	$3.0/100 \times \text{tonnes carried}$	1100	100	0.03	3.0000	3.0000	0.03000
	BC MELP EF	EF is 0.05% x total tonnes shipped x % track distance			t/tonne			
9a	Generic uncontrolled EF= 0.5% of load	$0.5/100 \times \text{tonnes carried}$	1100	100	0.005	0.5000	0.5000	0.00500
9b	BC used an EF that is the 90% controlled EF	$0.05/100 \times \text{tonnes shipped} \times \%D \text{ for } \%D=100\%$	1100	100	0.0005	0.0500	0.0500	0.00050
9c	If assume that there is 99% control	Example $9 \times 0.01$	1100	100	0.00005	0.0050	0.0050	0.00005
9d	If assume that there is 85% control	Example $9 \times 0.15$	1100	100	0.00075	0.0750	0.0750	0.00075

The effect of the non-linear CAC EF as presented in equation 5.1 is to produce lower emissions estimates for rail journeys over 1100 km that are produced using a prorated linear function with similar parameters. Also, for journeys of less than 1100 km the CAC EF produces emissions estimates that are higher than a prorated linear function, Table 5.3a.

**Table 5.3a Linear versus Non-Linear Rail Dust Emission Factors**

For the scenario of 100 tonnes of coal carried in one open top car for 1100 km

	Uncontrolled Emission Factor		Total Distance D (km)	tonnes shipped (approx. 1 rail car)	EF	Total Particulate Emissions in tonnes (PART)
<b>A</b>	<b>CACEF</b> Note: the basic formula is used to estimate emissions for each distance segment				kg/tonne	
	EF in kg/tonne coal transported = $0.1 \times (0.62 \times D)^{0.6}$		2000	100	7.17882	0.7179
	Where D = distance travelled in km		1500	100	6.04073	0.6041
			1100	100	5.01500	0.5015
			500	100	3.12476	0.3125
			250	100	2.06157	0.2062
			100	100	1.18969	0.1190
			72	100	0.97686	0.0977
			50	100	0.78490	0.0785
<b>B</b>	<b>Uncontrolled BC MELP EF is 0.5% x total tonnes shipped x % track distance</b>	The 1100 km emissions estimates are prorated by %Distance			t/tonne	
	EF = $0.5/100 \times$ tonnes carried	181.8%	2000	100	0.00909	0.9091
		136.4%	1500	100	0.00682	0.6818
	The basic 1100 km scenario $\Rightarrow$	100.0%	1100	100	0.00500	0.5000
		45.5%	500	100	0.00227	0.2273
		22.7%	250	100	0.00114	0.1136
		9.1%	100	100	0.00045	0.0455
		6.5%	72	100	0.00033	0.0327
		4.5%	50	100	0.00023	0.0227

Example A in Table 5.3a is as applied in the CAC Inventory. It assumes eight distinct rail journeys of the eight different distances shown. In other words, each distance represents a discrete application of the formula.

In the CAC Inventory, the distance segment in each province is used with the CAC formula to calculate an emission factor and emissions for that provincial segment. Those provincial totals would then be added to produce the emissions total for an entire journey. However, it is suggested that this may not be the way the CAC EF should be applied, since it assumes that the emissions in each segment follow the same non-linear pattern.

A different application, and the one forwarded as the recommended technique, would be to use the CAC EF formula to first produce an EF and an emission estimate for an entire journey. Then, instead of using the formula to calculate a separate EF for each segment of the journey, the total emissions for the 1100 km trip would be divided, or prorated, by distance in each province using the simple linear approach used by the BC MELP.

Table 5.3b presents an example chosen from the 1995 CAC Inventory. (Deslauriers 1999) It involves 1.49 million tonnes of coal from one mine shipped approximately 2073 km to Ontario. The difference between the two applications of the formula is subtle, but they produce very different emissions totals.

**Table 5.3b Additional Linear vs Non-Linear Rail Dust Emission Factors**

For an example scenario of 1.49 million tonnes of coal carried 2073 km						
Coal shipped 1.49 Mt	Total	BC	ALTA	SASK	MAN	ONT
Distance (km)	2073	55	495	628	547	348
<b>From CAC Inventory</b>						
EF (kg/tonne)		0.033	0.124	0.143	0.132	0.101
Total Emissions (tonnes)	795	50	185	214	197	150
<b>New Linear Method</b>		<b>BC</b>	<b>ALTA</b>	<b>SASK</b>	<b>MAN</b>	<b>ONT</b>
Overall EF (kg/tonne)	0.293					
Total Emissions (tonnes)	437	12	104	133	115	73

A quick examination of the emission estimates produced by the two different approaches, Table 5.3b, shows that they produce significantly different emissions estimates. Not only are the estimates for each segment of the journey lower, but the estimated total emissions for the entire 2073 km trip are almost halved.

Other suggestions for revising the CAC EF, in light of these findings, are presented in Section 5.2.5.

The NEIPTG Guidebook offers the following in regard to estimating the emissions of PM<sub>10</sub> and PM<sub>2.5</sub>: (NEIPTG 1999)

*The PM<sub>10</sub> and PM<sub>2.5</sub> emission factors were derived from the particulate emission factor, using information from the PM CALCULATOR program from the U.S. EPA (SCC 30501101):*

$$\begin{aligned} \text{PM}_{10} &= 1.0 \times \text{PART} \\ \text{PM}_{2.5} &= 0.92 \times \text{PART} \end{aligned}$$

However, it was found that the PM Calculator program does not contain a specific SCC for coal rail shipments. While the NEIPTG Guidebook states that the SCC used to ascertain the above fractions was 30501101, this SCC applies to the Cement Industry. The SCC in the PM Calculator for Coal Transfer is 30501011. It is not clear whether the manual contains an error, or that the Cement Industry SCC was used to obtain the PM fractions.



Regardless, both of these particulate fractions appear to be high in relation to the size of the coal particles that are likely to be emitted from coal rail cars in transit. The following is a general overview of the information available on the size characteristics of rail car generated coal dust samples taken in relation to fugitive dusting:

1] An *International Energy Agency* (IEA) report provides a comprehensive picture of coal properties, sources of coal dust emission from loading, unloading, stockpiles and transportation by trucks and trains, methods of coal dust control and coal dust monitoring methods. One conclusion reached was that the nuisance was caused mainly by coarse dust particles. (IEA 1994)

2] From the experiments conducted in connection with the Environment Canada investigations in the 1980s it was concluded that nearly 95% by weight of the particulate collected from loaded coal trains is reported to be larger than 20 microns. (Cope 1986)

Note, the data from the experiments conducted in the 1980s, should only be used as evidence to show a trend that larger particles than  $PM_{10}$  in size are emitted. The measurement equipment was used in a non-standard configuration to attempt to assess 'heavy visible' emissions. In general, most of the equipment, particularly the Hi-vol samplers, could not process sufficient sample in the short duration of a unit train event to collect sufficient sample for measurement. Also, since only one or two samplers were used per train, it is possible that smaller particulate could have blown over and been deposited away from the collection sites.

3] A number of Hi-vol and Lo-vol samples collected during a 1983 coal dust study were analyzed by computer controlled scanning electron microscope for size, shape and chemical composition of the particles. The results showed that the majority of particle mass for each sample was in the 5-30 microns size ranges. Similar analysis of metallurgical and thermal coal samples transported during the study period showed that about 20% (by weight) of the former type and less than 5% of the latter type of coal were comprised of particles having a physical diameter less than 2.5 microns. However, 52% of metallurgical coal particles and 68% of thermal coal particles were in the 10-30 microns range. (ESL 1985)

One of the samples collected during a day that featured visible coal dust emissions from trains passing the sampling equipment showed the following size distribution by weight: 20% less than 2.5 microns, 41% between 2.5 and 15 microns, and 39% between 15 and 50 microns. (ESL 1985)

These data appear to support a decision to assume that approximately 50% of the emissions are greater than  $PM_{10}$  in size.

4] During a follow-up monitoring program in September-October 1984, a dichotomous sampler was used to estimate two size fractions of airborne particulate matter, namely coarse particles of sizes from 2.5 to 15 microns and fine particles of smaller than 2.5 microns in diameter. A Hi-vol sampler was also used to collect particles of less than about 50 microns in sizes. The collected samples were also analyzed for coal content by optical microscopy as well as X-ray fluorescence and flame ionization by two different laboratories. The results indicated that the coal content in the fine particles (< 2.5 microns) was 'minor and relatively insensitive to observed coal dust emissions'. However, the coal content in the coarse particles (2.5-15 microns) was 'high on all days with coal dust emissions regardless of the degree of dusting.' The analysis of Hi-vol samples showed that the coal content, particularly in the 15-50 microns particles, increased sharply for days when there were strong winds and heavy coal dust emissions. (ESL 1986)

The results of these studies should be viewed with caution. The data collected in the early 1980s were for brief track-side experiments that often featured non-standard sampling equipment. Regardless, the results appear to indicate that coarse coal particles, greater than 10 microns in diameter, are emitted from coal cars. Therefore, the scaling factors in the CAC Inventory used for  $PM_{10}$  and  $PM_{2.5}$ , 1.0 times and 0.92 times respectively, appear to be too high. Suggestions for new scaling factors are presented in Section 5.2.4.

### 5.2.2 British Columbia Emission Factors

As noted in Section 3.1, the British Columbia *Ministry of Environment, Lands and Parks* (MELP) was the only provincial agency to use a railcar dust emission EF different from the one used for the CAC Inventory to calculate emissions. Note: the local agency, the *Greater Vancouver Regional District* (GVRD), also used the BC MELP EFs for rail dusting in the GVRD.

The basic EF used by the province for the BC inventory was: (BCMELP 1999)

$$TSP = 0.05\% \times \text{total coal shipped} \text{ or } 0.0005 \times \text{total coal shipped (tonnes)} \quad (5.3)$$

Where: TSP = Total Suspended Particulate

The 1990 GVRD inventory states: (GVRD 1990)

Remaining Lower Fraser Valley (LFV) sources and all other sources for the rest of the province, were inventoried as follows:

*Fugitive losses of coal dust were also estimated, based on the tonnage of coal transported by rail through both the Neptune and Roberts Bank Terminals. The percentage loss of load estimate for those fugitive losses was taken as the same (0.05%) as was assumed for the 1985 inventory. The emission factor for coal loss was derived from Environment Canada data (EAG, 1987) and is the same as used in the 1985 inventory at 0.05% of coal shipped.*

A distance factor was applied to the basic formula to develop an EF specific to the Lower Fraser Valley: (BCMELP 1999)

For the emissions over a stretch of track such as the LFV the EF is:

$$TSP = 0.05\% \times \text{total coal shipped} \times \% \text{ of track} \quad (5.4)$$

Documentation for the 1990 BC inventory for the Province outside the LFV indicates: (Levelton 1993) (GVRD 1994)

*For coal shipped through the Port of Vancouver, the emission factor was adjusted for the length of track outside the LFV yielding the factor:  $0.05 \times (1 - 0.072) = 0.046\%$ . This allows for 7.2% of the track length in the LFV. For the balance of the coal shipped in BC the emission factor used is 0.05%.*

*To allow use of a single base quantity and, thus, simplify the calculation of coal dust emissions, and equivalent overall emission factor of 473-kg/1000 tonne coal shipped was calculated using the base quantities presented previously.*

However, at present, the basic EF used by the BC Government, equation 5.3, is flawed for the same reasons that the CAC EF is flawed. This EF also does not take into account the following:

- The moisture content of the coal.
- The wind and/or train speeds.
- Allowance for different coal types with different fines content.
- Allowance for the dust control created by precipitation en route.

The BC MELP claims that their EF takes into account the dust control provided by the sealants sprayed on the loaded cars by the mines: (Wakelin 2000)

*This EF is based on the most conservative figure from the EPS report for uncontrolled cars (0.5%), and an assumed control efficiency of the latex sealer of 90%.*

Therefore, if one examines the emissions estimated by the uncontrolled CAC EF (scenario #1, Table 5.2) and the uncontrolled BC MELP EF (scenario 9a, Table 5.2) one will observe that they appear to produce approximately the same result. Similarly for the 90% control EF, scenarios 4b and 9b respectively. Additional discussion of the CAC and BC MELP EFs plus suggestions for improvements is presented in Section 5.2.5.

For their  $PM_{10}$  and  $PM_{2.5}$  fractions of the total coal particulate emissions, the BC MELP used the following scaling factors:  $PM_{10} = TSP \times 96\%$   $PM_{2.5} = TSP \times 92\%$  (Wakelin 2000)

The BC MELP has submitted the following in relation to their use of the PM CALCULATOR: (Wakelin 2001)

Some clarification appears to be required for the reference to the PM CALCULATOR. The U.S. EPA produced a file known as PSD4PM10. This file contains  $PM_{10}$  and  $PM_{2.5}$  size fractions by SCC. The original publication that contained the basis for the file is:  
*PM10 Emission Factor Listing Developed for Technology Transfer and Airs Source Classification Codes with Documentation*, by E.H. Pechan & Associates, Inc. Durham, NC 27707, EPA Contract No. 86-D0-0120, Revised June 1992.

Application of the PSD4PM10 file to sources in BC originates with work done by SENES and the Air Resources Branch Co-op. SENES was contracted by the GVRD to produce the following report:

*Visibility and Fine Particulate Emissions Greater Vancouver Regional District and Lower Fraser Valley Summary Report*, by SENES Consultants Limited Vancouver, B.C. in association with Drs. Douw Steyn and Sara Pryor Department of Geography University of British Columbia, February 21, 1994.

For their  $PM_{10}$  and  $PM_{2.5}$  calculations, the GVRD used the same scaling factor as employed in the CAC calculations, Section 5.2.1. (Sidi 2001) Regardless, the BC MELP and the GVRD scaling, as noted in Section 5.2.1, both appear to be too high. Suggestions for new scaling factors are presented in Section 5.2.4.

### **5.2.3 Recent Findings Regarding Coal Car Dusting EFs**

A search of literature and the Internet was made in an attempt to discover any new information regarding emissions and EFs for moving coal trains. Unfortunately, little new information was discovered. In fact, it would appear that, at present, fugitive coal dusting from unit coal trains is only an issue in British Columbia and the state of Virginia, USA.

Since 1980, because of nuisance dust problems, the monitoring of wind-blown coal dust from coal trains has been attempted in several countries. However, it would appear that once dust-suppression measures were successfully applied and public complaints lessened, the monitoring program was discontinued.

The following sources were checked for references to coal train EFs (other contacts are listed in Appendix C):

IJ "Revision of Emission factors for AP-42 Section 11.9 Western Surface Coal Mining, Revised Final Report. Prepared for U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Emission Factor and Inventory Group, Research Triangle Park, NC 27711. Prepared by Midwest Research Institute under EPA Contract 68-D2-0159, September 1998."

Although AP-42 covers various emission sources associated with coal mining, the shipment of coal by trains is not addressed as a source of dust emission. Also, as noted earlier, although the EPS has assigned



SCC codes to hundreds of industrial sectors, including several in the coal industry, it has not assigned one to the movement of coal by rail.

ii] "National Pollutant Inventory, Emission Estimation Technique Manual for Mining, Version 2.1, Environment Australia, October 11, 2000."

The sources covered in the manual include drilling, blasting, mine power generation (if any), excavators, bulldozers, scrapers, graders, front-end loaders, loading stockpiles, unloading from stockpiles, transfer points, wind erosion, mine transportation by trucks, and loading to trains, but not emissions from the trains.

iii] "Control of coal dust in transit and stockpiles", IEA Coal Research, IEAPER/15, December 1994."

The report provides a comprehensive picture of coal properties, sources of coal dust emission from loading, unloading, stockpiles and transportation by trucks and trains, methods of coal dust control and coal dust monitoring methods. It cites a study\* that looked into the correlation between dust emission and nuisance it caused by simultaneous monitoring of dust levels and doing a survey of nearby residents. The conclusion reached was that the nuisance was caused mainly by coarse dust particles. However, no emission factor for coal dust emission is provided in this IEA report.

\* "Nuisance from coarse dust", P. Hofschreuder and E. L. M. Vrans. Paper presented at European Aerosol Conference, Oxford, U. K., 1992.

iv] "Coal Particulate Emissions From Rail Cars", Noble, George, et al, Paper presented at A Specialty Conference on Fugitive Dust Issues in the Coal Use Cycle, held by Western Pennsylvania Section of Air Pollution Control Association at Pittsburgh, PA on April 11-13, 1983.

The study was undertaken to evaluate potential environmental impact of coal dust emission from rail cars on the ambient air quality. A Hi-vol sampler was used to collect ambient air samples at a location about 15 m (50 ft.) away from the rail tracks. A total of 12 trains, consisting of 7 exclusively coal cars, 4 trains of mixed coal and freight trains, and 1 with a number of empty coal cars, were sampled. Train speeds varied from about 5-32 km/h. (No mention is made about the use of any dust suppressant on the coal cars.)

Statistical analysis was performed with the monitoring data to determine any relationship between variables such as number of coal cars, average train speed, wind speed, rainfall and source of coal. The results do not indicate any direct relationship between coal dust emission and any of the other variables; but it appears that a combination of factors influence the rate of dust emission. Other key findings are:

- the coal dust emission from coal trains ranged from 0.00004 to 0.00373  $\mu\text{g}/\text{m}^3\text{-day}$  per coal car, and that from mixed coal and freight trains ranged from 0.00015 to 0.00159  $\mu\text{g}/\text{m}^3\text{-day}$  for each car;
- the coal dust emission from 34 empty coal cars was 0.00093  $\mu\text{g}/\text{m}^3\text{-day}$ . It appears that emissions from empty cars were nearly the same as that from loaded cars;
- the ambient coal particulate contribution was extremely low, irrespective of whether the train carried coal or not;



- particle size analysis indicated that on average 42% of the total coal particles were greater than 70  $\mu\text{m}$ , and this fraction may represent up to 85%;
- the effect of rain shower on one occasion was observed on the significant reduction in the ambient concentration of coal particulates; and
- re-suspension of accumulated coal particles over time in the vicinity of the rail tracks may play some role in the observed dust emission during the passing of a coal train.

