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June 14, 2015

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Honorable Mayor &
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Re: Agenda No.1 File 15-0633 Harbor - MCC Cement EIR
Board of Harbor Commissioners - Port of Long Beach
Long Beach Harbor Department
Mitsubishi Cement Terminal, Inc. - MCC Cement Facility Modification Project
Final Environmental Impact Report (FEIR) & Application Summary Report April 2015
SCH No. 2011081098

Su: Appeal Letter of Support Information & Request To Reverse Approval of the MCC Cement Facility Modification Project Final Environmental Impact Report (FEIR) Certification & Application Summary Report by the Board of Harbor Commissioners - Port of Long Beach

Honorable Mayor & Members Long Beach City Council:

The Coalition For A Safe Environment (CFASE), California Kids IAQ, Community Dreams, California Safe Schools, Society For Positive Action, Del Amo Action Committee, Action Now, California Communities Against Toxics, Pastor Alfred Carrillo submits our Appeal Request to the Long Beach City Council to:

1. Reject, rescind, reverse, void and deny the Board of Harbor Commissioners-Port of Long Beach (BOHC-POLB):
   a. Approval of the MCC Cement Facility Modification Project
   b. Approval of the Application Summary Report.
   c. Adoption of a Resolution Certifying the Final EIR
   d. Making Findings, Adopting a Statement of Overriding Considerations
   e. Adopting a Mitigation Monitoring and Reporting Program
   f. Approving a Level III Harbor Development Permit #06-162
   g. Lease Agreement

2. Revise and Recirculate the Final EIR to correct all identified CEQA deficiencies by CFASE et al and Public in their CEQA Draft EIR, Final EIR & Appeal public comments such as document information omissions, required research, assessments, studies, unrecommended & not adopted feasible project alternatives & mitigation, correct all information errors and misrepresentations.

3. Acknowledge that some information stated at the Board of Harbor Commission by Port of Long Beach Staff, MCC and MCC legal counsel and subsequent MCC legal counsel Appeal letter brief was incorrect, misleading and incomplete.

The Coalition For A Safe Environment (CFASE) was represented at the Port of Long Beach Board of Harbor Commissioners Public Meeting by Jesse N. Marquez, Executive Director, who also represented California Kids IAQ, Community Dreams, California Safe Schools, Society For Positive Action, Del Amo Action Committee, Action Now, California Communities Against Toxics and Pastor Alfred Carrillo. Jesse N. Marquez submitted Draft EIR and Final EIR written public comment letters and provided verbal comment during the public comment period public hearings.

Long Beach City Council Appeal Support Information:

The Final EIR does not meet the CEQA criteria for, "adequacy, completeness and a good faith effort at full disclosure," for the following reasons:

1. **CEQA Requires That An EIR Identify, Assess And Quantify All Known & Foreseeable Direct Or Primary Effects, Indirect Or Secondary Effects and Cumulative Effects**

   A. **Off-Site Truck Emissions:** CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the Final EIR did not include the emissions from the 166,400 Truck Trips after leaving the MMC facility to travel to numerous off-site customer destinations and in passing numerous cities. Therefor truck emissions have been significantly underestimated and project annual emission inventories underreported in the Final EIR.

   As one example: All Truck off-site air emissions and greenhouse gases should have been identified by category, impacts assessed, amounts by category quantified and included in the project emissions inventory.

   The Final EIR does not comply with:

   a. California State Transportation Agency – California Freight Mobility Plan. Which states in part:

      California Freight Plan Goals, Objectives & Strategies:

      Environmental Stewardship: Objective 4: Implement freight projects that demonstrate, enable, implement or incentivize use of advanced, clean technologies (including zero- and near-zero-emissions technologies) and efficiency measures needed to attain ambient air quality standards and achieve needed air toxics and GHG emission reductions

   B. **Off-Site Truck Traffic Congestion/Accidents:** CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the Final EIR did not include an assessment of the increase in truck traffic congestion, truck breakdowns, truck accidents, accident fatalities and accident injuries from the 166,400 Truck Trips leaving the MMC facility traveling on city, county and state public freeways, highways, bridges, roads and streets to travel to numerous off-site customer destinations, in passing numerous cities and environmental justice communities.

      The Final EIR does not comply with: California State Transportation Agency - California Freight Mobility Plan - California Freight Plan Goals, Objectives & Strategies:

      - Safety/Security: Improve the safety, security, and resilience of the freight transportation system. Objective 1: Reduce rates of crashes, fatalities and injuries associated with freight movements.

      .

C. **Off-Site Truck Noise/Ground Vibration:** CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the Final EIR did not include the noise or vibration caused by truck travel on city, county and state public freeways, highways, bridges, roads and streets, customer site staging, idling, delivery and unloading from the 166,400 Truck Trips leaving the MMC facility to travel to numerous off-site customer destinations, in passing through numerous cities and environmental justice communities. CFASE et al identified numerous other significant major projects in its submitted public comments such as the Inglewood NFL Football Stadium and the Carson NFL Football Stadium that were not included in the Cumulative Impact Analysis, there environmental impacts were not identified, assessed, quantified, inventoried or mitigated.

D. **Off-Site Cement Fugitive Dust:** CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the EIR failed to identify, assess, quantify and include in the project inventory fugitive cement dust emissions that do not land on the existing terminal such as adjacent ocean water, neighboring terminals, wildlife and marine habitats. Typical wind direction varies during the day and evenings and speeds are also strong enough to blow fugitive dust past adjacent terminals into the ocean. A recent tour of the MCC facility disclosed that after years of closure the entire site was still strewn with visible significant levels of fugitive cement dust.

E. **Origin & Safety Composition Of Cement/Cement-Like Materials:** CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter identified that it had requested the origin, public safety validation and monitoring information of the foreign country imported Portland Cement and Cement-Like Materials. All Portland Cements are not equal. Many countries have little to no environmental regulations on the toxicity of the composition of Portland Cement and Cement-Like Materials which may contain toxic chemicals, toxic substances, heavy metals or natural occurring uranium.

F. **Public Health Impacts:**

CFASE et al in submitted written public comments and in A - E have identified numerous examples of environmental impacts such as air pollution, toxic chemicals, toxic substances, greenhouse gases, noise, vibration, traffic congestion, accidents which were not identified and assessed to quantify potential public health impacts.

Mitsubishi's response brief filed on July 10, 2015 via their legal representation Alston & Bird LLP failed to adequately address these issues, failed to recommend any new measures and therefor remains in violation of CEQA requirements.

The Port of Long Beach July 14, 2015 Letter failed to adequately address these issues, failed to recommend any new project design changes or mitigation measures and therefor remains in violation of CEQA requirements.