Unfortunately, this study did not produce an emission factor.

Since some of the conclusions reported for the investigation in #iv above seem to run counter to other observations, the following comments on those conclusions are offered:

- 1] A maximum train speed of 32 km/hr is barely within the emissions threshold for dusting discovered during wind tunnel experiments. More recent data indicate that excessive dusting only occurs at train speeds in excess of 50 km/hr. Were trains in the APCA study going at a speed that would generate sufficient dust for analysis?
- 2] The study results do not mention the separation diesel particulate from the coal dust collected on Hi-Vol samples? In the 1980s this separation was a major drawback in regard to the quantitative analyses of collected particulate samples. A method was not developed for this separation until 1994. (OAG 1994)
- 3] It is claimed that on the one day it rained, coal dust was down. However, they conclude that there was no direct link between precipitation and coal dust emissions?
- 4] Dust measurements were almost as high for non-coal trains? Again, did they separate coal dust from diesel particulate and other non-coal dust on the samples they collected?

Prior to this investigation, the BC MELP contacted agencies in Canada, the USA and internationally regarding new EFs for coal trains. These same agencies were contacted again as a part of this investigation. The BC MELP findings were confirmed. None of the groups contacted have developed an EF for coal trains. The contacts are listed in Appendix A.

The Midwest Research Institute (MRI) in the USA has been responsible for much of the research into fugitive coal dust emission factors for the US EPA. Unfortunately, neither the EPA nor the MRI has published EFs for coal train losses. When asked about EFs for coal trains the following response was received from a MRI researcher: (MRI 2001)

*In regard to PM lost from coal trains, the wind erosion estimates in AP-42 Section 13.2 would be as applicable as anything because these were measured under steady, high air flows, just like the open surface in railcars. Furthermore, most of the AP-42 database involves coal erosion rather than any other material.*

In BC, several monitoring programs were initiated to address the problem of coal dust from trains carrying coal through the LFV to the Vancouver area. Various monitoring methods were employed to attempt to determine coal dust concentrations, and to a lesser extent the particle sizes of the coal samples. However, no EFs for coal dust were produced. The following contributed to the lack of success:

- the limitations of these monitoring methods;
- the different origins of the coal particles;
- weather conditions; and
- the complexity of apportioning collected particles to their sources.

Even less information is available on the particle size distribution of the coal dust in the collected samples.

Some of the most recent work on coal dust from trains involves the company, *Simpson Weather Associates* (SWA). SWA is working with the Norfolk Southern (NS) railway monitoring coal dust emissions from coal trains in Virginia.

SWA offers a number of systems and services in regard to rail car dusting: (SWA 2001)

- Rail Transport Emission Profiling System (RTEPS)
- Coal Car Load Profiling System (CCLPS)
- Portable LAser for Coal Emission Mapping (PLACEM)
- Evaluation of Chemical Dust Suppressants
- Autonomous control of wet dust suppression systems for coal storage piles (ProControl)
- Seasonally Adjusted Rail Transport Dusting Index (SARTDX)

SWA, for the Norfolk Southern Railway and its operations in Virginia, are involved in a series of coal dust measurement experiments and ongoing dust monitoring from rail cars. They have measured coal dust from rail cars using:

- a) Passive Dust Collectors on the cars.
- b) Car Weights before and after – buried moisture gauges were used.
- c) Scanning Laser device to measure volume in the car.

Of the sources that were studied, the work of SWA with the Norfolk Southern Railway appears most likely to be capable of producing an EF for loaded rail cars. In fact, the data they have collected to date may have revealed EFs, but the data are proprietary and although contacted, neither company forwarded the measurement data that would have produced an EF.

In 1996 the Senate of the State of Virginia passed Joint Resolution # 257 that required the Norfolk Southern Railway to monitor dusting trains en route and to take measures to eliminate dusting. As a result, the Norfolk Southern installed two of *SWA's Track-Side Monitoring* (TSM) systems that automatically photographs dusting trains. Information is downloaded daily by SWA and once per week photos are graded by eye regarding dusting. SWA then informs the mine involved if their trains are dusting. (NS 2001) SWA were recently contacted by the CPR regarding a TSM system for possible installation at HOPE, BC. (SWA 2001)

Of note, SWA, when they monitor and report train dusting for the NS, consider a car with 20% crust loss (or 80% crust-retention) to be uncontrolled. They feel such a loaded coal car will be a *heavy duster* with emissions similar to those of an unsprayed car. (SWA 2001)

This conclusion appears to confirm the findings in Environment Canada's 1986 *Recommended Practices*, that 85% crust retention is the *minimum standard* for dust control, and that a much higher level of crust retention is required to significantly reduce emissions. (Wituschek 1986)

### 5.2.3.1 Weather En Route - Analyses

For coal carried by rail over long distances in open rail cars in unit trains, it is logical to assume that weather conditions en route can influence coal dust emissions:

- High temperatures can contribute to the drying of exposed coal and surface sealant crusts;
- Freezing temperatures can influence the setting of sealant crusts or freeze coal in cars so that it does not all dump out at the end terminal;
- Ambient wind can add to train speed to produce a greater wind-over velocity for dust entrainment;
- Snow and ice may add a dust inhibiting layer to the surface of a coal load or cover loose coal in an empty car; and
- Precipitation as rain can inhibit dust emissions or breakdown and dilute sealant chemicals.

In regard to visible dusting incidents (and likely total emissions as well), it is not just the local weather at the potential emissions location that can influence the severity of the dust emissions episodes. The weather 'up route' of the emissions may also influence the emissions at the point of observation.

The nuisance dusting incidents reported in the spring, summer and fall of 2000 involved unit trains on the route through the Lower Fraser Valley. A total of 27 separate complaints regarding 'heavily' dusting trains were recorded in the area of Hope, BC from May to October 2000. In regard to specific dates, a Hope, BC resident registered one complaint on 12 July 2000 and another citizen in the same area reported on 21 July 2000 that "dusting was still a problem". (See Appendix B)

Weather data were obtained for 2000 from a number of Environment Canada weather stations along the rail route, from the mines near the Alberta/BC border to the port of Vancouver. Weather information from Kamloops (approximately 300 km closer to the coal mines than Hope), Hope and Abbotsford (approximately 80 km closer to Vancouver than Hope), British Columbia was analyzed. Note: these data have not yet undergone Quality Control assessment by Environment Canada. (Brewer 2001)

### Maximum Temperature

For the three stations selected, a summary of the temperature data collected in 2000 is listed in Table 5.4.

**Table 5.4 Maximum Temperature Readings (Tmax in °C) for 2000**

	Kamloops				Hope				Abbotsford			
Month	Average Tmax	Max 12-Jul	Max 21-Jul	Tmax 1 Day	Average Tmax	Max 12-Jul	Max 21-Jul	Tmax 1 Day	Average Tmax	Max 12-Jul	Max 21-Jul	Tmax 1 Day
Jan	-0.9			3.7	3.7			9.3	6.3			10
Feb	3.7			11.1	7.7			11.3	9.6			14.2
Mar	11.4			16.9	10.5			15.9	10.8			15.2
Apr	16.9			22.6	15.6			22.3	15.5			20.3
May	19.5			24.5	16.5			23.7	16.6			23.2
Jun	24.3			32.4	21.5			30.1	21.3			31.1
Jul	27.1	30.7	34.3	34.3	22.8	24.7	29.7	29.7	23.1	24.8	30.7	30.7
Aug	27.1			33.3	22.7			29.6	22.8			29.1
Sep	21.1			25.8	19.4			28.9	20.4			28.3
Oct	13.6			20.2	14.5			20.5	15.7			23.4
Nov	4.5			9.6	7.2			12.5	9.2			14
Dec	-1.0			8	3.3			8.7	5.6			10.3



The maximum temperature data from the three stations indicate that from May to September 2000 the maximum temperatures in all three cities ranged from warm to hot. In Kamloops, on the day of one reported dusting train, the temperature exceeded 30 degrees C. Single day maximums of greater than 30 degrees C were also recorded at each site in May, the month when the most visible dusting complaints were registered in 2000.

For loaded trains, an average temperature of below zero degrees Centigrade in Kamloops in January 2000 could have contributed to coal freezing in cars. On occasion, frozen coal in cars is not dumped at the end terminal. Subsequently on the return journey in the LFV in particular higher temperatures can cause that frozen coal to thaw. That unthawed coal can then be the source of dusting from 'empty' returning coal cars.

In regard to emissions estimates, no method was discovered for integrating the influence of maximum temperature into an emission factor. For nuisance dusting, what can be said is that in the spring and summer of 2000 there were many days in which the maximum temperatures were in a range that would have been conducive to nuisance dusting.

### **Wind Speed**

Prevailing wind and the air movement created by train motion are critical to the coal dust emission rate for trains en route. Local wind plus train generated wind can combine to create complex air-flow patterns over the coal surface which can then entrain fine coal particles. Therefore, the coal surface in a train travelling at a relatively low velocity, may still be exposed to a wind of a much higher 'wind-over' velocity. The resultant wind-over the load will depend upon local wind velocity and direction plus train speed when the train transits a community en route to a coal terminal (or returning).

Episodes of 'heavy' dusting from trains have been recorded from fast trains on still days. Field observations have shown trains travelling in excess of 50 km/h (30 mph) in dry weather can emit significantly more dust than trains travelling at lower speeds in the same conditions. Conversely, field observations in the 1980s also indicated that trains dust at speeds lower than 50 km/hr. (Holmes 1982) (Cope 1986)

Laboratory wind tunnel experiments in the 1980s measured threshold-dusting velocities of 30 to 40 km/h (18 to 25 mph). (Cope 1986) More recent data, gathered by the EPA in regard to wind erosion, show threshold speeds for storage piles of approximately 18 km/hr. (EPA 2001-1).

A recent report appears to confirm that train speed is likely a factor in dusting. In January 2000, the average coal train speed in the LFV was reported as 35.8 km/hr. Therefore, one could conclude that for the communities in the LFV:

- On average, unit coal trains are travelling at a speed near the threshold wind velocity; and
- Over half the trains are travelling in excess of the threshold velocity.

For 2000, the hourly wind data for Hope, BC was averaged for each month. It would appear that the highest averages are in the winter months of January, February and December. In July, in Hope the average wind speed was 12 km/hr and from 12 to 21 July the local average wind speed was 13 km/hr, Table 5.5.

# No COAL IN OAKLAND

1773 10<sup>TH</sup> STREET  
OAKLAND, CA 94607  
510-282-9454

September 18, 2015

## Via Electronic Mail

Mayor Libby Schaaf ([officeofthemayor@oaklandnet.com](mailto:officeofthemayor@oaklandnet.com))

Councilmember District 1 Dan Kalb ([dkalb@oaklandnet.com](mailto:dkalb@oaklandnet.com))

Councilmember District 2 Abel Guillén ([aguillen@oaklandnet.com](mailto:aguillen@oaklandnet.com))

Councilmember District 3 Lynnette Gibson McElhaney

([lmcelhaney@oaklandnet.com](mailto:lmcelhaney@oaklandnet.com))

Councilmember District 4 Annie Campbell Washington

([acampbellwashington@oaklandnet.com](mailto:acampbellwashington@oaklandnet.com))

Councilmember District 5 Noel Gallo ([ngallo@oaklandnet.com](mailto:ngallo@oaklandnet.com))

Councilmember District 6 Desley Brooks ([dbrooks@oaklandnet.com](mailto:dbrooks@oaklandnet.com))

Councilmember District 7 Larry Reid ([lreid@oaklandnet.com](mailto:lreid@oaklandnet.com))

Councilmember At-Large Rebecca Kaplan ([rkaplan@oaklandnet.com](mailto:rkaplan@oaklandnet.com))

Oakland City Hall

1 Frank Ogawa Plaza

Oakland, CA 94612

Hon. Mayor Libby Schaaf and Councilmembers:

No Coal in Oakland submits this comment on behalf of itself and Sunflower Alliance, 350 Bay Area, System Change Not Climate Change, and West Oakland Neighbors—four community organizations with members active in No Coal in Oakland. No Coal in Oakland includes environmental, labor, business, community, and faith-based activists who oppose the use of the City of Oakland's new maritime trade facility to ship coal overseas.

The overwhelming majority of the Oakland community strongly opposes the transport, storage, and loading of millions of tons of coal along its waterfront due to concerns for public health and safety. There is a growing and well-informed consensus among scientists, public officials, and the public at large that expanding the use of coal poses great dangers to ourselves and generations to come. On August

29, 2012, the California Legislature passed a resolution opposing the export of coal from the United States to countries with weaker environmental regulations.<sup>1</sup> On February 27, 2014, citing “environmental impacts, climate change, public-health hazards, economic pitfalls, and public opposition,” the Oakland Port Commission unanimously rejected an 8.3 million-ton-per-year coal export project at the Port’s Howard Terminal.<sup>2</sup> On June 17, 2014, the Oakland City Council passed a resolution opposing the transport of fossil fuels by rail through the city and, in particular, opposing transport of coal for export.<sup>3</sup> Berkeley, Richmond, Emeryville and Albany have all passed resolutions opposing coal, petroleum coke, and oil running through their cities and into Oakland by rail.<sup>4</sup>

What may once have been the isolated resistance of a small number of environmentalists to export of fossil fuels is now the mainstream view of the Bay Area public and most of our elected officials. California and the Bay Area in particular have been leading the way on climate and clean energy policies. Only weeks ago, the Legislature adopted SB185, which would divest our largest public pension systems from coal investments. In April, Governor Jerry Brown, our former mayor, signed an executive order strengthening AB32, California’s groundbreaking Global Warming Solutions Act, by requiring a reduction in California’s carbon pollution to 40 percent below 1990 levels by 2030. The Governor also called for expanding our clean energy economy by requiring that half of our state’s energy come from clean resources by 2030. In a recent trip to the Vatican, Governor Brown declared that unless we leave 90% of our coal in the ground, we will face climate disaster.<sup>5</sup>

But these fine resolutions and executive proclamations will mean nothing if the progressive city of Oakland builds new infrastructure specifically dedicated to the

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<sup>1</sup> Assembly Joint Resolution No. 35—Relating to the Exploitation of Coal (2012); *available at* [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0001-0050/ajr\\_35\\_bill\\_20120918\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ajr_35_bill_20120918_chaptered.pdf)

<sup>2</sup> Port of Oakland, *Supplemental Agenda Report* (Feb. 27, 2014) at 110-112; *available at* [http://www.portofoakland.com/pdf/about/meetings/2014/boar\\_shee\\_140227.pdf](http://www.portofoakland.com/pdf/about/meetings/2014/boar_shee_140227.pdf).

<sup>3</sup> City of Oakland, Resolution No. 85054 C.M.S. (June 17, 2014) (Resolution opposing the transportation of hazardous fossil fuel materials, including crude oil, coal, and petroleum coke, through the City of Oakland); *available at* <https://oakland.legistar.com/LegislationDetail.aspx?ID=1747455&GUID=D41B7760-10B0-455E-B1F5-88894FBAD097>.

<sup>4</sup> Loni Hancock, Rob Bonta, Tony Thurmond, *Let’s Keep Coal Out of Oakland Port*, S.F. Chronicle (July 20, 2015); *available at* <http://www.oaklandelects.com/keepcoaloutofOaklandPort.html>.

<sup>5</sup> David R. Baker, *As California pumps out oil, Gov. Brown says world must cut back*, S.F. Chronicle (July 21, 2015); *available at* <http://www.sfgate.com/business/article/As-CA-keeps-pumping-oil-Gov-Brown-says-world-6397560.php> (“We are going to have to set a clear goal,” Brown told a crowd of mayors and public officials from around the world. “And that goal is almost unimaginable. One-third of the oil that we know exists as reserves can never be taken out of the ground. Fifty percent of the gas can never be used and over 90 percent of the coal. Now, that is a revolution.”)



export of millions of tons of coal each year for many decades to come.<sup>6</sup> Everyone who has studied the problem of climate change now understands that we must drastically cut our consumption of fossil fuels in the coming decades and, most significantly, we must rapidly decrease the use of coal, the dirtiest and biggest contributor to climate change of all fossil fuels.

For years, the developer of the Oakland Global Trade and Logistics Center (“Oakland Global”) gave repeated assurances that coal would be no part of the mix of commodities that would be shipped through Oakland’s newest export facility, the Oakland Bulk and Oversized Terminal (“OBOT”). Yet a major long-term commitment to coal exports—a dubious business plan given the rapidity with which the world is turning away from coal—is now being passed off as the only way development at the former Oakland Army Base can succeed.

Oaklanders recently learned that, contrary to the developer’s repeated assurances, there have been secret negotiations with four counties in Utah to export up to 9 million tons of Utah coal per year from the new terminal. Domestic demand for coal is flagging as the United States, led by the State of California, turns away from use of our most toxic fossil fuel. Predictably, the coal mining industry is looking for ways to survive and expand. Utah’s leading coal counties have offered to contribute \$53 million in order to secure a shipping route to send their coal overseas.

We know what will happen if this plan comes to fruition. Mile-long trains bringing Utah coal to Oakland will elevate pollution of vulnerable communities along the tracks, endanger the health and safety of the project’s neighbors and workers, and tarnish Oakland’s reputation as a forward-looking city on the issue of climate change. The bulk export terminal that was presented a few years ago as a progressive win-win for Oakland’s neighborhoods, workers, and our local economy will become a symbol of the failure of our political process.