2. **CEQA Requires That All Known & Foreseeable Direct Or Primary Effects, Indirect Or Secondary Effects and Cumulative Effects Be Mitigated To Less Than Significant.**

The Final EIR acknowledges that, "Although most potentially significant environmental impacts of the Project will be reduced to a level of insignificance through project design features and the imposition of mitigation measures, some Project impacts are considered significant and unavoidable under CEQA even after they have been lessened to the extent feasible through such measures.

a) Air Quality. Operational activities would produce levels of NOx (average daily emissions) and ambient 1-hour N02, PM10, and PM2.5 emissions that exceed SCAQMD emission thresholds. The main sources of the emissions would occur from vessels and trucks used during proposed Project operational activities.

b) Global Climate Change. Construction and operation of the Project would produce greenhouse gas emissions that would exceed the SCAQMD's interim threshold of significance for industrial projects.

c) Cumulative Biological Impacts. The increase in ocean going vessel traffic could cause disruption to local biological communities (i.e., increased offshore whale strikes and introduction of invasive species) on a cumulative impact level.

d) Cumulative Air Quality and Global Climate Change. Construction and operation of the proposed Project would also result in significant and unavoidable air and greenhouse gas impacts on a cumulative impact level.

CFASE et al identified required CEQA assessments which were missing or assessment which contained incomplete information which were not in the Final EIR. CFASE et al submitted numerous recommendations to mitigate these significant impacts which were not reviewed or adequately reviewed and not incorporated into the Final EIR. If the Port of Long Beach and MCC had conducted all the required CEQA assessments their research would have found our Mitigation recommendations feasible and others available.

CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the Final EIR failed to include Mitigation for the 166,400 Truck Trips Impacts after leaving the MMC facility to travel to numerous off-site customer destinations in numerous other cities and environmental justice communities.

CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the EIR failed to include feasible Mitigation such as the following:

a. **Truck Emissions:** The use of Zero & Near Emission Trucks significantly reduces numerous toxic air pollutants and greenhouses gases compared to diesel fuel trucks. Zero Emission Trucks would be available at the time of completion of the MMC Project. MCC could also sponsor Demonstrations of Zero & Near Zero Emission Trucks. CFASE et al recommends that Zero Emission Trucks be the priority Mitigation Measure.
b. **Ship Emissions:** The incorporation of the AMECS Technology is the Maximum Achievable Control Technology (MACT) for ship emissions capture, an industry and regulatory agency standard, the highest performance and emission efficiency treatment system technology.
c. **Public Health:** A Health Impact Assessment (HIA) and Public Health Survey to be conducted to establish a Public Health Baseline. CFASE further described why a Health Risk Assessment is an inadequate Public Health Assessment Tool. The

USEPA Region 9 has already prepared and published a Draft HIA for the Port of Los Angeles and Port of Long Beach to use of which the Port of Long Beach was a participant in the Stakeholder Working Group and has a copy. CFASE was also a member of the Stakeholder Working Group.
http://www.epa.gov/region9/nepa/PortsHIA/pdfs/DraftHIAScope4PortsOfLALB.pdf
http://www.epa.gov/region09//nepa/PortsHIA/pdfs/InviteeList.pdf
See attached HIA Expert Witness Documents and CFASE HIA Bibliography.

d. **Public Health Care**: Creation of a Public Health Mitigation Fund where funds could be provided to the Harbor Community Benefit Foundation for public health education, health care services, prescription medicine, medical equipment & supplies and burial services. www.hcbf.org
e. **Air Purification Systems**: Creation of a Public Health Mitigation Fund where funds could be provided to the Harbor Community Benefit Foundation for the purchase, installation, maintenance and replacement of air purification systems in public schools, child care centers, public recreational centers and sensitive receptors. www.hcbf.org
f. **Public Safety Programs:** Creation of a Public Transportation Mitigation Fund where funds could be provided to the Harbor Community Benefit Foundation for research and programs on public safety and education.
g. **City/County Support Services/ Transportation Infrastructure:** Creation of a Public Transportation Mitigation Fund where funds could be provided to cities and county Police, Fire Department, Paramedic, Public Safety and Transportation Departments to help off-set additional supporting city services, transportation infrastructure repair, maintenance and replacement financial cost impacts.
h. **State Transportation Infrastructure:** Creation of a Public Transportation Mitigation Fund where funds could be provided to Caltrans to help off-set additional supporting state services, transportation infrastructure repair, maintenance and replacement financial cost impacts.
i. **Fugitive Dust:** Sponsor and finance a potential Ship Hatch Fugitive Dust Shroud or Bonnet Demonstration Project RFP. Creation of a Marine Biological Mitigation Fund where funds could be provided to prevent and remediate water contamination and impacts to marine wildlife. Funds could be used to restore clams & ouster beds, marine kelp and provide financial support the San Pedro Marine Mammal Care Center.
j. **Safety of Cement Cement-Like Materials:** Provide documentation validating public safety of foreign manufactured, imported Portland Cement and Cement-Like Materials and the establishment of a third party Monitoring Plan.

Mitsubishi's response brief filed on July 10, 2015 via their legal representation Alston & Bird LLP failed to adequately address these issues, failed to recommend any new measures and therefor remains in violation of CEQA requirements.

The Port of Long Beach July 14, 2015 Letter failed to adequately address these issues, failed to recommend any new project design changes or mitigation measures and therefor remains in violation of CEQA requirements.

3. **CEQA Requires The Incorporation Of Reasonable And Feasible Project Design Alternatives and Mitigation. The Port of Long Beach and MCC are primarily**

responsible for researching current available project design technologies and potential Mitigation Measures And Not The Public Doing Its Due Diligence Job.

A. DoCCS Technology:

a. The DoCCS does not exist at the MMC facility as claimed by Jon W. Slangerup and Richard D. Cameron in their July 14, 2015 letter, only some major parts have been purchased by MCC and are laying on the ground site of MCC facility. Numerous other parts to construct the DoCCS have not been purchased to our knowledge and other unknown parts may have to be purchased to construct it and make the DoCCS actually work.
b. DoCCS technology manufacturer Van Aalst Bulk Handling chosen by MCC has never built a DoCCS or similar ship emissions capture and treatment system.
c. The DoCCS technology manufacturer Van Aalst Bulk Handling chosen by MCC has no previous experience in ship emissions capture and treatment systems design or manufacturing.
d. The DoCCS technology manufacturer Van Aalst Bulk Handling chosen by MCC has never conducted or participated in a demonstration project of DoCCs or similar ship emissions capture and treatment system.
e. The DoCCS has never been tested on a Bulk Loading Ship the type used for cement.
f. The DoCCS technology manufacturer Van Aalst Bulk Handling owns no US Patent rights to its proposed technology and has no US Patent application pending.
g. The DoCCS technology manufacturer Van Aalst Bulk Handling has no patent licensing rights or permission by a legal Patent License Holder.
h. A legal patent infringement challenge and victory by Advanced Environmental Group, LLC or Advanced Cleanup Technologies, Inc. owner of the AMECS-Advanced Maritime Emissions Control Systems would invalidate this proposed technology use and potential additional mitigation.
i. MCC, the Port of Long Beach and the DoCCS technology manufacturer Van Aalst Bulk Handling have no California Air Resources Board (CARB) approved Test Protocol and have not submitted a proposed CARB Test Protocol.
j. The DoCCs even with a SCAQMD permit or SCAQMD approval would still have to have its Test Protocol approved by CARB and pass the CARB Test Protocol.
k. The DoCCS does not capture and treat all the air pollutants as AMECS.
l. The DoCCS emission capture and treatment efficiency is less than AMECS.
m. The DoCCS will take up to 3 years to build and test and may not work at the end. AMECS is a proven feasible and applicable technology which can be ordered, custom designed to customer requirements and delivered within 6 months.
n. DoCCS will not comply with new proposed revisions for Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels A-Berth in a California Port Regulation (17 Cal. Code of Regs. 93118.3).
o. MMC cannot claim that "Mitsubishi ensured that the vendor would be using known and proven equipment," when MMCC has no previous experience or expertise in ship emissions capture and treatment technologies.
p. There is no information in the Final EIR that states that the SCAQMD Permit will require that a CEMS be installed on the DoCCS, that is an assumption.

B. AMECS Technology:

a. AEG/ACTI AMECS Technology is feasible, applicable, more efficient and cost effective, it is a reasonable project design alternative, is superior & provides additional project mitigation, meets all or the majority project goals and exceeds all of the DoCCS capabilities and performance standards.
b. AEG/ACTI owns 5 applicable US Patents on its AMECS Technology.
c. AEG/ACTI - AMECS is the first company in the US and world to design, build and demonstrate an engine emissions capture and treatment system for ships/ocean going vessels.
d. AEG/ACTI - AMECS has over 10 years' experience in the R&D, manufacturing and demonstration of its technology, more than double any other company.
e. AEG/ACTI - AMECS has been tested more than 70 ships at the Port of Long Beach
f. AEG/ACTI - AMECS has been tested on ships at the Port of Long Beach since 2007.
g. AEG/ACTI - AMECS has been tested in more categories of ships than any other company & technology.
h. AEG/ACTI - AMECS is the only technology tested on a ship's multiple stacks at the same time.
i. AEG/ACTI - AMECS is the only technology that can be placed on curved stacks or slant opening stacks and maintain its emissions capture and treatment efficiency.
j. AEG/ACTI - AMECS has been tested on 34 Bulk Loading Ships the type used for cement transport as part of its CARB Test Protocol.
k. AEG/ACTI - AMECS has flexible design options which can be tailored to specific customer requirements such as On-Dock Stationary, On-Dock Wheeled and Barge Based. AMECS can even be built on the proposed wheeled platform for DoCCS. Therefor it is a viable Project Design Features Alternative and can address Project impacts such as Air Pollution Emissions and Greenhouse Gases that are considered significant and unavoidable under the MCC Final EIR.
l. AEG/ACTI Barge Based System is off-dock and anchored ocean side to the ship and therefor never interferes with on-dock operations or trucks routes. Therefor it is a viable Project Design Features Alternative and can address Project impacts such as Air Pollution Emissions and Greenhouse Gases that are considered significant and unavoidable under the MCC Final EIR.
m. AEG/ACTI - AMECS has flexible design options which can be tailored to specific customer requirements such as a small on-dock footprint. MCC claim of reviewing AMECS was based on out dated 5 year old information and their failure to inquire if AEG/ACTI could manufacture a system the same size or smaller than the DoCCS. The referenced and supplied AMECS drawing is only one AMECS design configuration. Therefor it is a viable Project Design Features Alternative and can address Project impacts such as Air Pollution Emissions and Greenhouse Gases that are considered significant and unavoidable under MCC Final EIR.
n. AEG/ACTI have advertised that AMECS is commercially available for sale now and not contingent upon CARB Certification. CEQA does not require any governmental agency certification, verification or validation of a technology, only that it be feasible which can be ascertained by the Port of Long Beach or MCC performing its due diligence to verify performance and efficiency. As an FYI, AEG/ACTI wrote and submitted the first AMECS/Ship Emissions Capture & Treatment System Test Protocol, which was adopted by CARB as its standard.

o. AEG/ACTI AMECS will comply with new proposed revisions for Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels A-Berth in a California Port Regulation (17 Cal. Code of Regs. 93118.3) and DoCCS will not.
p. AEG/ACTI AMECS in conjunction with other CFASE et al Project Design Alternatives and Mitigation Measures recommendations could reduce the significance conclusions of the Final EIR by reducing additional air pollutants, greenhouse gases, environmental, public health, public safety, traffic congestion and accidents.
q. No other company to our knowledge has accumulated the number of hours of testing on Bulk Loading Ships as AEG/ACTI.
r. No other company to our knowledge has tested their similar technology on Bulk Loading Ships or near the number of Bulk Loading Ships as AEG/ACTI.
s. No other company to our knowledge has tested their similar technology at the Port of Long Beach.
t. CFASE et al never claimed that we had the authority or intention to file a legal patent challenge on behalf of AEG/ACTI. The public comment was to inform The Port of Long Beach Board of Harbor Commissioners (BOHC) that relying 100% on the DoCCS technology could be invalidated if a court issued a permanent injunction. The BOHC was put on notice since the Port of Long Beach conducted no or inadequate due diligence previous to the release of the Final EIR.
u. CFASE sent a letter to AEG/ACTI introducing MCC and requesting current information be sent to MMC, but MMC disregarded CFASE's offer to step out as a middle man and allow direct contact to facilitate current information exchange. See attachment.
v. CFASE never claimed to represent MCC or stated to AEG/ACTI that they were responding to any MCC Bid, RFI, RQP or RFQ.
w. The Port of Long Beach claim that AMECS will be part of the Periodic Technology Review is no assurance, when in the past it made the same commitment in the Tesoro Refining & Marketing Company Agreement and never complied.
x. CFASE was been advised that AEG/ACTI owns 5 US Patents related to its AMECS Technology and MCC legal counsel Alton & Bird LLP misrepresented the patent lawsuit findings giving the impression that Clean Air Engineering-Maritime, Inc. (CAEM) had won, when in fact the referenced patent 7,258,710 includes 35 specific patent claims of which only 1 was upheld by the judge on behalf of CAEM and it is currently being Appealed by AEG/SCTI. AEG/ACTI other four patents and numerous associated claims remain in full force, unchallenged, can legally be defended and protected.