The City Council has the power to prevent this wrong turn for Oakland. Under its agreement with the developer, the City reserved the right to adopt regulations to protect public health and safety. As outcry over the plan to ship coal through Oakland has grown, rumors and misinformation have been spread that turning down the \$53 million will kill the whole \$1.2 billion dollar development of Oakland Global causing the loss of thousands of jobs. The truth is that tying the long-term future of

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<sup>6</sup> See Steven Leahy, *A Hard Deadline: We Must Stop Building New Carbon Infrastructure by 2018*, The Leap (July 2, 2015) (available at <http://theleap.thischangeseverything.org/a-hard-deadline-we-must-stop-building-new-carbon-infrastructure-by-2018/>) explains that, at the present pace of business as usual and given the long lifespan of many capital investments, we will have built sufficient carbon infrastructure to blow through the carbon budget for a 2 degrees Celsius temperature rise unless facilities are shuttered before their end of their intended life cycles.

Oakland's new maritime facility to shipping coal to Asia is sheer folly that could easily leave Oakland with a giant White Elephant sitting next to the gateway to our city where the Bay Bridge touches land. The false portrayal of coal exports as Oakland's pathway to abundant jobs is a fairy tale that the developer would not have dared present a few years ago when he asked this City to entrust him with development of the City's largest undeveloped waterfront property.

In this comment, we will address both the health and safety impacts of coal exports and the erroneous legal and economic arguments presented by coal proponents to dissuade the City Council from taking appropriate action.

## **I. Background**

In 2012, when the City Council awarded development rights at the former Oakland Army Base to developer Phil Tagami, head of the California Capital and Investment Group ("CCIG"), Tagami assured City Councilmember Dan Kalb that coal wouldn't be shipped through Oakland's new terminals.<sup>7</sup> On October 23, 2012, Oakland entered into a master development and leasing agreement, the Lease Disposition and Development Agreement ("LDDA"), with a joint venture between Tagami's CCIG and CCIG's partner Prologis, the world's largest industrial property and logistics company.<sup>8</sup>

Tagami reiterated his commitment to a coal-free development in the December 2013 Oakland Global newsletter. "It has come to my attention," he wrote, "that there are community concerns about a purported plan to develop a coal plant or coal distribution facility as part of the Oakland Global project. This is simply untrue.... CCIG is publicly on record as having no interest or involvement in the pursuit of coal-related operations at the former Oakland Army Base."<sup>9</sup>

Despite these assurances, Tagami soon took a different course in secret. In April 2015, the Deseret News, Utah second-largest newspaper, broke the story that four

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<sup>7</sup> Mike Blasky, *Oakland City Council to have public hearing on exporting coal*, Oakland Tribune (Jul. 7, 2015) ("He [Phil Tagami] said it to my face," Kalb said. "He said, 'Dan, climate change is the premier issue of the day. I care very much about my children and I would never let coal go through any of my property or terminal.'"); available at [http://www.insidebayarea.com/breaking-news/ci\\_28499049/oakland-city-council-have-public-hearing-exporting-coal](http://www.insidebayarea.com/breaking-news/ci_28499049/oakland-city-council-have-public-hearing-exporting-coal).

<sup>8</sup> Peter Slatin, *ProLogis Becomes World's Biggest Industrial Property Company—Now What?*, Forbes (June 20, 2011); available at <http://www.forbes.com/sites/peterslatin/2011/06/20/prologis-becomes-worlds-biggest-industrial-property-company-now-what/>.

<sup>9</sup> Phil Tagami, Oakland Global Newsletter (Dec. 2013). Tagami's statements in the 2013 newsletter have been removed from public view on the website of Oakland Global. However, copies of the original emailed newsletter were retained by the Sierra Club and others, and are available from No Coal in Oakland upon request.



counties in Utah—Carbon, Sevier, Sanpete, and Emery—were offering \$53 million to ensure that approximately half of OBOT’s facilities would be dedicated to exports of Utah coal.<sup>10</sup> Reportedly, Tagami’s company initially lobbied Utah coal interests to invest in the bulk cargo facility. Tagami then cut a deal to turn over the operation to a newly formed company, Terminal Logistics Solutions (TLS), for a lease to operate OBOT after it is built by CCIG.<sup>11</sup> TLS is run by Jerry Bridges and Omar Benjamin, both former executive directors of the Port of Oakland.

City officials, West Oakland neighbors, local environmental activists, and the larger Oakland community were taken by surprise by Tagami’s bold moves. Acceptance of Utah’s investment will commit OBOT to handling massive shipments of coal, somewhere between 4 and 10 million tons per year,<sup>12</sup> a use for OBOT that was never disclosed to the public or studied in the environmental review of redevelopment plans for the Oakland Army Base. The 2012 Initial Study/Addendum to the Oakland Army Base EIR does not mention coal, and simply states that the facility will handle “non-containerized bulk goods,” and “oversized or overweight cargo.”<sup>13</sup> The key development and leasing agreements relating to the city-owned land on which OBOT will be built contain no mention of shipping coal through the facility.

The developer who assured all comers that coal was no part of the plan now asserts that he is entitled lease the space to a private company to export anything except “nuclear waste, illegal immigrants, weapons and drugs,” leaving concerned citizens and community with seemingly no recourse.<sup>14</sup> However, according to section 3.4.2 of the Development Agreement, the City retains the right to enact new regulations for the protection of public health and safety provided the “City determines based on substantial evidence and after a public hearing that a failure to do so would place existing or future occupants or users of the Project [or] adjacent neighbors ... in a condition substantially dangerous to their health and safety.” (See D.A. 3.4.2.)

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<sup>10</sup> Amy O’Donaghue, *Utah invests 53 million in California port for coal, other exports*, Deseret News (April 27, 2015); available at <http://www.deseretnews.com/article/865627254/Utah-invests-53-million-in-California-port-for-coal-exports.html?pg=all>.

<sup>11</sup> More recently, Phil Tagami has explained the relationship with TLS in the following terms: “As to OBOT in the West Gateway portion of Oakland Global, CCIG has entered into an exclusive Option Agreement with Terminal Logistics Strategies (TLS) for the potential operation of OBOT. CCIG is the developer of OBOT, but will not be its operator.” Matier & Ross, *Opponents of Oakland Coal Shipping Target Governor’s Pal*, S.F. Chronicle (July 25, 2015); available at <http://www.sfchronicle.com/bayarea/article/Opponents-of-Oakland-coal-shipping-target-6405576.php/>.

<sup>12</sup> The scale of the potential shipments is not known for certain. Press reports vary and no information can be found at the developer’s website. See <http://www.oaklandglobal.com/>.

<sup>13</sup> Oakland Army Base 2012 Initial Study/Addendum, at 30.

<sup>14</sup> Doug Oakley, *Unlikely partners: Utah investing \$53 million to export coal through Oakland port*, Contra Costa Times (April 24, 2015); available at [http://www.contracostatimes.com/breaking-news/ci\\_27981684/unlikely-partners-utah-investing-53-million-export-coal](http://www.contracostatimes.com/breaking-news/ci_27981684/unlikely-partners-utah-investing-53-million-export-coal).

As we will discuss further in section V of this comment, this provision in the Development Agreement provides a fully adequate legal basis for the City to ban coal exports from the City's land.

## **II. Coal Exports Pose a Substantial Danger to the Health and Safety of Oakland Global's Neighbors and Workforce**

Coal export poses unique and substantial danger to the health and safety of citizens in adjacent neighborhoods, workers at the site, and to the Oakland community as a whole.

- Coal dust poses serious health concerns for a neighborhood already burdened with a history of environmental injustices and ill-equipped to cope with additional stresses.
- Confined and/or covered coal transportation and terminal operations would shift the burden of toxic pollution to workers at the site while also exacerbating risks of fire during transport, storage, and loading.
- Coal dust and leachates can pollute waterways, often with long-lasting impacts.
- Exporting coal will drive global climate change at great cost to Oakland families and businesses. Oakland and its citizens are extremely vulnerable to sea level rise, extreme heat and associated diseases, sewer overflow during storm surges, and increased fire risk.

### **A. Coal dust is particulate matter that poses serious health and safety concerns**

The transport, unloading, and reloading of raw coal will result in a certain proportion of that coal fracturing into dust and becoming airborne. During the journey from coal mines to their destinations, coal trains lose part of their load as "fugitive" dust. Coal dust can become airborne in particle sizes smaller than 500 microns, with particles smaller than 10 microns (PM<sub>10</sub>) being particularly significant, as particles of that size or smaller can be inhaled into the respiratory alveoli.

The American Lung Association considers all such particulate matter, specifically including coal dust, dangerous to breathe.<sup>15</sup> The United States Environmental Pro-

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<sup>15</sup> American Lung Association, <http://www.epa.gov/pm/health.html> [www.lung.org/healthy-air/outdoor/resources/coarse-particle-fact-sheet.pdf](http://www.lung.org/healthy-air/outdoor/resources/coarse-particle-fact-sheet.pdf)

tection Agency (EPA) cites numerous scientific studies that link particulate matter of any origin with a series of significant health problems, including:

- premature death in people with lung or heart disease,
- nonfatal heart attacks,
- irregular heartbeat,
- aggravated asthma,
- decreased lung function, and increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing.<sup>16</sup>

Particulate matter less than 2.5 microns (PM<sub>2.5</sub>) is regularly spewed from coal trains and poses serious health risks beginning at low levels of exposure. In his September 16, 2015 comment to the City Council Dr. Bart Ostro, former Chief of the Air Pollution Epidemiology Section, California Environmental Protection Agency, cites recent studies showing the average peak in nearby concentrations of particles less than 2.5 microns or PM<sub>2.5</sub> from coal trains were twice that from freight trains.<sup>17</sup> PM<sub>2.5</sub> has been determined by The World Health Organization (WHO) to have the greatest worldwide impacts of any environmental exposure with an estimated 3 million deaths per year.<sup>18</sup> Estimates for California range from 10,000 to 30,000 per year.<sup>19</sup> Studies from around the world and from California demonstrate important associations between daily exposure to PM<sub>2.5</sub> and a wide range of health impacts including respiratory symptoms, school and work loss, asthma exacerbation, emergency room visits, non-fatal heart attacks, adverse birth outcomes, hospital admissions, and death from cardiovascular disease.<sup>20</sup> The populations at greatest particulate risk (though other groups are susceptible) include children, asthmatics and older individuals with pre-existing cardiovascular or respiratory disease.<sup>21</sup> The California EPA and WHO, have specified there is no clear cut safe level for exposure to PM<sub>2.5</sub>. Dr. Ostro concludes that “This indicates that every exposure adds to the likelihood of an adverse health outcome.”<sup>22</sup> If the City Council allows coal exports, West Oakland community’s local exposure to PM<sub>2.5</sub> from coal trains will be almost double that of freight trains.<sup>23</sup>

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<sup>16</sup> Environmental Protection Agency, *Integrated Science Assessment for Particulate Matter* (2009); available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=216546>.

<sup>17</sup> Comment of Dr. Bart Ostro (Sept. 16, 2015), attached hereto as Attachment A.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*



The health impacts of respirable coal dust on underground coal miners, exposed to high levels of coal dust for extended periods, are well known and incontrovertible.<sup>24</sup> However, some of the extreme adverse health effects noted in studies of coal miners have been shown to occur with much lower exposures to coal dust. A recent study by researchers from the University of West Virginia examined a population of relatively young miners who developed the most severe form of CWP even though their exposure was limited to currently legal and well-regulated levels of coal dust.<sup>25</sup>

Animal studies have identified a mechanism that explains how smaller exposures can nonetheless have extreme consequences. Using a rat model, researchers examined the pulmonary burden throughout a wide range of coal dust exposures and found that pulmonary clearance mechanisms tend to sequester the dust in lymphatic tissue and the interstitial space between alveoli.<sup>26</sup> This sequestration renders the further clearance mechanisms of the lung inoperable and facilitates an inflammatory cascade, similar to the pathogenesis of silicosis. Studies such as this cast doubt on the simplistic “threshold” model of health risks from coal dust exposure, as pulmonary inflammation and the resultant fibrosis were found over the entire range of exposures. In addition, the synergy of respirable coal dust with other pollutants, such as diesel particulate matter, may accelerate lung tissue damage beyond what would be predicted by simply extrapolating from the epidemiological mine data.<sup>27</sup>

The epidemiological effects of respirable coal dust in lower concentrations, or exposure for shorter periods, as can occur for persons living close to transport lines have not been investigated to the same degree as effects on miners. The exposure may be less but cumulatively may be quite significant. A 1993 study on a West Virginia

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<sup>24</sup> G.J. Hathaway et al., Proctor and Hughes' chemical hazards of the workplace, 3d Edition. (1991) New York, NY: Van Nostrand Reinhold; W.M. Marine et al., *Clinically important respiratory effects of dust exposure and smoking in British coal miners*. Am. Rev. Resp. Dis. (1988) 137:106-112

<sup>25</sup> W.A. Wade et al., *Severe occupational pneumoconiosis among West Virginia coal miners: 138 cases of progressive massive fibrosis compensated between 2000-2009*. Chest 139(6): 15458-1463 (2010). One of the questions raised by the City Administrator's notice of hearing dated August 28, 2015 was whether “Existing Federal, State, Regional and/or Local Regulations Adequately Protect Health and Safety.” If the existing regulations are inadequate to protect miners whose health issues have been widely known for decades, it seems improbable that adequate regulations exist to protect workers or communities.

<sup>26</sup> J.H. Vincent et al., *Accumulation of inhaled mineral dust in the lungs and associated lymph nodes: implications for exposure and dose in occupational settings*. Annals of Occupational Hygiene 31(3): 375-393 (1987).

<sup>27</sup> M.T. Karagiane, *The effect of inhaled diesel emissions and coal dust in rats*. American Industrial Hygiene Journal. Volume 42(5):382-391 (1981). Because of the acute sensitivity of lung tissue to airborne contaminants, it has been known for a while that there is no safe lower limit for smoking tobacco products. See, e.g., J. Lee Westmaas, *Light Smoking Risky As a Pack a Day?*. American Cancer Society (2013), at <http://www.cancer.org/cancer/news/expertvoices/post/2013/01/02/light-smoking-as-risky-as-a-pack-a-day.aspx>.

rail line, transporting bituminous coal similar to the coal from Utah, showed loss of coal dust of up to a pound of coal per mile per car.<sup>28</sup> The Burlington Northern Santa Fe (BNSF) Railroad has performed studies of fugitive dust emissions along their own rail lines, but these data have not been made public.<sup>29</sup>

Further, as dust spews from rail cars, it also carries with it harmful substances like mercury, lead, cadmium, arsenic, manganese, beryllium, and chromium.<sup>30</sup> These heavy metal contaminants are known to have many adverse health impacts. The specific risks depend on how much coal dust escapes, the exposure of individuals, and any particular vulnerabilities they may have. Substantial evidence exists that those most likely to be affected by particle pollution are the elderly, children, and people with heart or lung disease.<sup>31</sup> In one study of a coal terminal in Liverpool, England, researchers found that, even after correcting for economic and environmental factors at home, children exposed to coal dust from the nearby docks were more likely to miss school because of respiratory problems, including wheezing and coughing.<sup>32</sup>

In Norfolk, Virginia, home of the Lamberts Point Coal Terminal, soil samples have been found to contain up to 20 percent coal by weight at a site less than 1 kilometer from the docks, 3 percent coal at a site 5 kilometers away, and 1 percent coal as far as 12 kilometers away. High coal levels in soil along railroad tracks suggest that trains are a pathway for contamination. Researchers in Norfolk also found arsenic levels were five times higher than background soil concentrations nearby, and hy-

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<sup>28</sup> Simpson Weather Associates, *Norfolk southern rail emission study: consulting report prepared for Norfolk Southern Corporation*. Charlottesville, VA (1993).

<sup>29</sup> Queensland Government Environmental Protection Agency, *Environmental evaluations of fugitive coal dust emissions from coal trains Goonyella, Blackwater, and Moura coal rail systems, Queensland rail limited*. Connell Hatch and Co. (2008). Final report (not publicly released).

<sup>30</sup> Paul R. Epstein et al., *Full Cost Accounting for the Life Cycle of Coal*, 1219 *Annals N.Y. Acad. Sci.* 73, 74-75 (2011), available at [http://www.chgeharvard.org/sites/default/files/epstein\\_full%20cost%20of%20coal.pdf](http://www.chgeharvard.org/sites/default/files/epstein_full%20cost%20of%20coal.pdf); see also Sharma, PK, Singh G. 1991. *Distribution of suspended particulate matter with trace element composition and apportionment with possible sources in Raniganj coalfield India*. *Environmental Monitoring and Assessment* 22:237-244; Adebawale Adeniji, U.S. Env'tl. Prot. Agency, *Bioremediation of Arsenic, Chromium, Lead, and Mercury* 14, 20, 26, 34 (2004), available at [nepis.epa.gov/EPA/html/DLwait.htm?url=/Exe/ZyPDF.cgi?Dockey=900Z0C00.pdf](http://nepis.epa.gov/EPA/html/DLwait.htm?url=/Exe/ZyPDF.cgi?Dockey=900Z0C00.pdf)

<sup>31</sup> U.S. Env'tl Prot. Agency, *Health Effects of Particulate Matter*, OAQPS Fact Sheet (July 17, 1997, last updated on Aug. 28, 2015); available at <http://www.epa.gov/region07/air/quality/pmhealth.htm/>.