C. Zero Emission Trucks:

a. The use of Zero Emission Trucks significantly reduces numerous toxic air pollutants and greenhouses gases compared to diesel fuel trucks. Zero Emission Trucks would be available at the time of completion of the MMC Project. POLB and MCC claim that no such trucks are or would be available. If they had performed adequate due diligence and properly disclosed the status of zero emission trucks they would have the same information presented here.

b. The proposed AQ-2: Modernization of Delivery Truck Fleet would be using 19th Century Diesel Fuel Trucks vs our proposed 20th Century Zero Emissions Renewable Energy & Sustainable Electric Battery Clean Energy Technology.
c. Transportation Power, Inc. (TransPower), (www.transpowerusa.com) offers a Zero Emissions Class 8 Truck Model TransPower ElecTruck Internatrional ProStar which could meet MCC project near future cement transportation requirements. CFASE sent a letter to TransPower introducing MCC and requesting current information be sent to MMC, but MMC disregarded CFASE's offer to step out as a middle man and allow direct contact to facilitate current information exchange. See attachment.
d. US Hybrid (www.ushybrid.com) offers two Zero Emissions Class 8 Truck Models, eTruck and H2Truck which could meet MCC project near future cement transportation requirements. http://www.ushybrid.com/documents/PDF/2/eTruck.pdf
e. BYD Motors, Inc. (www.byd.com) offers a Zero Emissions Class 8 Truck Model J9D which could meet MCC project near future cement transportation requirements. CFASE sent a letter to BYD Motors introducing MCC and requesting current information be sent to MMC, but MMC disregarded CFASE's offer to step out as a middle man and allow direct contact to facilitate current information exchange. See attachment.
f. BMW Group/SCHERM Group (www.bmwgroup.com) (www.scherm.com) offers a Zero Emissions Class 8 Truck Model Terberg YT202-EV which could meet MCC future cement transportation requirements.
g. The Port of Long Beach with the Port of Los Angeles adopted and implemented in 2011 The Zero Emissions Roadmap which demonstrates the commitment of the San Pedro Bay Ports to achieve zero emissions goods movement.
h. The Port of Long Beach is a member of the County-wide Zero Emission Truck Collaborative was formed in response to the Zero Emissions Roadmap. The members of the regional group are the Los Angeles County Metropolitan Transportation Authority (Metro) as the lead, Port of Los Angeles, Port of Long Beach, South Coast Air Quality Management District (SCAQMD), Gateway Cities, and Caltrans. Its purpose is to ensure that zero emission technologies remain a priority for the region in meeting air quality goals, and that the zero emission technology policies of each agency align. The Collaborative also functions as a mechanism to unify the agencies in attempts to secure funding and spur policy changes at the state or national level.

i. The Final EIR does not comply with: State of California Air Resource Board –

- Sustainable Freight Strategy Update Resolution 14-2.

  "Whereas, attainment of the national air quality standards for ozone and meeting the States GHG reduction targets will require aggressive emissions reductions and transformation of the freight sector to zero and near zero emission technologies."

- Sustainable Freight Strategy Update Resolution 15-22

  "2. The Discussion Draft outlines the immediate steps ARB intends to pursue, and potential near-term actions ARB will consider, to advance California towards a zero and near-zero emission freight transportation system."

- California Air Resources Board - Sustainable Freight Pathways to Zero & Near Zero Emissions. Executive Summary

  "To achieve its healthy air quality, climate, and sustainability goals, California must take effective, well-coordinated actions to transition to a zero emission transportation system for both passengers and freight."

j. The Final EIR does not comply with: California State Transportation Agency - California Freight Mobility Plan - California Freight Plan Goals, Objectives & Strategies:

- Environmental Stewardship: Objective 4: Implement freight projects that demonstrate, enable, implement or incentivize use of advanced, clean technologies (including zero- and near-zero-emissions technologies) and efficiency measures needed to attain ambient air quality standards and achieve needed air toxics and GHG emission reductions.

- Innovative Technologies & Practices: Objective 2: Promote the use of zero- and near-zero-emissions technologies within the freight industry to support the State Implementation Plan (SIP), attainment of California greenhouse gas reduction targets, and reduction of local air toxics.

k. The Final EIR does not comply with: Southern California Association of Governments Regional Transportation Plan/Sustainable Community Strategies

- 2015-2020 Begin deployment of appropriate zero and near-zero emission trucks and continue operational demonstration.

- 2017-2035 Full deployment of appropriate zero and near-zero emission trucks for substantially all regional transport

- Action Plan For Advancement of Zero Emission Technology - Phase 4 Full Scale Demonstrations, Commercial Development - Continue to launch and expand commercialization of zero-emission trucks using regulatory and market mechanisms identified in prior phases

l. California Proposition 1B Goods Movement Bond Fund supports the California Hybrid and Zero Emission Truck & Bus Voucher Incentive Program (HVIP).

m. SB1204 California Clean Truck, Bus and Off-Road Vehicle and Equipment Technology Program added Section 39719.2 to the California Health & Safety Code to fund development, demonstration, precommercial pilot, and early commercial deployment of zero- and near-zero emission truck, bus, and off-road vehicle and equipment technologies. Priority shall be given to projects benefiting disadvantaged communities pursuant to the requirements of Sections 39711 and 39713.

D. Near Zero Emission Trucks:

a. The use of Near Zero Emission Trucks significantly reduces numerous toxic air pollutants and greenhouses gases compared to diesel fuel trucks. Near Zero Emission Trucks are currently available for the MCC Project. If they had performed adequate due diligence and properly disclosed the status of near zero emission trucks they would have the same information presented here.

b. The proposed AQ-2: Modernization of Delivery Truck Fleet would be using 19th Century Diesel Fuel Trucks vs our proposed option 2, 20th Century Near Zero Emissions Gas Fuel Technology if Near Zero Emission Trucks should not be available.
c. Freightliner Trucks (www.freightolinertrucks.com) offers a Near Zero Emissions Class 8 Truck Model Cascadia 113 Natural Gas Tractor which uses a Cummins Westport ISX12 G Heavy-Duty Natural Gas Engine is currently available to meet MCC project near future cement transportation requirements.
d. International Trucks (www.internationaltrucks.com) offers a Near Zero Emissions Class 8 Truck Model TRANStar Compressed Natural Gas which uses a CWI ISL-G Natural Gas Engine is currently available to meet MCC project near future cement transportation requirements.
e. Volvo Trucks (www.volvotrucks.com) offers 2 Near Zero Emissions Class 8 Truck Models Volvo VNM and Volvo VNL which uses a Cummins Westport ISL G or ISX12 G Heavy-Duty Natural Gas Engine is currently available to meet MCC project near future cement transportation requirements.
f. Mack Trucks (www.macktrucks.com) offers a Near Zero Emissions Class 8 Truck Model Mack TerraPro which uses a Cummins Westport ISX12 G Heavy-Duty Natural Gas Engine which is currently available to meet MCC project near future cement transportation requirements

E. Zero Emission Top Front End Payloader:

BYD Motors, Inc. (www.byd.com) currently offers a Zero Emissions Top Front End Payloader which would meet MCC future ship hull cement capture requirements.

Mitsubishi's response brief filed on July 10, 2015 via their legal representation Alston & Bird LLP failed to adequately address this issue, failed to recommend any new mitigation measures and therefor remains in violation of CEQA requirements.

The Port of Long Beach July 14, 2015 Letter failed to adequately address this issue, failed to recommend any new project design changes or mitigation measures and therefor remains in violation of CEQA requirements.

4. Green Sustainable Construction:

CFASE et al identified in its Draft EIR Public Comments that the Final EIR failed to comply with the Green Port Policy - Program Goal - Implement sustainable practices in design and construction, operations, and administrative practices throughout the Port. The Final EIR fails to adequately describe and require numerous Alternative Green Sustainable Construction Options and Mitigation Measures.

Mitsubishi's response brief filed on July 10, 2015 via their legal representation Alston & Bird LLP failed to adequately address this issue, failed to recommend any new project design or mitigation measures and therefor remains in violation of CEQA requirements & State Sustainable Policies.

The Port of Long Beach July 14, 2015 Letter failed to adequately address this issue, failed to recommend any new project design changes or mitigation measures and therefor remains in violation of CEQA requirements& State

Sustainable Policies.

5. **The Draft EIR and Final EIR States That The MCC Terminal Can Also Receive Cement-Like Materials.**

   CFASE et al identified in its Draft EIR Public Comments that the Final EIR failed to address our concern the EIR states, that in addition to receiving bulk cement the Mitsubishi facility can also receive, "cement-like materials," including furnace slag, pozzolans and fly ash." But does not state that in the future they will notify the Port or Public or prepare an Supplemental EIR, assessment and appropriate mitigation measures to reduce any potential negative impacts to less than significant. Many foreign countries have little to no environmental regulations on the toxicity of the composition of Cement-Like Materials, furnace slag, pozzolans and fly ash which may contain toxic chemicals, toxic substances, heavy metals or natural occurring uranium.

6. **The MCC Project Final EIR Only Reference Its Compliance To Selected Sections Of The San Pedro Bay Clean Air Action Plan & Green Port Policy:**

   CFASE et al identified in its Draft EIR, Final EIR Public Comments and Appeal Request Letter, that the Final EIR failed to include the Clean Air Action Plan and Green Port Policy sections the MCC Project was not complying with.

7. **Port of Long Beach & Tesoro Refining & Marketing Agreement to Test AMECS Has Never Occurred & There Are No Proposed Future Dates**

   The Port of Long Beach and Tesoro Refining & Marketing agreed to a Demonstration of the AMECS Technology 2 years ago and agreed to conduct the Demonstration before June 30, 2015 which has never occurred and there is no proposed future date to our knowledge. POLB did not monitor this agreement term to assure compliance would occur, now 2 years has passed. This why we have little confidence in the Port of Long Beach to honor its Final EIR Terms & Conditions and the POLB Lease Agreement. In addition, the POLB did not post the proposed Lease Agreement on the Agenda for the Appeal Hearing with all the other documents or on its website for public review.

8. **CFASE Experience In Ports, Shipping, Transportation, Petroleum & Energy Industries.**

   a. CFASE et al and Jesse N. Marquez have 10-15 years of experience, researching, studying, advocating and commenting on Ports, Shipping, Transportation, Petroleum and Energy Industries.
   b. CFASE et al and Jesse N. Marquez have 10-15 years of experience researching, studying, advocating, commenting witnessing and validating marine mitigation, freight ship, truck and train transportation technologies, zero & near zero emission technologies, emissions capture and treatment technologies, renewable alternative energy, public health and public safety.
   c. CFASE et al and Jesse N. Marquez have 10-15 years of experience researching and studying Ports, Shipping, Transportation, Petroleum and Energy Industry Environmental, Public Safety, Public Health Impacts, Socio-Economic, Marine Biological and Environmental Justice Impacts.
   d. CFASE et al and Jesse N. Marquez have 10-15 years of experience in contacting Technology Manufacturers, R&D Departments, Sales & Marketing Companies and

Distributers. CFASE regularly contacts companies, visits manufacturers, visits manufacturer websites and receives updated information. CFASE is also on numerous company email lists and receives invitations to press conferences, to attend demonstrations or even to ride a demonstration vehicle and occasionally to provide opinion on their technologies.

CFASE would have submitted these Appeal Hearing Public Comments & Documents in advance if the City of Long Beach and Port of Long Beach had submitted their Appeal Hearing Documents 2-3 weeks in advance vs giving CFAAE et al and the public only 72 hrs. notice.

CFASE et al Organizations are non-profit community based public interests organizations actively involved in local, regional, state and federal legislation, rules, regulations, public policy, public programs, environmental issues, environmental justice, public health, public safety, family preservation, urban planning, community sustainability, public education, wildlife conservation, socio-economic justice, human rights and quality of life.

The Coalition For A Safe Environment is a non-profit Environmental Justice advocacy public policy organization involved in Ports, Goods Movement, Transportation, Energy and Petroleum Industry issues.

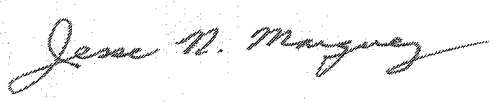
CFASE is headquartered in Wilmington a community of the City of Los Angeles which borders the Port of Long Beach, the City of Long Beach and the Port of Long Beach Freight Transportation Corridors. CFASE is an Environmental Justice Community based non-profit organization with members in Long Beach and over 25 cities in Southern California.

The Coalition For A Safe Environment (CFASE) is an Environmental Justice Organization involved in community organizing, family assistance, public education, leadership development, community empowerment, urban planning, community sustainability, technology research, economic development and public policy advocacy.

CFASE conducts public health surveys, distributes public information, prepares research reports, evaluates environmental impact reports, investigates environmental incidents, prepares EIR public comment documents, initiates environmental litigation, and attends governmental agency, private business and community organization meetings.

The primary contact for correspondence and information is Jesse N. Marquez, Executive Director for the Coalition For A Safe Environment.

Respectfully Submitted,



Jesse N. Marquez
Executive Director

HUMAN IMPACT PARTNERS
304 12th St. Suite 3B Oakland CA 94607 510 452 9442

January 27, 2012

Jesse N. Marquez
Executive Director
Coalition For A Safe Environment
1601 N. Wilmington Blvd.
Wilmington, CA 90744

Dear Mr. Marquez,
This letter describes why, in the opinion of Human Impact Partners, Environmental Impact Reports under the California Environmental Quality Act (CEQA) and Environmental Impact Statements the National Environmental Protection Act (NEPA) require a comprehensive analysis of health, how Health Impact Assessments (HIAs) can be conducted to address that requirement, and how Health Risk Assessments (HRAs) as currently conducted do not meet that requirement and are different from HIAs.

About Human Impact Partners (HIP)

Founded in June 2006, Human Impact Partners is an independent non-profit corporation (501(c)3) based in Oakland, California. HIP's mission is to increase the consideration of health and equity in decision-making. In doing so, we work to transform the policies and places people need to live healthy lives. As research indicates that approximately 55% of health status is determined by social and environmental conditions, the fundamental premise of our work is that decision-makers must understand how community-level factors, such as housing, land use, and transportation systems affect health and health disparities in order to take action to improve those conditions, and thereby improve health.