<sup>32</sup> Bernard Brabin et al., *Respiratory morbidity in Merseyside schoolchildren exposed to coal dust and air pollution*, *Archives of Disease in Childhood*, 1994; 70: 305-312, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1029784/>.



pothesize that the coal export terminal is at least partially responsible for the difference because coal often contains arsenic.<sup>33</sup>

Surrounded by four freeways and adjacent to the Port where truck track converges from throughout Northern California, the West Oakland community already is overburdened by air pollution. According to the California Department of Public Health, West Oakland residents experience an alarmingly high rate of emergency room visits due to asthma: 184 visits per 10,000 residents.<sup>34</sup> Other parts of Oakland see rates as low as 38 emergency room visits per 10,000 residents.<sup>35</sup> The state average is 50 ER visits per 10,000 residents.<sup>36</sup> Any additional respiratory burden that would result from coal trains passing through Oakland would be taxing communities whose health has already been compromised.<sup>37</sup>

The developer and TLS's response to these issues is that coal exports through Oakland will not pose a health or safety threat because the mitigation measures they will adopt will eliminate any substantial risk. The next sections of this comment will address these alleged solutions.

#### **B. No measures exist that will prevent exposure of the coal terminal's neighbors to toxic coal dust from passing trains**

Although coal dust contains toxic elements that are regularly spewed into ecosystems and communities along the railways, it is currently unregulated.<sup>38</sup> There is no law that requires coal train cars to be covered. Nor have covered rail coal cars been proven to be commercially viable or effective in controlling dust. This is because there are no covered coal cars in use anywhere in the United States.

Despite this, TLS claims the coal will arrive in newly designed covered railcars from point of origin to its new terminal and back that will eliminate fugitive coal dust from blowing off the trains.

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<sup>33</sup> William J. Bounds and Karen H. Johannesson, *Arsenic Addition to Soils from Airborne Coal Dust Originating at a Major Coal Shipping Terminal*, Water, Air, & Soil Pollution, June 21, 2007, 185, 195-207, <http://www.springerlink.com/content/98146r11160021j13/>; and Joe Lawlor, *Coal Dust, Piles an Issue for Southeast Newport News*, July 16, 2011, [http://articles.dailypress.com/2011-07-16/news/dp-nws-cp-nn-coal-dust-20110716\\_1\\_coal-dust-coal-piles-coal-terminals](http://articles.dailypress.com/2011-07-16/news/dp-nws-cp-nn-coal-dust-20110716_1_coal-dust-coal-piles-coal-terminals).

<sup>34</sup> Cal. Dept. of Pub. Health, *Asthma Hospitalization and Emergency Room Visits Query Results*; available at [http://www.ehib.org/page.jsp?page\\_key=125&year=2012&pmn=EVENT%3DASHO\\_TYPE%3DR10K\\_RACE%3DTOTL\\_AGE%3DTOTL\\_SEX%3DTOTL\\_MODEL%3DCONV&agezip=TOTL&geog=ZIP](http://www.ehib.org/page.jsp?page_key=125&year=2012&pmn=EVENT%3DASHO_TYPE%3DR10K_RACE%3DTOTL_AGE%3DTOTL_SEX%3DTOTL_MODEL%3DCONV&agezip=TOTL&geog=ZIP)

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> See Comment of Paul B. English (Sept. 14, 2015), attached hereto as Attachment B.

<sup>38</sup> Tovah R. Trimming, *Derailing Powder River Basin Coal Exports: Legal Mechanisms to Regulate Fugitive Coal Dust From Rail Transportation*, 6 Golden Gate U. Env'tl L. J. 321 (2013); available at <http://digitalcommons.law.ggu.edu/gguelj/vol6/iss2/7/>.

While a half dozen companies have worked on designing rail car covers, there is no indication that any have been manufactured or that they will work satisfactorily. The coal industry states that a basic coal car cover has to meet several design requirements: (1) it must not slow down the process of loading; (2) it must not twist or turn in the wind; (3) it must not freeze up or malfunction whenever there is snow or ice or rain; (4) it must not deform or fly off at maximum train speeds; (5) it must open and close in all kinds of weather without delaying the dumping process; (6) it must provide a safe and secure retrofit to a rail car; and (7) it must not cost so much that no one would ever buy it.<sup>39</sup>

Since there are currently no covered coal cars in operation in the U.S., it is impossible to test any of the designs to determine if they meet these seven requirements that would make them commercially viable and actually do what they purport to do, i.e., prevent the escape of fugitive coal dust. It is a bedrock principle of California environmental law that government cannot rely on future mitigation of adverse impacts by methods and technologies that do not yet exist.<sup>40</sup> And as discussed below in the section on coal storage, we know that coal and coal dust can combust in enclosed spaces. The fact that covered train cars will not allow heat to escape exacerbates the risk of fire during transport.<sup>41</sup> However, because there are no covered coal cars in operation, we have no way of knowing at this point whether covered coal cars might burst into flames, and Oakland should not be the laboratory for this research.

Moreover, TLS's promise of covered coal cars is illusory in other ways. In the United States, with limited exceptions, the rails are regulated by the federal government and direct regulation by state and local governments is preempted. Private rail companies may adopt rules for transport of particular goods to protect their own interests.<sup>42</sup> But such self-regulation by the industry can be changed by the industry and does not represent any guarantee that coal trains coming through Oakland will be covered now or in the future. Under section 3.4.2 of the Development Agreement, the City can legally ban coal exports if it determines that coal exports from

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<sup>39</sup> Dave Gambrel, *Coal Dust Control in the Pacific Northwest*, *Coal Age* (May 29, 2013); available at <http://www.coalage.com/departments/transportation-tips/2736-coal-dust-control-in-the-pacific-northwest.html>.

<sup>40</sup> Mitigation measures must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).

<sup>41</sup> Multnomah Cty. Health Dept., *The Human Health Effects of Rail Transport of Coal Through Multnomah County, Oregon, A Health Analysis and Recommendation for Further Action* (Feb. 2013); available at <https://multco.us/file/9977/download/>.

<sup>42</sup> See, for example, BNSF's rules for loading coal cars which it explicitly ties to efforts to prevent damage to its tracks and the track bed. Notably, BNSF does not require covered coal cars.

Oakland pose an unacceptable risk to public health and safety, but federal preemption of rail transportation regulations means the City cannot stop uncovered coal trains passing through the City of Oakland and require them to be covered. TLS has proposed no way to make any such condition binding on shippers who would export coal through Oakland under the Utah agreement.<sup>43</sup> Under these circumstances, the City must assume that the thousands of trains coming to Oakland as a result of OBOT's dedication to coal will be whatever the shippers can legally get away with under existing law: i.e., uncovered coal cars.

Other attempts to control fugitive coal dust, such as the use of surfactants, also are problematic. The BNSF railway, in order to decrease fugitive coal dust that accumulate on rail track ballasts and prevent proper drainage, thereby leading to train derailments, has required that all coal cars be sprayed with a surfactant, a dust suppression topper agent. According to BNSF railway, even these sprays only reduce coal dust by 85 percent compared to untreated train cars.<sup>44</sup> However, this requirement still allows up to fifteen percent of coal dust to be lost. But more importantly, there is no evidence of independent verification that fugitive coal dust is reduced by 85% by the use of surfactants. In a series of cases before the federal Surface Transportation Board, utility companies that are required to follow BNSF Railway's rules for shipping coal have argued that there is insufficient evidence for the effectiveness of these substances.<sup>45</sup>

Moreover, according to the EPA, dust suppression topper agents may have adverse environmental and health impacts, including soil contamination and air pollution.<sup>46</sup> "Potential environmental impacts include surface and groundwater quality deterioration, soil contamination; toxicity to soil and water biota, toxicity to humans dur-

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<sup>43</sup> TLS disingenuously asserts that "the Terminal we are designing and plan to operate will meet or exceed ALL California Environmental Quality Act (CEQA) requirements." See Letter from Jerry A. Bridges to Mayor Libby Schaaf, dated July 15, 2015 (Agenda Report, Attachment C) at 2. CEQA does not contain substantive environmental standards, much less requirements that can be "exceed[ed]." CEQA is a procedural law that requires an environmental review process, but the developer and TLS maintain that the coal export plan revealed this year requires no CEQA review.

<sup>44</sup> BNSF, *Coal Dust Frequently Asked Questions*; available at <http://www.bnsf.com/customers/what-can-i-ship/coal/coal-dust.html> (accessed Sept. 14, 2015).

<sup>45</sup> The Human Health Effects of Rail Transport of Coal Through Multnomah County, Oregon, A Health Analysis and Recommendation for Further Action (Feb. 2013); available at <https://multco.us/file/9977/download>.

<sup>46</sup> Thomas Picchota et al. eds., *Potential Environmental Impact of Dust Suppressants: "Avoid Another Times Beach," an Expert Panel Summary*, U.S. Env'tl. Prot. Agency (2002), at v; available at [www.epa.gov/esd/cmb/pdf/dust.pdf](http://www.epa.gov/esd/cmb/pdf/dust.pdf).



ing and after application, air pollution, accumulation in soils, changes in hydrologic characteristics of the soils, and impacts on native flora and fauna populations.”<sup>47</sup>

The jury is still out on whether surfactants or covered cars will decrease the diffusion of coal dust. Given this uncertainty, the only conclusion the City Council can reach is that coal dust from passing trains will endanger communities closest to the rail lines, including those who are resident in the neighborhoods adjacent to Oakland Global.

**C. Enclosed storage and transfer of coal at OBOT pose additional threats to health and safety**

To control fugitive dust, TLS claims that CCIG and TLS will build a domed storage system and encapsulated conveyors to move the coal from storage to waiting ships. It has provided the City with photographs of a completely enclosed warehouse and dome storage structures.

But the developer has publicly asserted that CCIG is entitled to build whatever coal export facility it wants on land next to the Bay Bridge toll plaza and the Gateway Park without further environmental review. Taking this claim at face value, the City cannot assume that he will follow through with his assurances that he will build covered facilities to store coal between its arrival by rail and its loading onto ships. He might well decide that storing coal in huge piles outside, as is often done at other coal export facilities, will make the Oakland Global project more economically viable and the City would be powerless to insist on a covered facility.<sup>48</sup>

The reason that this is an attractive, if highly polluting, choice relates to specific risks related to storing coal in enclosed structures. Coal is flammable and susceptible to spontaneous combustion.<sup>49</sup> Spontaneous combustion of coal arises from the process of self-heating, resulting eventually in its ignition without the application of external heat. Coal exposed to air absorbs oxygen at the uncovered surface. Some of the exposed coal substance absorbs oxygen faster and the different rates of oxidation result in the formation of gases, mainly carbon monoxide, carbon dioxide, and water vapor along with the generation of heat during the oxidation process. If the rate of dissipation of heat is slow with respect to the generation of heat by oxidation

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<sup>47</sup> *Ibid.*

<sup>48</sup> See CBS SF Bay Area, *Billion Dollar Project Will Bring Millions of Tons of Coal to Area Next to Bay Bridge Toll Plaza* (July 1, 2015) (quoting Jerry Bridges as stating, “The CEQA entitlement gives us every right to build and transport what we need to transport in order to be a viable and feasible project.”); available at <http://sanfrancisco.cbslocal.com/2015/07/01/billion-dollar-rail-terminal-for-coal-set-for-area-next-to-bay-bridge-toll-plaza/>.

<sup>49</sup> IEA Clean Coal Centre, *Propensity of Coal to Self-Heat*, Profiles (Dec. 2010); available at [http://www.iea-coal.org/documents/82476/7685/Propensity-of-coal-to-self-heat-\(CCC/172/](http://www.iea-coal.org/documents/82476/7685/Propensity-of-coal-to-self-heat-(CCC/172/)

there is a gradual buildup of heat, and temperature can reach the ignition point of the coal. This causes fires.<sup>50</sup>

Although at ambient temperature, the reaction can be so slow that it is unnoticed, when heat accumulates the temperature rises and the reaction rate increases.<sup>51</sup> Because of coal's propensity to heat spontaneously, ignition sources are almost impossible to eliminate in coal storage and handling.<sup>52</sup>

Where oxidizing coal accumulates and when there is a sufficient supply of oxygen, coal can spontaneously combust. As explained by the authors of the "Operation Spontaneous Combustion Management Plan" for Newcastle Coal, an Australian export terminal, the ignition of accumulated coal can occur in and around the rail infrastructure corridor and train unloading station, conveyors and transfer points, stockpile and ship loading facility.<sup>53</sup>

Spontaneous combustion of coal is a well-known phenomenon, especially with Powder River Basin coal. Like some of the coal mined in Utah, this is highly volatile sub-bituminous coal.<sup>54</sup> Such coal will not only smolder and catch fire while in storage piles at power plants and coal terminals, but also has been known to be delivered to a power plant with the rail car or barge partially on fire.<sup>55</sup>

Many of the studies on spontaneous combustion involve coal from the Powder River Basin. However, Utah coal is also spontaneously combustible. One documented occurrence was at the U.S. Department of Energy's Piñon Pine demonstration project located in the Reno, Nevada. The goals of the Piñon Pine project were to utilize advanced technologies to produce clean, low-cost power from coal and to establish their commercial feasibility beyond the proof-of-concept stage. Unfortunately, the project was aborted in 2001 because of design and equipment flaws. However, for the purposes of these comments, it is instructive that the coal this project used was from the SUFCO mine in Utah. The coal was stored in a dome with a capacity of

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<sup>50</sup> S. Deepak Kumar, *Prevention and Control Module for Spontaneous Combustion of Coal at Coal Yards*, energybiz (Nov. 8, 2011); available at <http://www.energybiz.com/article/11/11/prevention-and-control-module-spontaneous-combustion-coal-coal-yards/>.

<sup>51</sup> *Id.*

<sup>52</sup> William Atkinson, *Combustible Coal Dust: An Explosion Waiting to Happen*, Public Power (June 2009); available at <http://www.publicpower.org/Media/magazine/ArticleDetailcfm?ItemNumber=24695>.

<sup>53</sup> Phil Reid, Newcastle Coal Infrastructure Group, *Operation Spontaneous Combustion Management Procedure*; available at [http://www.ncig.com.au/Portals/2/files/Environment/HSEC\\_08.09%20Operation%20Spontaneous%20Combustion%20Management%20Procedure.pdf](http://www.ncig.com.au/Portals/2/files/Environment/HSEC_08.09%20Operation%20Spontaneous%20Combustion%20Management%20Procedure.pdf).

<sup>54</sup> Utah Mining Association, *Types of Coal* available at <http://www.utahmining.org/coaltypes2.html> (accessed Sept. 18, 2015).

<sup>55</sup> Eric de Place, *Coal's Spontaneous Combustion Problem; Coal Fires Are a Given, But What Are the Risks?*, available at <http://daily.sightline.org/2012/04/11/coal-spontaneous-combustion-problem/>.

16,400 tons, approximately a 20-day supply. Because of the low consumption of the coal due to startup problems, the coal spontaneously combusted. The DOE's solution was to store the coal outside.<sup>56</sup>

The Piñon Pine experience demonstrates the fallacy of TLS's current claim that it will prevent any fugitive coal dust by stockpiling coal in covered domes. As the DOE found, indoor stockpiling of coal increases the risk of fires. If TLS reaches a similar conclusion, the City will be unable to enforce TLS's promises of a covered facility.

Other mitigating measures create their own problems. Water can be constantly sprayed on coal piles to prevent spontaneous combustion but then toxins are leached into the soil and water drainage.<sup>57</sup> Extensive use of water is, of course, also problematic during the current drought.

TLS may claim that it will have mitigation strategies in place. If TLS does produce such plans, there may be no way to evaluate their effectiveness at this point, when the developer asserts that it needs no further approvals or environmental review. Nor is there an enforcement mechanism to ensure TLS will follow through with what they present outside of an approval process.

#### **D. Coal dust combustion threatens the health and safety of workers and adjacent neighborhoods**

Coal dust also is highly combustible and an explosion hazard. According to Francisco Castano, president of Geometrica Inc., a manufacturer of domes for storing coal, if a coal dust cloud is generated inside an enclosed space, and an ignition source is present, an explosion can ensue.<sup>58</sup>

According to the U.S. Occupational Safety and Health Administration, there are five elements required for a dust explosion. The first three complete the fire triangle: combustible dust (fuel), an ignition source (heat) and oxygen in the air (oxidizer). The two additional elements needed for a combustible dust explosion are dispersion of dust particles in sufficient quantity and concentration, and confinement of the dust cloud.<sup>59</sup> The addition of these latter two elements to the fire triangle creates what is known as the explosion pentagon. If a dust cloud (diffused fuel) is ignited within a confined or semi-confined vessel, area or building, it burns very

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<sup>56</sup> U.S. Dept. of Energy, Piñon Pine IGCC Power Project: A DOE Assessment (Dec. 2000) 12, 16; available at <https://www.netl.doe.gov/File%20Library/Research/Coal/major%20demonstrations/cctdp/Round4/PinonPineR2.pdf>.

<sup>57</sup> Nick Gier, *Coal Problem: Coal Trains Threaten Our Health and Our environment*, Idaho State U., Dec. 2, 2012; available at 2012 WLNR 25595680.

<sup>58</sup> Atkinson, *Combustible Coal Dust: An Explosion Waiting to Happen*, *supra*.

<sup>59</sup> *Id.*



rapidly and may explode. The safety of employees is threatened by the ensuing fires, additional explosions, flying debris and collapsing building components.<sup>60</sup>

The dust is notoriously difficult to control.<sup>61</sup> In structures where large amounts of dust are allowed to settle in various places, impacts or vibrations could dislodge the dust, creating a combustible atmosphere.<sup>62</sup> Dust clouds may generate wherever loose coal dust accumulates, such as on structural ledges of domes if there is a nearby impact or vibration due to wind, earthquake, or even maintenance operations can create a combustible atmosphere.<sup>63</sup> Dust can be generated at the terminal site, if bulldozers shift and rotate the coal to lessen the risk of fire.<sup>64</sup> Constant turnover may be required to both keep the coal in one area and prevent spontaneous combustion.<sup>65</sup> Any enclosed area where loose dust accumulates is at great risk. Further, even a small conflagration can result in a catastrophic “secondary” explosion if the small event releases a much larger dust cloud.<sup>66</sup>

To prevent coal dust from spewing all over the West Oakland neighborhood, CCIG wants to build a covered coal terminal. But as explained above, covered terminals are susceptible to explosions and pose their own health and safety risks for workers in these terminals and to West Oakland residents.