While it seems commonsense that major decisions regarding land use and transportation planning should incorporate health considerations, mechanisms for doing so often do not exist, and local and regional agencies do not have the resources or expertise to incorporate health into planning-related decisions. HIP is addressing this through its work conducting Health Impact Assessments and similar health-based analyses in collaboration with government agencies and community organizations, with a focus on communities facing health disparities. Human Impact Partners has conducted HIAs and similar analyses on the local, state and federal levels – with experience in communities across the country, from California to Maine. Our findings have been integrated into policy-making, planning and projects. To date, HIP has conducted over fifteen HIAs on land use and transportation plans and development projects.

Health Impact Assessments

Understanding and consideration of health and equity consequences of land use, transportation, goods movement, and other decisions and of potential mitigations to adverse consequences could yield policies, plans, and projects that result in better outcomes for all, but especially for vulnerable populations that currently face inequities. HIA is a public engagement and decision-support tool that can be used to assess the

health impacts of planning and policy proposals, and make recommendations to improve health outcomes associated with those proposals. In a recent book by the National Research Council, HIA is formally defined as "a systematic process that uses an array of data sources and analytic methods and considers input from stakeholders to determine the potential effects of a proposed policy, plan, program or project on the health of a population and the distribution of those effects within the population. Health impact assessment provides recommendations on monitoring and managing those effects."[1]

Environmental, social, demographic, and economic conditions drive the health and wellbeing of communities. Factors such as housing, transportation, employment and income, noise, air quality, access to goods and services, access to parks, and social networks have well-demonstrated and reproducible links to health outcomes. An HIA analyzes health from a broad perspective by evaluating how a proposed project, plan, or policy affects these factors – often collectively referred to as "determinants of health" in the public health literature – and in turn, how impacts to these factors are likely to positively or adversely influence health.

Overall, the information from an HIA, and close collaboration between public health experts, affected communities, and the decision-makers on a project, lead to practical, evidence-driven recommendations that address identified health concerns to the extent possible within the limitations of the regulatory or decision-making process. Conducting an HIA can offer many benefits:

- HIAs provide sound, objective data on health impacts. By using this information, potentially unexpected health consequences and unanticipated costs can be identified and thus avoided.
- HIA helps develop healthier communities by identifying design solutions that address the root causes of many prominent health problems like asthma, diabetes, and cardiovascular disease.
- The HIA process can be used to build consensus and buy-in by addressing the affected community's fears about a project directly and transparently and by providing practical solutions.
- HIAs help focus community involvement on real health concerns and on feasible mitigations to those health issues.
- Health issues are typically important to community members and HIA can serve to engage community residents in decisions that impact their lives.
- HIAs give project proponents a way to recognize positive health contributions of projects on communities. It also given businesses the information they need to distinguish themselves as smart planners and build positive working relationships with the community.
- HIAs help decision-makers by ensuring that any potential concerns about a project are identified and addressed early on.

HIA may use both qualitative and quantitative data and methods to predict potential impacts. Where feasible and data allows, HIA uses quantitative modeling to increase the precision of analysis and to support significance judgments. Because of substantial data requirements, using quantitative forecasting methods exclusively may

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[1] National Research Council (NRC). 2011. Improving Health in the United States: The Role of Health Impact Assessment. Available at: http://www.nap.edu/catalog.php?record_id=13229.

present a partial or biased accounting of health effects. Quantification can also be resource intensive and divert from other impact assessment activities. Qualitative analyses provide valuable data when quantitative analyses are not possible.

In 2011, the National Research Council of the National Academies of Science formed a Committee on Health Impact Assessment and released a book entitled Improving Health in the United States: The Role of Health Impact Assessment.[2] The book provides guidance on conducting HIAs and makes a strong case that HIAs should be integrated into the environmental review process. Additionally, The North American Health Impact Assessment Working Group released a second edition of practice standards for conducting HIAs in 2010. Those standards are attached to this letter.

The Human Impact Partners website (http://www.humanimpact.org/) contains information, tools, and resources regarding HIA. Other good resources include the Centers for Disease Control website (http://www.cdc.gov/healthyplaces/hia.htm), the Health Impact Project website (www.healthimpactproject.org), and the UCLA HIA Clearinghouse website (http://www.ph.ucla.edu/hs/hiaclic/).

NEPA and CEQA require a comprehensive analysis of health impacts and HIA is a tool that can fill this requirement

As stated in "Public Health Analysis Under the National Environmental Policy Act", a white paper by Aaron Wernham (the Director of the Health Impact Project, a collaboration of the Robert Wood Johnson Foundation and the Pew Charitable Trusts) and Dinah Bear (former General Counsel for the Council on Environmental Quality):

> The inclusion of a robust, systematic approach to public health is supported by NEPA, the regulations issued by the Council on Environmental Quality (CEQ), the agency in the Executive Office of the President charged with overseeing implementation of NEPA, Executive Orders 12898 and 13045, and available guidance on NEPA and environmental justice.
>
> *Congressional Intent*
> In using the term "human environment," Congress signaled that protection of human communities was a fundamental purpose of the legislation. In the debates leading to NEPA's enactment, Senator Henry Jackson stated: "When we speak of the environment, basically, we are talking about the relationship between man and these physical and biological and social forces that impact upon him. A public policy for the environment basically is not a public policy for those things out there. It is a policy for people."
>
> *Health in NEPA*
> NEPA mentions health a total of six times. Among NEPA's fundamental purposes is: "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." NEPA § 102 [42 USC § 4321]
>
> NEPA is intended, furthermore, to: "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings." [42 USC § 4331]
>
> And finally to: "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." [42 USC § 4331]
>
> *Health in the CEQ Regulations*

[2] National Research Council (NRC). 2011. Improving Health in the United States: The Role of Health Impact Assessment. Available at: http://www.nap.edu/catalog.php?record_id=13229.

Several general provisions of CEQ's NEPA regulations support the inclusion of health.

First, agencies respond to substantive public concerns in the draft EIS [40 CFR § 1503.4]. When, therefore, an agency can anticipate substantive health concerns based on scoping, it is sensible to include these issues for analysis in the DEIS.

Second, in determining whether an effect may be significant (and therefore require analysis in the EIS) one of the factors that agencies should consider is "the degree to which the effects on the human environment are likely to be highly controversial" [40 CFR § 1508.27 (b) 4]. Commonly, health often figures among the strongest concerns expressed by affected communities.

The CEQ regulations also specifically define health as one of the effects that must be considered in an EIS or an EA. In defining "effects," the regulations state that: "Effects" includes ecological, aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative." [40 C.F.R. § 1508.8] And, the regulations instruct agencies to consider "the degree to which the proposed action affects public health or safety" in determining significance. [40 C.F.R. § 1508.27]

Health in Executive Orders

Executive Order 12898 instructs agencies to: "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States."

Similarly, Executive Order 13045 states that agencies must: "make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and ... shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks."

Statements relevant to NEPA-based health analysis in Federal Guidance

CEQ guidance on implementing Executive Order 12898 contains several suggestions relevant to public health analysis, including:

- Lead agencies should involve public health agencies and clinics
- Agencies should review relevant public health data (as for any other resource)
- Agencies should consider how interrelated cultural, social, occupational, historical, or economic factors may contribute to health effects of the proposed action and alternatives.

The California Environmental Quality Act contains similar requirements for conducting comprehensive health analyses. Potentially significant impacts on health trigger Environmental Impact Reports:

A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur ... (4) ***The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly****. (CCR§15065(a))*

EIRs under CEQA must discuss public health impacts:

The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), ***health and safety problems*** *caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. (CCR§15126.2(a))*

Several court opinions in California support the inclusion of health impacts in EIRs, including, for example, Bakersfield Citizens for Local Control vs. City of Bakersfield (2004) and Californians for Alternatives to Toxics v. CDFA (2005).

Furthermore, CEQA recognizes interactions among social and environmental effects:

> *If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant (CCR§15064).*
>
> And:
>
> *Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. (CCR § 15064)*

Currently, there are three ways in which health is incorporated into an EIR/EIS: 1) as a health risk assessment for a discrete exposure (see below); 2) as a discussion of risk factors for health (e.g., air quality, traffic flow), but the link between those risk factors and health is not often made explicitly; and 3) as a demonstration of compliance with a health-based environmental regulation, such as the Clean Air Act. These approaches do not fully address the requirement for an analysis of potential public health effects according to the format/process established by NEPA and CEQA.

A more complete analysis of health effects responsive to NEPA and CEQA would consider all potentially significant direct, indirect and cumulative health impacts associated with the proposed action and alternatives. The analysis would include descriptions of baseline heath status and determinants of health for the affected population. These elements would generally be achieved through the implementation of an integrated HIA which would:

- Include a systematic scoping of potentially significant direct, indirect, and cumulative health impacts;
- Analyze baseline health conditions and determinants of health;
- Analyze direct and indirect health impacts of the project; and
- Analyze cumulative impacts related to health outcomes.

The steps of Health Impact Assessment parallel the steps of Environmental Impact Assessment (EIA) and, therefore, the two processes can be easily integrated. By integrating HIA and EIA, redundancy in data collection and analysis is avoided, as information collected in the EIA process provides inputs into the health analysis. To conduct a HIA as part of an EIR/EIS, one would:

- Scope potential direct, indirect, and cumulative health concerns in the EIR/EIS Scoping stage. HIA Scoping includes stakeholder meetings to ensure the scope is complete and uses stakeholder knowledge and experience to prioritize the health concerns to analyze.
- Assess prioritized health concerns identified during Scoping. This assessment will include:
    - new analyses (e.g., collecting existing data on health conditions and on existing determinants of health; analyzing impacts not previously analyzed as a result of the expanded Scope);
    - extensions of existing analyses (e.g., using traffic data such as vehicle trips and volume to predict impacts on traffic injuries and physical activity); and

- developing potential mitigation measures to address significant health impacts.

In addition, HIA assessment could include methods that involve stakeholder participation, such as community surveys and focus groups.

- Report and receive public comment on baseline health conditions and determinants of health, the analysis of health impacts, and potential mitigation measures in the Draft EIR/EIS and respond to comments to develop the Final EIR/EIS.

To date, HIAs have been included in five published NEPA documents, all in Alaska.[3] In San Francisco, the health department collaborates with the planning department to ensure the inclusion of health analyses for environmental analysis conducted under CEQA. An HIA was recently completed on the I-710 Corridor Project in Los Angeles and Caltrans is reviewing it and will decide if/how to incorporate it into the DEIR/DEIS. Other jurisdictions around the country are conducting HIAs that may be integrated into the environmental review process, including one that is currently starting on the location of a new intermodal facility in Maryland.

Health Impact Assessment and Health Risk Assessment (HRA)

Health Risk Assessments are sometimes conducted as part of EIRs or EISs and sometimes conducted outside the EIR/EIS process. This is true of HIA as well. While there is significant overlap between HIA and the theoretical framework for HRA, in practice, HIA and HRA differ substantially because HRA is carried out in a manner much more limited than its theoretical framework allows for. Below we compare and contrast existing practice of HRA and HIA:

- The purpose of HIA is to make evidence based judgments on the health impacts of a decision and to make health-promoting recommendations while the purpose of HRA is to quantify the health risk from a change in exposure to a particular hazard.
- HIA uses a broad framework to predict all of the potentially significant health effects that could result from changes in the physical, social, and economic environment. In doing so, HIA includes analysis of impacts on the determinants of health, such as housing, transportation, employment and income, noise, air quality, access to goods and services, access to parks, and social networks. HRAs are typically used to analyze discrete relationships between a single environmental contaminant (e.g., diesel) and a single health outcome (e.g., lung cancer).
- Following the basic pattern of an EIA, HIA starts with an analysis of existing conditions in a community and, in particular, identifies special sub-populations who may be particularly vulnerable, or in which there are significant baseline health inequities. For example, HIA examines existing burdens to EJ communities and assesses impacts cumulatively. HRA does not typically take existing health conditions or disparities into consideration.

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[3] Wernham, A. (2007) Inupiat Health and Proposed Alaskan Oil Development: Results of the First Integrated Health Impact Assessment/ Environmental Impact Statement for Proposed Oil Development on Alaska's North Slope. Ecohealth. No. 4, p. 500.

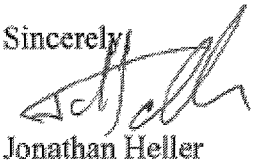
- HIA uses both quantitative and qualitative/descriptive methods in analysis, while HRA uses modeling to quantify risks. If there is strong evidence of the existence of a hazard but data does not exist to quantify a prediction, HRA will not consider that hazard while HIA will. Currently, sufficient data to conduct HRA exist for only a limited number of health-relevant environmental exposures and conditions. It is important to note that NEPA and CEQA regulations do not require quantitative analysis and that many predictions in EISs and EIRs are descriptive. Indeed, simple descriptions of *possible* causal links between the proposed action and a given outcome may be more legally defensible than quantitative modeling, and can still provide valuable insights into differences between the alternatives and potential mitigation measures.
- The HIA process can be used to engage stakeholders, including community residents, and build consensus, while HRA is typically conducted by expert risk assessors.
- HRAs can be a useful tool to analyze potential impacts, but they do not comply with the form and process required by NEPA as can an integrated HIA/EIA approach (see below).
- HRA is one analytical tool that could be used in the assessment phase of HIA.

Conclusion

Based on our understanding of NEPA, CEQA, HIA, and HRA, it is the opinion of Human Impact Partners that 1) HIA can be used to meet the requirements for a comprehensive health analysis under NEPA and CEQA; and 2) that conducting HRA does not fulfill this requirement; and 3) there are many additional benefits that can be derived from conducting HIA.

If you have any questions or would like to discuss this matter further, please feel free to contact me.