Mitigation efforts do not make covered coal terminals any safer and bring with them other problems. To prevent fires, TLS must find ways to limit the amount of accumulated dust. This could involve frequent wash-downs, which cannot be safely done around electrical equipment, due to risk of ignition.<sup>67</sup>

The World Health Organization (WHO) cites coal dust, along with silica and asbestos, as responsible for most occupational lung diseases due to airborne particulates.<sup>68</sup> Coal transport, warehousing, and loading operations will increase worker exposure to coal dust due to inherent jostling of the commodity. Covering and confining the coal export terminal and its operations will only exacerbate these prob-

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<sup>60</sup> *Id.*

<sup>61</sup> Erik Olson, *Westside provides glimpse of Longview's potential future with coal*, The Daily News (Feb. 12, 2011); available at [http://tdn.com/news/local/article\\_35ad9c0c-3634-11e0-8eea-001cc4c03286.html/](http://tdn.com/news/local/article_35ad9c0c-3634-11e0-8eea-001cc4c03286.html/).

<sup>62</sup> Atkinson, *Combustible Coal Dust: An Explosion Waiting to Happen*, *supra*.

<sup>63</sup> *Id.*

<sup>64</sup> Coal Train Facts; available at <http://www.coaltrainfacts.org/key-facts>.

<sup>65</sup> *Id.*

<sup>66</sup> Atkinson, *Combustible Coal Dust: An Explosion Waiting to Happen*, *supra*.

<sup>67</sup> Atkinson, *Combustible Coal Dust*, *supra*.

<sup>68</sup> Tim Driscoll et al. *Occupational airborne particulates: Assessing the environmental burden of disease at national and local levels*. Environmental Burden of Disease Series, No. 7, World Health Organization. Protection of the Human Environment, Geneva 2004; available at [http://www.who.int/quantifying\\_ehimpacts/publications/en/ebd7.pdf](http://www.who.int/quantifying_ehimpacts/publications/en/ebd7.pdf).

lems because dust will be more concentrated within the workspace. And as stated above, covered coal operations raise significant safety concerns for workers related to the increased likelihood of coal combustion when it is confined.

**E. Coal dust and leachates pollute waterways, often with long-lasting impacts**

Coal and coal dust can contaminate water. As explained above, coal leachates can enter the soil and water during the frequent spraying of water on coal piles to prevent spontaneous combustion.

Leachates from coal are harmful to the environment when they are absorbed into the soil or a nearby body of water. Coal leachates have high concentrations of sulfate, iron, and aluminum, and have an acidic pH.<sup>69</sup>

Ship accidents are another way coal can contaminate water. For example, in 2012 a coal ship crashed into the dock at the Westshore Terminal in Vancouver and spilled coal into the water.<sup>70</sup> “Very fine material, if it stays suspended especially, could impact filter feeders and small invertebrates. Things like oysters and clams – it could get into their system and it’s not soluble, so it would just stay in there clogging their insides”<sup>71</sup> “larger chunks of coal have the potential to smother benthic organisms—bottom-feeding fish and other marine plants and animals.”<sup>72</sup>

Even one coal-related accident, such as a spill or leakage, can have repercussions for over a century. Studies on a coal ship that sank in 1891 near British Columbia found in 2012 that the coal is still a source of polycyclic aromatic hydrocarbons (PAHs) and other pollutants in the surrounding water.<sup>73</sup>

It is unlikely that train cars and storage facilities will be completely water-tight, which would be necessary to prevent leaching into the Estuary.

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<sup>69</sup> G.S. Ghuman et al, *Biogeochemistry of Trace Elements in Coal and Coal Combustion Byproducts, Impact of Coal Pile Leachate and Fly Ash on Soil and Groundwater* (1999); available at [http://link.springer.com/chapter/10.1007/978-1-4615-4155-4\\_14#page-1](http://link.springer.com/chapter/10.1007/978-1-4615-4155-4_14#page-1)

<sup>70</sup> Gordon Hamilton, Tiffany Crawford, *Ship crashes into dock at Westshore Terminals, spilling coal into water*, Vancouver Sun (Dec. 9, 2012); available at <http://www.vancouversun.com/news/Ship+crashes+into+dock+Westshore+Terminals+spilling+coal+into+water+with+video/7667184/story.html#ixzz3lf5EMdGH>

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> Mark B. Yunker et al., *Source apportionment of elevated PAH concentrations in sediments near deep marine outfalls in Esquimalt and Victoria, BC, Canada: Is coal from an 1891 shipwreck the source?*, *Journal of Organic Geochemistry* (2012); available at <http://cat.inist.fr/?aModele=afficheN&cpsidt=25821441>

### III. Coal exports will drive climate change resulting in substantial danger to the health and safety of Oakland residents

#### A. Coal exports from Oakland will result in substantial contribution to climate change

As science has made increasingly clear, time is running out on our ability to make new commitments to fossil-fuel infrastructure and still indulge the illusion that we can leave a world to our children and grandchildren similar to the one in which we grew up. The public policy issue confronting elected leaders is not merely our behavior in consuming fuels in the future, but the commitments we are making today to burn those fuels.

In August 2014, Steve Davis of the University of California and Robert Socolow of Princeton University published a groundbreaking paper in *Environmental Research Letters* entitled “Commitment accounting of CO<sub>2</sub> emissions.” In their paper, Davis and Socolow presented a profound new way to envision what is at stake when decisions are made about making new commitments to fossil-fuel infrastructure. When commitments are made in the present that will last for decades into the future, we must account for them now. As author Stephen Leahy explains, “A new coal plant will emit CO<sub>2</sub> emissions throughout its 40- to 60-year lifespan. That’s called a carbon commitment.”<sup>74</sup>

Based on Davis and Socolow’s analysis, Leahy has added up the sum of our current carbon commitments and the pace at which we are adding to them and comes to a startling conclusion:

In only three years there will be enough fossil fuel-burning stuff—cars, homes, factories, power plants, etc.—built to blow through our carbon budget for a 2 degrees Celsius temperature rise. Never mind staying below a safer, saner 1.5°C of global warming. The relentless laws of physics have given us a hard, non-negotiable deadline, making G7 statements about a fossil fuel-phase out by 2100 or a weak deal at the UN climate talks in Paris irrelevant.<sup>75</sup>

Building an export terminal designed to send up to 10 million tons per year of coal to Asian export markets for the next 66 years is a massive carbon commitment. Indeed, the magnitude of this carbon commitment is staggering. As a matter of sim-

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<sup>74</sup> Stephen Leahy, *A Hard Deadline: We Must Stop Building New Carbon Infrastructure by 2018*, The Leap (July 2, 2015) at <http://theleap.thischangeseverything.org/author/stephen-leahy/>.

<sup>75</sup> Leahy, *supra*; see also Bobby Magil, *Coal Plants Lock in 300 Billion Tons of CO<sub>2</sub> Emissions*, Climate Central (Aug. 28, 2014); available at <http://www.climatecentral.org/news/coal-plants-lock-in-300-billion-tons-of-co2-emissions-17950>.



ple arithmetic, dedication of OBOT facility to coal exports could result in the burning of two-thirds of a billion tons of coal during the 66-year term of the developer's lease—a quantity of coal sufficient to produce over 1.5 billion tons of CO<sub>2</sub>.<sup>76</sup>

The City Council is now considering the health and safety impacts of facilitating the release of over a billion tons of CO<sub>2</sub> into the atmosphere. We are not talking about a *de minimis* addition of carbon to the atmosphere, but a substantial amount. The incremental amounts of atmospheric carbon that will drive climate change are measured in billions of tons. *A billion tons matters*. For example, in one of the most famous *Rolling Stone* articles of all time, climate activist Bill McKibben explained that we have a “budget” of 565 billion tons of carbon dioxide that we can release into the atmosphere and still have a reasonable chance of staying within a 2°C limit on global warming.<sup>77</sup> Although scientists now suspect a 1.5°C limit may be needed, a 2°C limit gives us some chance of avoiding catastrophic climate change, ocean acidification, sea level rise, and biodiversity loss.

Two important facts about that budget: (1) the budget must be shared by the entire human race and (2) the budget is over the next few centuries because, once CO<sub>2</sub> levels in the atmosphere rise, they take millennia to recede and the climate impacts are “baked in.”<sup>78</sup> Thus, a commitment by the City of Oakland to build a coal export terminal could result in the consumption of over one-tenth of one percent of humanity's entire remaining budget of fossil fuel emissions. That may sound small, but all it takes is 1,000 similar commitments and our species can say goodbye to any hope of passing on to succeeding generations a climate similar to the one in which our civilization has operated. We Oaklanders are not one out of a thousand but only one out of every 17,500 people alive today. There are 7 billion people on Earth, only 400,000 of whom are lucky enough to live in Oakland. This, of course, raises a question of equity. This one project will use up 17½ times our fair share of the global carbon budget.

But there is another factor to consider. We must evaluate the dangers of coal exports in the context of what the world's premier climate scientist, James Hansen,

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<sup>76</sup> The addition of two oxygen atoms to coal's carbon atoms when coal burns results in more than two tons of CO<sub>2</sub> emissions from each ton of coal burnt. B.D. Hong & E.R. Slatik, Energy Information Administration, *Quarterly Coal Report, January-April 1994*, DOE/EIA-0121(94/Q1) (Washington, DC, Aug. 1994), available at [http://www.eia.gov/coal/production/quarterly/co2\\_article/co2.html](http://www.eia.gov/coal/production/quarterly/co2_article/co2.html).

<sup>77</sup> Bill McKibben, *Global Warming's Terrifying New Math*, *Rolling Stone* (July 9, 2012); available at <http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719>. Scientists have validated McKibben's general approach while debating the limit. See Fred Pearce, *What Is the Carbon Limit? That Depends Who You Ask*, *Yale Environment* 360 (Nov. 6, 2014); available at [http://e360.yale.edu/feature/what\\_is\\_the\\_carbon\\_limit\\_that\\_depends\\_who\\_you\\_ask/2825/](http://e360.yale.edu/feature/what_is_the_carbon_limit_that_depends_who_you_ask/2825/).

<sup>78</sup> U.S. Env't'l Prot. Agency, *Future Climate Change*, available at <http://www3.epa.gov/climatechange/science/future.html> (accessed Sept. 18, 2015).



has referred to as a “planetary emergency.”<sup>79</sup> The point of irreversible climate change is usually thought of as a 2°C (3.6°F) increase in global average temperature, which has been described as equivalent at the planetary level to the “cutting down of the last palm tree” on Easter Island.<sup>80</sup> An increase of 2°C in global average temperature coincides roughly with *cumulative* carbon emissions of around one trillion metric tons. Based on past emissions trends it is predicted by climate scientists at Oxford University that we will hit the one trillion metric ton mark in 2043, or thirty-one years from now. We could avoid emitting the trillionth metric ton if we were to reduce our carbon emissions beginning immediately by an annual rate of 2.4 percent a year.<sup>81</sup>

But, despite the commitment of governments throughout the world in 2009 to a 2°C limit on global warming, our global carbon emissions have been increasing not decreasing at the requisite 2.4 percent per year. Under such circumstances, every claim of a vested right to build new fossil-fuel infrastructure without rigorous environmental review must be viewed with extreme skepticism. The evolution of our scientific understanding of the severity of climate impacts has outpaced the evolution of our legal system’s ability to protect us from unprecedented threats to our health, safety, and well-being.

The objection has been raised that, because the effects of greenhouse gas emissions are global, the local impact is not enough to require local action. But when we are talking (almost literally) about a plan to pour additional fuel on a raging fire, the need to respond to the planetary emergency requires a change in perspective. If the police power cannot protect us from such foolishness—if we cannot think globally

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<sup>79</sup> Mariano Andrade, phys.org (Sept. 20, 2012), *Planetary emergency due to Arctic melt, experts warn*, at <http://phys.org/news/2012-09-planetary-emergency-due-arctic-experts.html>.

<sup>80</sup> See John Bellamy Foster, *Occupy Denialism: Toward Ecological and Social Revolution*, MRZine (Nov. 11, 2011); available at <http://mrzine.monthlyreview.org/2011/foster111111.html>.

<sup>81</sup> Allen Myles et al., “The Exit Strategy,” *Nature Reports Climate Change*, April 30, 2009, 56–58, and “Warming Caused by Cumulative Carbon Emissions Towards the Trillionth Tonne,” *Nature* 458 (April 20, 2009): 1163–66; Malte Meinshausen et al., “Greenhouse-Gas Emission Targets for Limiting Global Warming to 2°C,” *Nature* 458 (April 30, 2009) 1158–62; available at <https://www1.ethz.ch/iac/people/knutti/papers/meinshausen09nat.pdf>; TrillionthTonne.org; Catherine Brahic, *Humanity’s Carbon Budget Set at One Trillion Tons*, *New Scientist* (Apr. 29, 2009); available at <http://www.newscientist.com/article/dn17051-humanitys-carbon-budget-set-at-one-trillion-tonnes.html>; Katherine Richardson, Will Steffen, and Diana Liberman, *Climate Change: Global Risks, Challenges, and Decisions* (Cambridge: Cambridge University Press, 2011), 212. An increase in global average temperature of 2°C is equivalent to a carbon dioxide concentration in the atmosphere of 450 parts per million (ppm). This would be too much for long-term stabilization of the climate, which requires no more than 350 ppm. However, keeping below the trillionth metric ton in emission is regarded as a prior constraint, since it constitutes a point of no return in terms of the possibility for effective human action with regard to these processes. If carbon emissions could be stopped below a trillion metric tons, it would be possible to get back down over time to 350 ppm. See <http://trillionthtonne.org/questions.html#5>.

and act locally along with many others around the world—then our narrow definition of what is dangerous to our health and safety will become a suicide pact.

**B. Climate change will result in substantial danger to the health and safety of Oakland Global's neighbors**

There are many ways that climate change—exacerbated by the proposed coal exports—will impact the residents of Oakland and, in particular, Oakland Global's neighbors in West Oakland.

In 2002, the Oakland City Council formally recognized the danger that global warming could cause the sea levels to rise, putting the City's groundwater aquifers at risk of saltwater contamination and threatening to flood the airport and sewer systems.<sup>82</sup> The link between fossil fuel consumption and rising sea levels is well-established. One study indicated that Oakland's flatlands could be flooded with as much as nineteen inches of sea level rise by 2050.<sup>83</sup> Oakland's sewer and drainage systems have already had problems with overflow during past storm surges.<sup>84</sup> A study of the impact of sea level rise on airports across the country indicated serious consequences for Oakland, which will have the second-most severe effects of U.S. airports, after the most at-risk airport in San Francisco.<sup>85</sup> Rising sea levels will also result in increased risks of earthquakes and tsunamis.<sup>86</sup>

The impact of extreme heat was documented in a 2012 risk assessment which found that Oakland area was the most vulnerable place in the Bay Area to extreme heat. Extreme heat is associated with pre-term births, deaths from heart conditions, and heat stress.<sup>87</sup> African Americans were noted as especially vulnerable to climate health impacts. Lower income populations often have less access to resources that can offset heat and its related illnesses, including being able to afford air condition-

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<sup>82</sup> Katherine Q. Seelye, *2 Western Cities Join Suit to Fight Global Warming*, New York Times (Dec. 24, 2002), at <http://www.nytimes.com/2002/12/24/politics/24ENVI.html/>.

<sup>83</sup> Barbara Grady, *When the sea levels rise in the Bay, where will it hurt in Oakland?* OaklandLocal (Jun. 12, 2014); available at <http://oaklandlocal.com/2014/06/when-the-sea-levels-rise-in-the-bay-where-it-will-hurt-in-oakland/>.

<sup>84</sup> Barbara Grady, *Sea Level Rise Threatens Oakland's Sewer System*, Climate Central (June 17, 2014); available at <http://www.climatecentral.org/news/sea-level-rise-oakland-sewer-17567>.

<sup>85</sup> Andrew Freedman, *U.S. Airports Face Increasing Threat From Rising Seas*, Climate Central, June 18, 2013; available at <http://www.climatecentral.org/news/coastal-us-airports-face-increasing-threat-from-sea-level-rise-16126>.

<sup>86</sup> James Temple, *Projecting warming's impact on Bay Area*, SFGate (Jan. 5, 2013); available at <http://www.sfgate.com/science/article/Projecting-warming-s-impact-on-Bay-Area-4170481.php>.

<sup>87</sup> Climate Change Impacts, Vulnerabilities, and Adaptation in the San Francisco Bay Area: A Synthesis of PIER Program Reports and Other Relevant Research. A White Paper from the California Energy Commission's California Climate Change Center (July 2012); available at <http://www.energy.ca.gov/2012publications/CEC-500-2012-071/CEC-500-2012-071.pdf>.



ing and electric costs. They often lack the medical coverage to receive prompt treatment for a heat-related medical condition.<sup>88</sup>

Climate change also aggravates other health conditions. The health dangers of local pollution from coal dust are sometimes viewed as completely separate from the health dangers of global warming. But in fact these threats overlap. Higher temperature *by itself* contributes to local air pollution and health problems, even if coal can be transported and unloaded absolutely cleanly. As biologist Sandra Steinberg has explained,

the problems of toxicity [from air pollution] and temperature are not independent of each other. Higher global temperatures accelerate the creation of toxic lung pollutants, such as ozone, nitrogen dioxide, particles and carcinogens. And they accelerate the evaporation of liquid pollutants, like gasoline. By raising the heat, you raise the air's toxicity. Higher temperatures also increase levels of pollen, dust mites, and fungal spores. In all these ways, climate change is an asthma trigger.<sup>89</sup>

Climate change also increases fire risk. Scientists have now determined that California's ongoing drought is the worst drought in 500 years and climate change appears to be a significant factor in its causation. The recent horrific fires in Lake, Napa, Sonoma, and Butte counties are the predicted consequences of fossil fuel-induced climate change. Although we have been spared a major urban fire in Oakland for over two decades, the Oakland hills taught us that the unthinkable sometimes happens. The Oakland Hills fire of 1991 alone produced \$1.5 billion in damages, killed 25, and demolished 3,810 apartment units and homes.<sup>90</sup>

**C. Oakland cannot escape responsibility for the contribution of its coal exports to climate change, ocean acidification, and human ill health with unsubstantiated arguments that the coal will pass through other ports or will simply be replaced with some other coal**

It has been argued that if the coal is not shipped through Oakland to be burned overseas, it will be shipped through another port. However, activists

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<sup>88</sup> *Id.*

<sup>89</sup> Sandra Steinberg, *Raising Elijah*, Boston, Da Capo Press (2011), at 160; *see also id.* at 159 ("In a 2008 study, Stanford Engineer Marc Jacobson demonstrated that upticks in the average temperature of the planet lead to significant increases in human deaths due to air pollution.... Global climate change is, thus, already contributing to the burden of child asthma."), citing M.Z. Jacobson, *On the Causal Link Between Carbon Dioxide and Air Pollution Mortality*, *Geophysical Research Letters*, 35 (2008); available at <https://web.stanford.edu/group/efmh/jacobson/Articles/N/2007GL031101.pdf>

<sup>90</sup> *Id.* at 23.

along the West Coast have been opposing coal exports, with notable success in the Northwest.<sup>91</sup> By stopping coal export wherever it is proposed, the potential use of U.S. coal overseas may be averted entirely.

It has also been argued that people overseas require coal and will be using coal in any case, whether or not they have access to U.S. coal. US coal exports would not supplant the burning of dirtier Chinese coal. Instead, North American exports would add to the volume burned in Asia. As resource economist Thomas Michael Power has explained, increased supply lowers the cost of a commodity, making it more economical to increase consumption.<sup>92</sup>

This result—that international competition to serve particular import markets will lower the prices that the importing countries have to pay—should not be startling. One of the major benefits of international trade is that it allows countries access to lower cost sources of supply.

In other words, U.S. coal exports will not simply displace other coal in the market. Instead, U.S. coal exports will adhere to fundamental economic principles: an increase in supply will bring down market prices and thereby increase total consumption. The extent to which increasing supply will boost demand is debatable—just like the extent to which higher prices would dampen demand—but the direction of the change is clear.

In fact, some underlying dynamics may make U.S. exports even more critical. As Power points out, lower prices may encourage China to build more coal-burning power plants than they otherwise would, an investment that would lock in elevated coal burning and pollution for decades to come.

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<sup>91</sup> Eric de Place, *Coal Export: A History of Failure at Western Ports*, Sightline Institute (Aug. 2012); available at <http://www.sightline.org/research/coal-export/>; Katherine Bagley, *Losing Streak Continues for U.S. Coal Export Terminals*, Inside Climate News (Jan. 12, 2015); available at <http://insideclimatenews.org/news/20150112/losing-streak-continues-us-coal-export-terminals>; Rhiannon Williams, *Port of Long Beach Receives Backlash from Environmental Groups*, CSU-Long Beach Daily 49er (Apr. 30, 2015); available at <http://www.daily49er.com/news/2015/04/30/port-of-long-beach-receives-backlash-from-environmental-groups/>.

<sup>92</sup> Thomas M. Power & Donovan S. Power, *The Impact of Powder River Basin Coal Exports on Greenhouse Gas Emissions*, Power Consulting Inc. (2013), available at [http://www.powereconconsulting.com/WP/assets/GHG-Impact-PRB-Coal-Export-Power-Consulting-May-2013\\_Final.pdf](http://www.powereconconsulting.com/WP/assets/GHG-Impact-PRB-Coal-Export-Power-Consulting-May-2013_Final.pdf); Thomas M. Power, *The Greenhouse Gas Impact of Exporting Coal from the West Coast: An Economic Analysis*, Sightline Institute (2011); available at <http://powerpastcoal.org/wp-content/uploads/2011/09/Coal-Power-White-Paper.pdf>

#### **IV. The City Council Has Authority to Protect the Health and Safety of Oakland Residents Who Will Be Affected by Coal Exports**

##### **A. Section 3.4.2 of the Development Agreement carves out an exception to the rule that after-enacted zoning laws cannot be applied to projects that are already underway**

Despite rumored threats by the developer to sue the City of Oakland if the City Council adopts the proposed ban on coal exports, the legal grounds upon which the City Council prohibit coal exports are clearly set forth in the Development Agreement dated July 16, 2013 between the City of Oakland and the developer. Section 3.4.2 of the Development Agreement provides as follows:

Notwithstanding any other provision of this Agreement to the contrary, City shall have the right to apply City Regulations adopted by City after the Adoption Date, if such application (a) is otherwise permissible pursuant to Laws (other than the Development Agreement Legislation), and (b) City determines based on substantial evidence and after a public hearing that a failure to do so would place existing or future occupants or users of the Project, adjacent neighbors, or any portion thereof, or all of them, in a condition substantially dangerous to their health or safety.

In California, a development agreement is a statutorily authorized agreement between a municipal government and a property owner for the development of the property.<sup>93</sup> One of the main components of a development agreement is a provision freezing the municipality's rules, regulations, and policies governing permitted uses of land and density of the land use, as well as standards and specifications for design, improvement, and construction.<sup>94</sup> This provision allows a developer to make long-term plans for development without risking future changes in the municipality's land use rules, regulations, and policies.<sup>95</sup>

Because Oakland is a charter city, the Government Code provisions relating to development agreements do not apply directly to the City of Oakland.<sup>96</sup> However, Oakland has adopted its own ordinances, paralleling the state

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<sup>93</sup> Gov. Code, § 65865, subd. (a).

<sup>94</sup> Gov. Code, § 65866.

<sup>95</sup> *Santa Margarita Area Residents Together v. San Luis Obispo County Bd. of Supervisors* (2000) 84 Cal.App.4th 221, 227 (*SMART*).

<sup>96</sup> Under Government Code section 65803, except as otherwise provided, the provisions of Government Code title 7, div. 1, ch. 4 (i.e., Government Code § 65800 et seq.) do not apply to a charter city, except to the extent that the same may be adopted by charter or ordinance of the city.



statutes, authorizing the City (1) to enter into development agreements with any person having a legal or equitable interest in real property<sup>97</sup> and (2) to establish the authority and procedure for review and approval of proposed development agreements by the City.<sup>98</sup> The LDDA, a complex lease agreement between the City as land owner and the developer, established the developer's interest in the real property at the former Oakland Army Base but it did not confer any protection on the developer against changes in the law that might occur in laws regulating the use of the property.

The DA, an agreement between the City acting as a municipality and the developer, was adopted seven months after the LDDA with four purposes: (1) to vest the land use policies in effect as of the July 2013 date of adoption; (2) to vest the developer's rights and the City's obligations regarding current and future approvals necessary for the Project; (3) to allocate responsibility for the cost and implementation of the mitigation monitoring and reporting program; and (4) and to memorialize certain "other agreements" between the City of Oakland and the developer with respect to the project.<sup>99</sup>

The exception to the developer's vested rights contained in section 3.4.2 was one of those "other agreements."

Section 3.4.2 embodies the Reserved Powers Doctrine, a well-established legal principle that limits the extent to which sovereign governments can contract away their powers to protect public health and safety. As United States Supreme Court framed the rule 135 years ago, "the legislature cannot bargain away the police power of a State."<sup>100</sup> Thus, a current legislative body cannot use its contract power to bind future legislatures and limit their discretion in exercising the police power.<sup>101</sup> If a development agreement bargains away the police power, it is void *ab initio*.<sup>102</sup> Accordingly, section 3.4.2 is, in some sense, merely a recognition of the principle that some subsequent regulations may apply, even to a developer whose project has already been approved and granted a development agreement, where public health and safety are at stake.

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<sup>97</sup> See Muni. Code § 17.102.310

<sup>98</sup> See Muni. Code ch. 17.138.

<sup>99</sup> See DA, Recital C, at 2

<sup>100</sup> *Stone v. Mississippi*, 101 U.S. 814, 817 (1880)

<sup>101</sup> See David A. Callies, *Development Agreements*, in *Zoning and Land Use Controls* ch. 9a, at 7, 10 (2000).

<sup>102</sup> See *United States Trust Co. v. New Jersey*, 431 U.S. 1, 23 (1977).

**B. Provided the City complies with the requirements of section 3.4.2, the developer's threatened suit against the City would have little chance of success**

If the City Council exercises its authority under section 3.4.2, a legal attack will have to argue that the City Council abused its discretion in enacting the ordinance prohibiting bulk export of coal from Oakland's new marine terminal. A reviewing court will not ordinarily set aside a legislative act unless it is arbitrary, capricious, or unlawful. The Development Agreement limits the right of the City to apply the ordinance to the developer only if the "City determines based on substantial evidence and after a public hearing that a failure to do so would place existing or future occupants or users of the Project [or] adjacent neighbors ... in a condition substantially dangerous to their health and safety."<sup>103</sup>

Thus, should the developer sue, it would confront the high hurdle of showing that the City had insufficient evidence to support the adoption of the ordinance banning coal export. Review under the substantial evidence rule is extremely deferential and asks not whether City evaluated the weight of the evidence correctly, but only whether there was enough evidence to support the decision, disregarding the other information. The most common application of substantial evidence rule is where an appellate court reviews the factual determinations made by a trial court. Judicial decisions from the appellate courts make clear that judges are not reevaluating the evidence from scratch. "When the trial court's factual determination is attacked on the ground that there is no substantial evidence to sustain it, the power of an appellate court begins and ends with the determination as to whether, on the entire record, there is substantial evidence, contradicted or uncontradicted, which will support the determination."<sup>104</sup> Substantial evidence is not just any evidence to support the factual finding. The evidence must be reasonable in nature, credible and of solid value.<sup>105</sup> However, the fact that there may be conflicting evidence, and even that most of the evidence supports the challenger, will not support overturning the decision.<sup>106</sup>

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<sup>103</sup> D.A., § 3.4.2.

<sup>104</sup> *Bowers v. Bernards*, 150 Cal. App. 3d 870, 872-73 (1984).

<sup>105</sup> *Id.* at 873.

<sup>106</sup> *Campbell v. Southern Pacific Co.* (1978) 22 Cal.3d 51, 60 ("we review the entire record in the light most favorable to the judgment to determine whether there are sufficient facts, contradicted or uncontradicted, to support the judgment."); *see also Kuhn v. Department of General Services* (1994) 22 Cal.App.4th 1627, 1632-1633 (in evaluating the evidence, courts accept reasonable inferences in support of the judgment and do not consider whether contrary inferences may be made from the evidence).



**C. A ban on coal exports from Oakland's own property will not violate the Dormant Commerce Clause**

In the City Administrator's Notice of Public Hearing on the Health and/or Safety Impacts of Coal dated August 28, 2015, the City invited the public to submit information, testimony and other evidence regarding the Dormant Commerce Clause. Presumably, this request arose out of concern that regulation of trans-shipment of coal through Oakland would violate the Commerce Clause of the United States Constitution by discriminating against or interfering with interstate or foreign commerce.

This topic was covered thoroughly in a recent law review article that discusses at length the Dormant Commerce Clause in relation to local regulation of coal export terminals.<sup>107</sup>

In this article, the authors explain that, under the Dormant Commerce Clause doctrine, state and local regulations violate the Commerce Clause (1) if they discriminate against interstate commerce on their face or (2) if they place an undue burden on interstate commerce. On its face, an Oakland ordinance prohibiting coal exports from City-owned land would not discriminate between California and out-of-state coal producers, even if there are no California producers. Moreover, the first prong is not met merely by discrimination against a product that comes exclusively from out-of-state suppliers if the disparate treatment "results from natural conditions."<sup>108</sup> Thus, "treating coal differently because of its unique impacts on the environment would not offend the dormant Commerce Clause."<sup>109</sup> The authors concluded that it is unlikely that regulation based on coal's local impacts would amount to prohibited discrimination against the interstate movement of coal.<sup>110</sup>

The second prong "undue burden" test is more difficult to meet. Under the applicable balancing test, a nondiscriminatory state or local law will be upheld unless its impacts on interstate commerce are "clearly excessive in relation to the putative local benefits."<sup>111</sup> As the authors of the law review article point out, the Ninth Circuit has referred to *Pike's* balancing test as the "minimal scrutiny test."<sup>112</sup> Unless a facially non-discriminatory law is "unreasonable or irrational," courts "should not second-guess the empirical judgments of lawmakers concerning the utility of legisla-

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<sup>107</sup> See Henry W. McGee et al., *Coal and Commerce: Local Review of the Gateway Pacific Coal Terminal*, 4 Seattle J. Envtl. L., 283 (2014).

<sup>108</sup> See *id.* at 309 & n.133.

<sup>109</sup> *Id.* at 309.

<sup>110</sup> *Id.*

<sup>111</sup> *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1960).

<sup>112</sup> *Black Star Farms LLC v. Oliver*, 600 F.3d 1225, 1231 (9th Cir. 2010); see McGee, *Coal and Commerce*, at 302.

tion.”<sup>113</sup> A ban on coal exports may not be based on impacts that are merely illusory, but findings based on substantial evidence will suffice, even if there may be substantial contrary evidence. The City Council is, therefore, free to make an empirical judgment and decide what to do to protect the health and safety of Oakland Global’s neighbors and workforce, and the City’s legislative judgment should survive judicial review.

The law review article also discusses enhanced authority for local regulation of land owned by the City as a “market participant.”<sup>114</sup> Depending on the particular terms of an ordinance dealing with coal exports, this issue may play an important role in the analysis. In any case, for the reasons set forth in the article, local regulation of coal exports from City-owned property in Oakland will not seriously implicate the Dormant Commerce Clause.

#### **D. The City Council can enact an ordinance banning coal exports by a simple majority vote**

Rumors have been circulating that the City Council cannot pass a ban on coal exports by a simple majority vote. These rumors, repeated by some City officials, have never cited any particular provision of the City Charter or Code that requires a super-majority vote.

There are only rare instances where a 4/5ths vote (which in the case of the 8-member City Council would require 7 ayes) is required to pass legislation. Government Code section 65858 requires a 4/5ths vote to “adopt as an urgency measure an interim ordinance” which is effective for only 45 days in order “to protect the public health, safety, and welfare” while a legislative body or planning department is studying a question that may lead to a more permanent enactment.<sup>115</sup> The interim ordinance can twice be extended for additional time.<sup>116</sup>

Nothing in section 3.4.2 of the Development Agreement requires the City to “adopt as an urgency measure an interim ordinance” regulating coal exports while it studies the matter. The requirements of section 3.4.2 are that the City hold a public hearing after which it must make a determination whether substantial evidence has been presented that failure to adopt an ordinance banning coal “would place existing or future occupants or users of the Project [or] adjacent neighbors ... in a condition substantially dangerous to their health and safety.” There is no requirement that the City Council adopt an interim ordinance prior to adoption of a measure

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<sup>113</sup> *S.D. Myers v. City and Cnty. of S.F.*, 253 F.3d 461, 471 (9th Cir. 2001) (internal quotations and citations omitted).

<sup>114</sup> McGee, *Coal and Commerce*, at 303-304.

<sup>115</sup> Govt. Code, § 65858, subd. (a).

<sup>116</sup> *Id.*

that would ban coal exports. Moreover, such an interim ordinance would be pointless as OBOT will likely take years to build so the danger of coal exports through OBOT is not immediate.

What is immediate is the interest of all parties in having a swift resolution of the controversy, which an ordinance banning coal exports from the City's land will bring.

**V. The developer's claim that the success of the entire project depends on coal exports is without merit**

Defenders of the developer's coal export plan argue that, although coal exports have unfortunate environmental consequences, the more important thing is to bring jobs to Oakland, and a ban on coal exports will kill jobs. This argument rests on two premises: (1) that, without coal exports, the entire project will collapse and the Building Trades workers will lose all their expected hours of work and (2) that coal exports will contribute to the success of the project and bring prosperity to Oakland. These arguments are false.

**A. OBOT is viable without coal as one of its commodities**

When the developer signed the LDDA in 2012 and the Development Agreement in 2013, he had promised a city councilmember and the public in a writing on his web-site that he would not export coal from OBOT. Thus, when he entered into those agreements, he believed that OBOT would be viable and profitable without coal. Nothing has changed today that would alter his belief except for the \$53 million that the four Utah counties are dangling in front of him.

In examining other ports on the West Coast, it is clear that coal is a small proportion of the commodities they ship. Coal accounts for only 0.15% and 0.8% of the value of all exports out of the entire Los Angeles district and the entire San Francisco district, respectively.<sup>117</sup> The ports in the Seattle, Columbia-Snake, and San Diego districts do not export coal at all.<sup>118</sup> Like these ports, OBOT can be viable without coal.

There are 15,000 possible commodities that can be shipped from OBOT. Oakland's top 10 containerized export commodities are wood pulp, fruit and nuts, meat, fish, beverages, oil seeds, grains, seeds, cereals, iron and steel, preserved vegetables,

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<sup>117</sup> West Coast exports; sheet LA 27; cell B3, sheet SF 27; cell B3, USA Trade Online (accessed Aug. 19, 2015); available at <https://usatrade.census.gov/>.

<sup>118</sup> West Coast exports; sheet SD27; column A sheet CS 27; column A; cell D7 sheet SEA 27; cells D7 and D1, USA Trade Online (accessed Aug. 19, 2015); available at <https://usatrade.census.gov/>



fruits, and nuts, plastics, food waste.<sup>119</sup> OBOT will be able to export a greater volume of some of these dry bulk commodities. And it can export oversized items such as tractors, bulldozers, aircraft and parts, machinery, wood, pipes, pumps, and turbines which as explained below, create far more jobs than coal exports.<sup>120</sup>

### **B. Coal exports will bring fewer permanent jobs to Oakland**

Coal export terminals bring far fewer permanent jobs than terminals that ship other dry bulk goods and oversized commodities. A Port of Seattle economic impact study found that shipping 1,000 metric tons of grain—a bulk commodity like coal—generates just 0.09 jobs, compared with 0.57 jobs for containerized cargo and 4.2 jobs for “break bulk” cargo, such as big machines or goods shipped on pallets, which requires more handling.<sup>121</sup>

A study at the Port of Baltimore came to similar conclusions, finding that coal export supports just 0.11 jobs per 1,000 metric tons, as compared to 0.41 for other dry bulk commodities, 0.43 jobs for containerized cargo, and 1.71 jobs for autos.<sup>122</sup>

Recent redevelopments on port sites along the Lower Columbia River illustrate the weakness of coal exports as an economic strategy. The proposed coal export terminal at Longview would occupy 416 acres of heavy industrial waterfront property and produce 70 jobs—less than 0.2 jobs per acre. By contrast, in Troutdale, Oregon a recently cleaned-up port site attracted a FedEx Ground regional distribution center that employs over 750 people on 700 acres of heavy industrial property—supporting 1.1 jobs per acre.<sup>123</sup>

In Vancouver, Washington another redeveloped port site with 218 acres of heavy industrial waterfront is expected to employ up to 1,000 people to accommodate a surge in wind turbines and other cargo—generating 3.4 jobs per acre.<sup>124</sup>

Clearly, as an economic and job development strategy, reserving half of OBOT for Utah coal is a bad strategy.

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<sup>119</sup> Port of Oakland, *Port of Oakland Top 10 Commodities By Tonnage – Exports (Containerized) Calendar Year 2014*, source: U.S. Dept of Commerce, Bureau of Census; available at <http://www.portofoakland.com/maritime/commodities.aspx>; Port of Oakland, *Maritime Operations at a Glance-Principal Exports*; available at <http://www.portofoakland.com/maritime/operations.aspx>.

<sup>120</sup> *Id.*

<sup>121</sup> Eric de Place, *An Alternative to Coal Jobs; Clean redevelopment provides more employment at Northwest ports*, Sightline Daily (Sept. 14, 2011) <http://daily.sightline.org/2011/09/14/an-alternative-to-coal/>.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

### C. Building a coal export terminal may be a gateway to instant obsolescence

The idea that coal exports will provide the foundation for a successful project is baseless given the collapse of the domestic coal industry and Asian countries' scaling back on the reliance on coal as an energy source. The proposal to base Oakland Global's future on coal appears to come out of a time warp from several years ago. In 2015, coal faces an uncertain future worldwide.

The U.S. coal industry's recent hot pursuit of overseas markets is the direct result of regulatory and economic pressures that are contracting coal's share of the energy market here in the States. Under new Environmental Protection Agency regulations, U.S. power plants are required to cut emissions by 32 percent from the 2005 levels by 2030. In addition, new power plants are required to be much cleaner, which could effectively bar construction of new coal-fed plants. The rapid expansion of natural gas and renewables are also taking a toll on the U.S. coal market.

Facing a dramatic collapse of domestic demand, the coal industry is desperately seeking overseas outlets.<sup>125</sup> But the prospects for selling surplus coal overseas are suddenly looking much worse than they did just two years ago as the recent global coal boom turns to global coal bust.

#### 1. *China Is Ratcheting Down Coal Imports*

China is the biggest market for coal in the world. China was a net coal exporter before 2009 but became a huge importer in the next four years.<sup>126</sup> That is now yesterday's news. In 2014, China's coal use declined for the first time in this century and its imports dropped by 10%.

Although the Chinese government has a reputation for indifference to air pollution, it has begun to take forceful measures to respond to the appalling air pollution in major Chinese cities. Partially as a result of these measures and partially as a result of China's economic slowdown, in the first five months of 2015, China's coal imports fell by 38.2% compared to the same period in 2014—a huge fall in such a short

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<sup>125</sup> Ben Goldfarb, The Latest: coal companies seek terminals beyond the Northwest, High Country News (May 21, 2014); available at <https://www.hcn.org/issues/46.9/the-latest-coal-companies-seek-export-terminals-beyond-the-northwest>.

<sup>126</sup> Annie Gilroy, *China's Coal Imports Go From Bad to Worse*, Market Realist (June 24, 2015) available at <http://marketrealist.com/2015/06/chinas-coal-imports-go-bad-worse>.

time.<sup>127</sup> A report released this month indicates that China's coal demand has now fallen for eleven straight months.<sup>128</sup>

Wall Street analysts now recognize that China may already have reached its peak use of coal, years before it was expected. A Wall Street Journal article in February cited analysts who said the trend is part of "a worst-case scenario for coal miners the world over, who had hoped Chinese coal imports would save them from collapsing markets in the West."<sup>129</sup>

The decrease puts China at or near an inflection point known as "peak coal," a point at which a long-term decline in consumption of the mineral begins after decades of heavy use. The shift already is having major indirect effects, with coal prices worldwide falling to six-year lows, mines closing throughout China, and global mining companies facing insolvency.<sup>130</sup>

The mining industry previously had "predicted a straight line of continued growth in China. Now here we are," said Lucas Pipes, an analyst at Brean Capital LLC, an investment bank and asset-management firm. "That is a sea change in the global coal market."<sup>131</sup>

"There's no question that a lot of U.S. companies in particular latched their hope to significant gains in China ... almost into perpetuity," said Mark Levin, an analyst at BB&T Corp.'s capital-markets group. And given transportation costs, the U.S. mining company is "the guy who gets priced out of Asia the fastest."<sup>132</sup>

## 2. *India's Coal Boom Has Also Withered*

With Chinese demand for foreign coal stalling, India has become the latest great hope of the seaborne coal market. However, grassroots citizen opposition, inadequate infrastructure, transport bottlenecks,<sup>133</sup> and coal supply issues have caused

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<sup>127</sup> *Id.*

<sup>128</sup> Zachary D. Boren, *China coal demand falls for twelve straight months*, Energydesk Greenpeace (Sept. 9, 2015); available at <http://energydesk.greenpeace.org/2015/09/09/china-coal-demand-falls-for-eleven-straight-months/>.

<sup>129</sup> Timothy Puko, Chuin Wei-Yap, *Falling Chinese Consumption and Output Undermine Global Market; Last year's trend is country's first such decline in 14 years, frustrating mining companies*, Wall Street Journal (Feb. 26, 2015); available at <http://www.wsj.com/articles/chinas-coal-consumption-and-output-fell-last-year-1424956878/>.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> Puko, *Falling Chinese Consumption*, *supra*.

<sup>133</sup> Sunil Saraf, *India Coal: transport bottlenecks as demand is expected to rise*, Platts (May 27, 2015), available at <http://www.platts.com/news-feature/2015/coal/india-coal-transport/index>.



financing for new coal plants to dry up and cast doubt on optimistic assumptions about India's potential to replace China as a major importer of coal.

The Financial Review, a leading Australian business and finance newspaper, reports that, despite anticipated growth in the use of coal in India, India may have little need for foreign coal beyond the next six or seven years. The Financial Review cites a report by Tim Buckley, director of Australasian energy finance at the Institute for Energy Economics and Financial Analysis (IEEFA), saying Prime Minister Modi government's bold renewable energy and coal production goals could eliminate India's need for thermal coal imports beyond 2021.<sup>134</sup>

3. *Coal's Faces Bleak Financial Prospects and Action on Climate Change Could Turn an Oakland Coal Terminal into a "Stranded Asset"*

Recently, the Bank of England, one of the world's key central banks, sounded an alarm concerning the increasingly risky nature of investments in fossil fuel that assume business-as-usual will continue without disruption.<sup>135</sup> Speaking at an insurance conference, Paul Fisher, deputy head of the regulation authority that supervises England's banks and insurance companies, warned that insurers could suffer a "huge hit" if their investments in fossil fuel companies are rendered worthless by international action on climate change.<sup>136</sup>

"One live risk right now is of insurers investing in assets that could be left 'stranded' by policy changes which limit the use of fossil fuels," said Fisher. "As the world increasingly limits carbon emissions, and moves to alternative energy sources, investments in fossil fuels—a growing financial market in recent decades – may take a huge hit."<sup>137</sup>

The new warning from the Bank of England follows a caution from its head Mark Carney that the "vast majority of [fossil fuel] reserves are unburnable" if climate change is to be limited to 2°C, as pledged by the world's governments.<sup>138</sup> The bank

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<sup>134</sup> Ben Potter, *India won't need Australian coal after 2020, analyst says*, AFR Weekend (Aug. 10, 2015); available at <http://www.afr.com/business/mining/coal/india-wont-need-australian-coal-after-2020-analyst-says-20150810-givhmm#ixzz3j5NO7ggZ>.

<sup>135</sup> Damian Carrington, *The Guardian* (March 3, 2015) *Bank of England Warns of Huge Financial Risk from Fossil Fuel Investments*; available at <http://www.theguardian.com/environment/2015/mar/03/bank-of-england-warns-of-financial-risk-from-fossil-fuel-investments/>.

<sup>136</sup> Paul Fisher, *Confronting the Challenges of Tomorrow's World* (March 3, 2015); available at <http://www.bankofengland.co.uk/publications/Pages/speeches/2015/804.aspx>

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*



will deliver a report to the British government on the financial risk posed by a “carbon bubble” later in 2015.<sup>139</sup>

Citibank recently issued a similar warning. In an August 2015 report, Citibank stated, “We estimate that the total value of stranded assets could be over \$100 trillion based on current market prices.”<sup>140</sup> And coal bears the brunt, accounting for more than half the value of stranded assets, even in the unlikely event that carbon capture and storage becomes a viable technology.<sup>141</sup>

Citibank based its analysis of stranded assets on a study published earlier this year in *Nature*, one of the world’s leading scientific journals.<sup>142</sup> Figure 1, which appears in the Citibank report,<sup>143</sup> sums up the findings of the analysis published in *Nature*. The green represents the percentage of coal reserves that could be extracted under a 2°C scenario. The graph shows that 80% of proven coal reserves must be left in the ground if carbon capture and storage becomes viable; and 90% if carbon capture and storage turns out to be a pipe dream.

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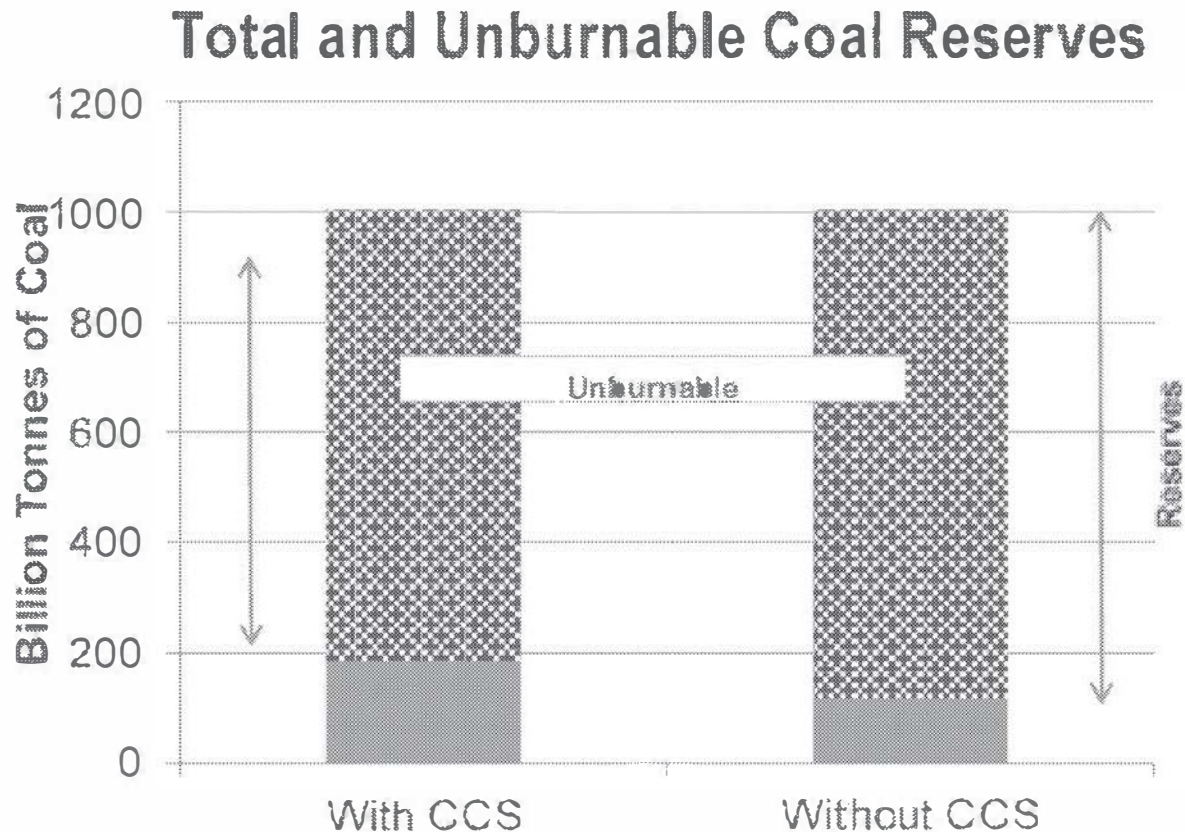
<sup>139</sup> <http://www.theguardian.com/environment/2014/dec/01/bank-of-england-investigating-risk-of-carbon-bubble>

<sup>140</sup> Jason Chanel et al., *Energy Darwinism II: Why a Low Carbon Future Doesn’t Have to Cost the Earth*, Citi GPS: Global Perspectives and Solutions (Aug. 2015); available at <https://ir.citi.com/hsq32Jl1m4aIzicMqH8sBkPnbsqfnwy4Jgb1J2kIPYWIw5eM8yD3FY9VbGpK%2Baax/>.

<sup>141</sup> *Id.* at 84.

<sup>142</sup> Christopher McGlade, Paul Ekins, *The geographical distribution of fossil fuels unused when limiting global warming to 2°C*, *Nature* (2015); available at <http://www.nature.com/nature/journal/v517/n7533/full/nature14016.html>; see also Damian Carrington, *Leave fossil fuels buried to prevent climate change, study urges*, *The Guardian* (Jan. 7, 2015), available at <http://www.theguardian.com/environment/2015/jan/07/much-worlds-fossil-fuel-reserve-must-stay-buried-prevent-climate-change-study-says> (estimating that 90% of United States coal reserves must remain buried).

<sup>143</sup> Chanel, *Energy Darwinism II*, at 84.



**Figure 1. Total and unburnable coal reserves if carbon capture and storage technology becomes viable and if it does not. Source: Citibank.<sup>144</sup> Data Source: McGlade & Ekins, Nature (2015); Citi Research.**

Although the warnings are becoming louder and more frequent, the idea that there may be a bubble about to burst has been voiced for several years. Former U.S. Treasury secretary Hank Paulson said in 2014: “When the credit bubble burst in 2008, the damage was devastating. We’re making the same mistake today with climate change. We’re staring down a climate bubble that poses enormous risks to both our environment and economy.”<sup>145</sup> World Bank president Jim Yong Kim said: “Sooner rather than later, financial regulators must address the systemic risk associated with carbon-intensive activities in their economies.”<sup>146</sup>

<sup>144</sup> *Id.*

<sup>145</sup> Henry M. Paulson Jr., New York Times (June 21, 2014), *The Coming Climate Crash* at [http://www.nytimes.com/2014/06/22/opinion/sunday/lessons-for-climate-change-in-the-2008-recession.html?\\_r=0](http://www.nytimes.com/2014/06/22/opinion/sunday/lessons-for-climate-change-in-the-2008-recession.html?_r=0)

<sup>146</sup> Jim Yong Kim, Remarks at Davos World Economic Forum, Davos, Switzerland (Jan. 23, 2014) at <http://www.worldbank.org/en/news/speech/2014/01/23/world-bank-group-president-jim-yong-kim-remarks-at-davos-press-conference>.

With plummeting opportunities at home and abroad, the coal industry is receiving the cold shoulder from financial analysts, raising the prospect that a coal export terminal in Oakland may turn out to be a giant and costly White Elephant that produces nothing like the projected revenues the City of Oakland is relying on to repay the substantial investment of public funds in redevelopment at the former Oakland Army Base.

Even coal industry insiders are painting a grim picture of the industry's prospects. Bob Murray, CEO of Murray Energy, the largest underground coal mining company in the U.S., raised eyebrows with a September 2014 energy conference speech in which he cited U.S. Chamber of Commerce data that coal might supply only 14 percent of U.S. electricity fuel by 2030.<sup>147</sup>

"We have the absolute destruction of the coal industry," said Murray, whose company is privately held. "If you think it's coming back, you don't understand the business ... because it's not going to come back." Murray's company recently picked up Columbian coal mines for pennies on the dollar after Goldman Sachs Group Inc. decided to call it quits.<sup>148</sup>

"The coal industry is arguably the poorest-performing sector in today's global economy and is in a state of structural decline," according to Tom Sanzillo, IEEFA's director of finance.<sup>149</sup> "It is a shrinking industry with little upside potential." Sanzino adds that the market is unlikely to rebound, as it may have done in the past, because of tougher environmental laws. He recommends that investors avoid the coal industry. "The high level of risk for both coal-mining and coal-burning companies suggests weak long-term performance and is best avoided altogether."

Of coal companies that have publicly traded debt, Moody's Investors Service and Standard & Poor's rates all their bonds as junk.<sup>150</sup> "If you look at the long term, it's not getting any better," said Standard & Poor's analyst Aneesh Prabhu.<sup>151</sup>

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<sup>147</sup> Tim Puko, Robert Murray: Don't Copy Murray Energy Company's Deal Making, Wall Street Journal (Sept. 22, 2014); available at <http://blogs.wsj.com/moneybeat/2014/09/22/robert-murray-dont-copy-murray-energys-deal-making>.

<sup>148</sup> J.J. Dugan and Tim Puko, *Goldman Sachs Sells Columbian Coal Mines to Murray Energy*, Wall Street Journal (Aug. 13, 2015); available at <http://www.wsj.com/articles/goldman-sachs-sells-colombian-coal-mines-to-murray-energy-1439518460>

<sup>149</sup> Business Green, *Coal Industry Faces Grim Outlook, Analysts Warn*, <http://www.businessgreen.com/bg/analysis/2408771/coal-industry-faces-grim-outlook-analysts-warn>

<sup>150</sup> <http://www.cnbc.com/2015/01/12/has-war-on-coal-uneared-the-ultimate-value-stocks.html>

<sup>151</sup> Hertsgaard Mark, *Coal, Like Tobacco, Must Go—But It Must Be Phased Out Carefully*, The Nation (May 6, 2015); available at <http://www.thenation.com/article/coal-tobacco-has-go-it-must-be-phased-out-carefully/>.



If, as analysts suggest, the coal industry is a “dead man walking,” what are the implications for Oakland?

Allowing coal exports puts at risk not only to the health and safety of Oakland’s residents, but the long-term viability of Oakland’s waterfront infrastructure investment. The public funding of this development, which may well exceed private investment when all is said and done, is premised on the notion that this development will become an economic engine bringing jobs to Oakland and earning rent that will bring stable revenues to the City for years to come. These goals are poorly served by a 66-year commitment to export Utah coal from our public land.

## **VI. CONCLUSION**

As explained in detail above, coal exports pose a substantial danger to the health and safety of West Oakland residents, the future workers of the proposed coal terminal, and future generations of Oaklanders. There are no measures that will protect these residents from exposure to toxic coal dust. There is no evidence that covered cars or covered terminals would be effective in controlling fugitive coal dust. Coal exports will worsen climate change and lead to substantial danger to the health and safety of Oakland residents. Coal is not necessary for OBOT to be profitable and viable. When the coal market is collapsing in this country and in Asia and the long term prospects for coal are dismal, building a coal export terminal and leasing it for 66 years to Utah coal companies is foolhardy. The City Council has the authority to protect the health and safety of Oakland residents from the dangers of coal transport, storage, shipment, and ultimate combustion. We respectfully ask the Council to adopt without delay an ordinance banning the use of our public land for coal exports.

Sincerely,

**No Coal in Oakland**

**Sunflower Alliance**

**350 Bay Area**

**System Change Not Climate Change**

**West Oakland Neighbors**



# ATTACHMENT A





**Comments of Dr. Bart Ostro. Former Chief of the Air Pollution Epidemiology Section, California Environmental Protection Agency. Dr. Ostro was responsible for helping to develop the air pollution standards for fine particles (PM2.5) for California, the U.S. EPA and the World Health Organization and is the author of over 100 peer reviewed publications on the health effects of air pollution and heat waves.**

RE: Comments regarding Exposure and Public Health Impacts of Coal Exports at the Former Oakland Army Base for the Council hearing on Sept 21, 2015

Dear Oakland City Council Members:

## **EXPOSURES**

- Recent studies of 367 trains in Washington State (Jaffe et al., 2014; 2015) reported the average peak in near-by concentrations of fine particles (particles less than 2.5 microns or PM2.5) of coal trains were twice that of freight, specifically 21 versus 11 micrograms per cubic meter (the standard measure of particle concentrations, abbreviated as  $\mu\text{g}/\text{m}^3$ ). For reference, the current U.S. standard for 24-hour average of PM2.5 is  $35 \mu\text{g}/\text{m}^3$ . In addition, they reported several events with concentrations greater than  $75 \mu\text{g}/\text{m}^3$  with concentrations up to  $230 \mu\text{g}/\text{m}^3$ . Thus, we could expect very high peaks of PM2.5, at concentrations that could cause health effects.
- PM2.5 has been determined by The World Health Organization (WHO) to have the greatest worldwide impacts of any environmental exposure with an estimated 3 million deaths per year. Estimates for California range from 10 to 30 thousand per year.
- In addition to PM2.5, the coal dust will include toxic heavy metals such as arsenic, cadmium, chromium, lead, mercury and nickel.
- It is likely that coal trains, especially mile-long trains coming through a community on a daily basis will significantly impact the noise levels in the community.
- Since the location of the facility is in close proximity to the Bay, it is likely to lead to deposition of toxic metals in to the water which could ultimately enter the food chain.

## **HEALTH IMPACTS**

- Studies from around the world and from California demonstrate important associations between daily exposure to PM2.5 and a wide range of health impacts including respiratory symptoms, school and work loss, asthma exacerbation, emergency room visits, non-fatal heart attacks, adverse birth outcomes, hospital admissions, and death from cardiovascular disease. The populations at greatest particular risk (though other groups are susceptible) include children, asthmatics and older individuals with pre-existing cardiovascular or respiratory disease.
- Studies in California demonstrate that daily exposure to PM2.5 and larger particles can lead to early death, increases in hospitalization and emergency room visits, and adverse birth outcomes (Ostro et al. 2006, 2009; Malig and Ostro (2009), Green et al. (2009), Malig et al. (2013)). In addition, since exposure to coal dust can be considered similar to

that of black carbon, on a per microgram basis the risks of early death and hospitalization might even be larger than that of PM<sub>2.5</sub> (Ostro et al., 2014).

- While specific ambient standards have been established for PM<sub>2.5</sub>, institutions including California EPA and WHO, have specified there is no clear cut safe level for these effects. This indicates that every exposure adds to the likelihood of an adverse health outcome.
- Chronic exposure to the toxic metals in coal have been linked to cancer, adverse birth effects, and other severe health outcomes.
- A recent review of the health effects of noise pollution indicates effects on sleep quality and quantity, reduced learning and school performance, impaired social–emotional development, stress and hypertension (Hammer et al., 2014).
- In addition, we need to consider the added health impacts of burning up to 10 million tons of coal on climate change. Over time, climate models predict increases in both the intensity and duration of heat waves in California and an increase in ozone pollution. Again, the health effects of higher temperatures and of ozone in California have been well documented and will result in increases in both mortality, hospitalization and emergency room visits in Oakland.

## CONCLUSIONS

- 1. While there is uncertainty about the specific increase in coal dust from trains coming to Oakland, the available literature indicates important increases in fine and larger particles and several toxic metals.**
- 2. The increase in local exposure to PM<sub>2.5</sub> from coal trains is almost double that of freight trains.**
- 3. Exposure to these pollutants have been linked in dozens of studies, including several conducted in California, with death, hospitalization for cardiovascular and respiratory disease, emergency room visits, cancer, asthma exacerbation and adverse birth outcomes.**
- 4. There is likelihood that the pollutants will also end up in the Bay and in our food chain.**
- 5. There is a possibility of other health effects on those on individuals working on or near the loading and unloading of the coal, from the exposure to noise and from potential derailments and fires.**

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The opinions expressed here do not necessarily represent those of the California EPA.

# **ATTACHMENT B**



9/14/15

RE: Public Health Impacts of Coal Exports at the Former Oakland Army Base

Dear Oakland City Council Members:

I am a public health epidemiologist with over 25 years of experience in assessing public health impacts of environmental exposures, including hazardous material spills, pesticides, and air pollution. I am an Alameda County resident and hold a doctorate degree in epidemiology from the University of California, Berkeley, School of Public Health which I feel especially qualifies me to comment on the potential health impacts of possible coal exports at the Former Oakland Army Base.

I would like to focus my comments on three areas:

- 1) Coal dust exposures will add pollution to an already disproportionately burdened community suffering long-standing health risks.**

Exposure to coal dust is a public health hazard and exposure to West Oakland residents will be adding pollution to a community with already **some of the highest pollution burden in the State** with long-standing health risks. For example, published work conducted by myself and my colleagues showed that areas of West Oakland had **some of the highest rates of emergency room visits for asthma for children in Alameda County**. An accompanying economic analysis showed that that the highest costs in the County to society for treating asthma also incurred in this region. Adding coal dust exposures will add pollution to a minority area already suffering from disproportionate pollution effects and will increase health care costs. Children suffering from asthma would be likely to experience a further loss of lung function from inhaling even low levels of coal dust (especially those particles of coal dust less than 10 microns in diameter). The California Environmental Protection Agency has rated parts of the West Oakland area as some of the highest census tracts in the State burdened by pollution. For example, census tract 4017 in West Oakland is rated at the 78<sup>th</sup> percentile for overall pollution burden and the top percentile for clean-up sites compared to all other CA census tracts.

- 2) The potential for fire and/or explosion especially during the terminal processing and storage stages, is real, and the onus should be on the developers/owners to show that proper control measures will be implemented to reduce this risk.**

Dust explosions and/or fire can occur when coal dust concentrations are high enough, there is an ignition source, and oxygen is present. The owners/developers must show how the suspended dust will be kept at or below 25% of the lower explosive limit (LEL) at all times. Water misting is one of the main control methods for reducing coal dust explosion/fire potential. At the Westshore terminal near Vancouver, British Columbia, which is the largest existing coal export terminal on the West Coast, water costs are approximately \$1.5 million/year. This does not seem like a good investment to be making during a historic drought crisis.



English comments, page 2

**3) Investing in fossil fuel development/transport at this critical time is bad for public health.**

At a time when large institutions such as the University of California are divesting funds from fossil fuel holdings, the timing could not be worse for the City of Oakland to invest in coal transport. This obviously goes against the Council's own resolution (7/17/14) opposing the transport of fossil fuels by rail through the city. **Climate Change has been called the biggest global health threat of the 21<sup>st</sup> century.** It would be unconscionable for Oakland to support this effort, no matter what the financial gain. Health effects such as increased heat illness and death, increased air pollution and respiratory disease, increased wildfires and deteriorated air quality, drought and effects on water quality, are among only a few of the consequences of continued burning of fossil fuels. The City of Oakland would be complicit in contributing to the climate change crisis with the approval of this facility.

Thank you for letting me outline some concerns with the proposed coal export terminal at the former Oakland Army Base. I hope that the City will decide on the right side of history and not allow this health-damaging facility be approved in Oakland.

Sincerely,



Paul B. English, PhD, MPH

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Testimony of Dr. Jasmin Ansar, Economics Professor, Mills College, Oakland.

### **Coal is a very dirty fuel.**

Coal is one of the dirtiest fuels on the planet. Coal pollution contributes to four out of five of the leading causes of mortality in the USA: heart disease, cancer, stroke, and chronic lower respiratory diseases. Pollution damage occurs at every stage of the coal life cycle: mining, transportation, washing, burning and disposal. In addition to causing air pollution, coal is a major contributor to global warming as its combustion leads to significant releases of carbon dioxide.

A seminal research paper published in 2011 estimated the pollution damages of every industry in the US and came to the conclusion that the most damaging industries were coal fired power plants and solid waste combustion and incineration.<sup>1</sup> In the case of coal, the cost-benefit ratio was 5 to 1, indicating \$5 of environmental damage costs (harm to health, agriculture, depreciation of materials and ecosystem harm) for every \$1 of value produced by coal. This is a misallocation of resources that occurs because pollution damages are external costs not priced in the market.

### **Local impacts of transporting coal – Public health and safety risks.**

The proposed transformation of nearly fifty percent (or up to 100%) of the bulk terminal at the Oakland Army base to a port for exporting coal from Utah to Asia will have significant health impacts for local residents who live near the railway tracks and port. Coal is typically transported in trains with one hundred rail cars. During the journey, these trains lose part of their load as 'dust,' which results in ambient particulate matter and nitrous oxides pollution that is harmful to human health. A 1993 study on a West Virginia rail line estimated loss of coal dust of around a pound of coal per mile per car.<sup>2</sup> Twenty-one

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<sup>1</sup> *Environmental Accounting for Pollution in the US Economy*, Muller, N. Z., Mendelsohn, R., and Nordhaus, W., *American Economic Review*, August 2011

<sup>2</sup> Simpson Weather Associates 1993. Norfolk southern rail emission study: consulting report prepared for Norfolk Southern Corporation. Charlottesville, VA

trains per week from Utah to Oakland would generate about 1,260,000 pounds of coal dust each week, blowing along the path of the train tracks.

Local communities in West Oakland and vicinity, already burdened with air pollution from the Port, trucks, and many freeways, will be exposed to even more air pollution from coal dust and NOx emissions. These toxic particulate matters are linked to numerous health problems such as decreased lung capacity, increased childhood bronchitis, asthma, pneumonia, emphysema and heart disease. West Oakland already has pollution concentrations that are higher (two to three times) than anywhere else in the Bay area. It is not fair to burden further those communities that are already bearing so much of local pollution costs. The World Health Organization (WHO) cites coal dust that leads to high ambient particulate matter concentrations, along with silica and asbestos as the main cause of occupational lung diseases. Coal from Utah is also especially high in silica, posing yet another worker safety danger for those who would handle the coal in Oakland or on the railroad.

Another danger from the transportation and storage of coal to the Army Base is the real possibility of spontaneous combustion leading to serious fires<sup>3</sup>. These fires are a well-documented consequence of coal stockpiled in storage and raise serious public safety concerns given the urban population concentrations along the train tracks.

### **Is there an economic case for investing in this project?**

The coal industry is in economic decline, serving a shrinking market. U.S. demand for coal demand has decreased sharply due to: the supply of cheap shale oil and gas, the economic viability of renewables, numerous energy efficiency efforts, and tougher environmental regulations.

The coal industry has turned to export markets to recover revenues and profits. Yet, these markets are shrinking due to a glut of global coal supplies, pollution concerns and the recent emergence of a much more competitive liquefied natural gas (LNG) buyer's market. LNG prices have more than halved recently and are likely to continue to remain low as they are linked to the price of oil whose price continues to fall. In addition planned increases in global liquefaction capacity (up to a third) will lead to persistent low prices for LNG. Another nail in the

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<sup>3</sup> Coal's Spontaneous Combustion Problem, Sightline Daily, April 11, 2012, <http://daily.sightline.org/2012/04/11/coals-spontaneous-combustion-problem/>.

coffin has been the appreciation of the US dollar which has hurt the competitiveness of US coal exports.

Research firm SNL Energy says that over three dozen coal operations have been forced into bankruptcy in the last three years. U.S. coal company shares have lost over 80% of their market value since 2011.

These fundamental economic realities demonstrate the downside-risks and liabilities associated with investing in coal.

The economic question for the Oakland City Council is this: does investing in a port terminal dedicated to exporting coal make good financial use of public land and resources?

The investment of millions of dollars in building a port terminal with the specific and sole capability to export millions of tons of coal is a poor investment choice. It would tie up investment funds in a project-specific venture that is highly likely to become stranded. It is unlikely to succeed and may well end up a financial albatross.

It is instructive to learn the lessons from the Port of Los Angeles, which built a "world-class" coal export facility in the early 90s. The facility closed just six years after opening due to unfavorable market conditions. The city of LA had to write off \$19 million of capital investment and forfeit \$94 million in expected revenues.<sup>4</sup> In addition, during the short operational period, the terminal experienced two fires as coal dust accumulated on ship-loading equipment.

Despite promises to the contrary, the investment would create few jobs. Facilities like these are typically automated with little direct labor. A recent economic study,<sup>5</sup> which evaluated the labor requirements of shipping cargo, found that a bulk commodity such as coal only generated 0.09 jobs per 1000 metric tons as compared to 0.57 jobs for containerized cargo and 4.2 jobs for "break bulk" cargo, such as machines or goods shipped on pallets that require more handling.

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<sup>4</sup> Patrick McGreevy, "L.A. Weighs Costly Exit from Coal Terminal", Los Angeles Times, June 14, 2003

<sup>5</sup> Martin Associates, "The 2007 Economic Impact Study of the Port of Seattle," February 10, 2009

### Key Takeaways.

- Coal is a very dirty fuel that pollutes the air and emits large amounts of carbon dioxide a key global warming pollutant. This pollution endangers the health and safety of humans and the ecosystem.
- The economic prospects for coal are dismal. Cheaper supplies of alternatives are expanding and this combined with pollution concerns are resulting in an ever-shrinking market. Exports, viewed as the main engine of growth for coal, are depressed – leading one article<sup>6</sup> to suggest...*'investors should be running as fast as they can from any coal stock in nearly every global market'*. Market valuations of coal companies, which are a signal of the market's view of future profitability, have dropped over 80% in the last few years.
- This project would expend funds on specialized equipment and terminals that could be used productively for alternative uses. Air, land, and water pollution is inevitable and costly to clean up, and the costs of the pollution would be borne by poor, pollution-burdened communities. Finally, when the facilities fail, the financial repercussions will constrain future economic opportunities for the city.

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<sup>6</sup> Wolf Street, "Coal is Dying, not just in the US. Look What's happening in China", ISA Intel, April 4, 2015