Sincerely,



Jonathan Heller
Executive Director and Co-Founder
Human Impact Partners

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Oakland, CA 94607
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jch@humanimpact.org

Education

University of California Berkeley, CA
1993 - 1997. Ph.D., Biophysics. Howard Hughes Fellow. Dissertation: "Solid-State Nuclear Magnetic Resonance Studies of Prion Proteins and Peptides." Advisor: Professor David Wemmer; Collaborators: Professors Alexander Pines and Stanley Prusiner. Experience in structural biology, protein chemistry, molecular biology and physical chemistry.

Harvard University Cambridge, MA
1985 - 1989. B.A., *Cum Laude*, Applied Mathematics.

Experience

Human Impact Partners Executive Director & Co-founder
May 2006 – Present. HIP, a non-profit, believes that health should be considered in all decision making. We raise awareness of and collaboratively use innovative data, processes and tools that evaluate health impacts and inequities in order to transform the policies, institutions and places people need to live healthy lives. Through training and mentorship we also build the capacity of impacted communities and their advocates, workers, public agencies, and elected officials to conduct health-based analyses and use them to take action. To pursue this mission, we are applying Health Impact Assessment as our primary approach to identifying and mitigating adverse policy and development impacts on health.

Responsibilities

- Carry out all aspects of Health Impact Assessments (HIAs) including: outreach to communities, working with residents of communities and staff of community organizations, forming stakeholder groups and collaborations, leading/facilitating HIA meetings, collaborating with and informing county health departments and elected officials, screening and scoping projects, research, reporting, evaluation;
- Conduct HIA training and mentoring;
- Strategic planning;
- Grant writing and other fundraising;
- Legislative strategy development;
- Overseeing day-to-day operations of HIP;
- Personnel management.

Accomplishments

- Built relationships and secured funding for carrying out HIAs across California, in other states, and at the federal level;
- Built HIP to a staff of 8 FTEs;
- Completed over 15 HIAs on land use, transportation and other policies;
- Improved health outcomes for several plans and projects and built awareness regarding the connections between health and policy among elected officials and the general public;
- Conducted over 20 HIA trainings and provided technical assistance to over 15 organizations, nation-wide, conducting HIAs.

Predicant Biosciences Vice President, Information and Project Planning

Mar. 2002 – Dec. 2005. Predicant developed a novel platform to transform patient care by providing physicians a clinically reliable method of detecting, diagnosing and monitoring complex disease states through the analysis of protein patterns in blood. We developed an integrated system incorporating proprietary separation, detection and informatics technologies to provide reliable, reproducible and sensitive measurements for protein pattern discovery and clinical assay. I was the first employee at Predicant and participated in founding the company.

Responsibilities

- Provided technical leadership in informatics, pattern recognition, and bioanalytical chemistry as well as overall company leadership (business, IP, cultural, etc.);
- Project planning and management – developed strategy and timelines for research and development towards product introduction;
- Business development – in-licensing, clinical sample acquisition, collaboration with academic labs, and assessment of external technologies and opportunities for partnership;
- Intellectual property – led company's efforts in working with counsel to patent novel technologies;
- Communication and presentation – developed and delivered key presentations to Board of Directors, potential investors, potential corporate partners, and scientific community;
- Management of 11 employees.

Accomplishments

- Built company to ~50 employees (including hiring a CEO); raised ~$37M of funding from 4 top-tier venture capital firms; established cooperative, collaborative company culture;
- Led planning and development of a novel microfluidics-mass spectrometry based diagnostics platform and data analysis methods; set key performance characteristics for components and the platform (e.g. reproducibility, sensitivity) and designed system characterization plan to demonstrate that the platform met specifications;
- Designed studies, acquired samples for and led first clinical studies that led to the discovery of protein biomarkers in prostate cancer and lung cancer;
- Developed corporate strategies (e.g. technology, business, IP, hiring, etc.) and business plan;
- Led in-licensing efforts to allow us freedom-to-operate and to build a competitive advantage;
- Represented company in Congressional hearings.

SurroMed
Oct. 2000 – Mar. 2002. Director, Informatics

Exelixis
Dec. 1999 – Sept. 2000. Research Scientist II
Dec. 1998 – Nov. 1999. Research Scientist I
Sept. 1997 – Nov. 1998. Associate Research Scientist II

Peace Corps, Papua New Guinea Volunteer
1990 – 1992. Taught high school science and mathematics. Chaired science department. Supervised dormitories for 150 boarding students. Raised funds and initiated construction of school water supply. Had chloroquine-resistant malaria twice.

Awards

1993 – 1997. Howard Hughes Medical Institute Predoctoral Fellow
1993. National Science Foundation Fellowship (declined)
1987 and 1989. Harvard College Scholarship

Publications

J. Heller, R. Larsen, A.C. Kolbert, M. Ernst, M. Baldwin, S.B. Prusiner, D.E. Wemmer, A. Pines. (1996) Application of rotational resonance to inhomogenously broadened systems. *Chem. Phys. Lett.*, **251**, 223.

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A.P. Sassi, F. Andel, H.M. Bitter, M.P. Brown, R.G. Chapman, J. Espiritu, A.C. Greenquist, I. Guyon, M Horchi-Alegre, K.L. Stults, A. Wainright, J.C. Heller, J.T. Stults. (2005) An automated, sheathless capillary electrophoresis-mass spectrometry platform for the discovery of biomarkers in human serum. *Electrophoresis*, **16**, 1500.

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Minimum Elements and Practice Standards for Health Impact Assessment

North American HIA Practice Standards Working Group

Version 2
November 2010

Authorship and Acknowledgements

This document represents a revision of version one of Practice Standards for Health Impact Assessment (HIA) published by the North American HIA Practice Standards Working Group in April 2009. This review and revision was conducted by a working group including the following individuals: Rajiv Bhatia,[1] Jane Branscomb,[2] Lili Farhang,[3] Murray Lee,[4] Marla Orenstein,[4] and Maxwell Richardson.[5] In producing this document, the working group solicited review and comment from participants attending the second annual HIA in the Americas Workshop held in Oakland, California in March of 2010.

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[2] *Georgia Health Policy Center - Atlanta, Georgia, USA*
[3] *Human Impact Partners - Oakland, California, USA*
[4] *Habitat Health Impact Consulting - Calgary, Alberta, Canada*
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Habitat HEALTH IMPACT CONSULTING

Environmental Health

ERM

HUMAN IMPACT PARTNERS

Georgia Health Policy Center

UCBHIG University of California Berkeley Health Impact Group

Endorsements

The following HIA practitioners and organizations are committed to utilizing these working practice standards, to the greatest extent possible, in their health impact assessment practice. These organizations are listed below:

Environmental Resources Management
Georgia Health Policy Center
Habitat Health Impact Consulting Corp.
Human Impact Partners
San Francisco Department of Public Health
University of California Berkeley Health Impact Group

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North American HIA Practice Standards Working Group (Bhatia R, Branscomb J, Farhang L, Lee M, Orenstein M, Richardson M). Minimum Elements and Practice Standards for Health Impact Assessment, Version 2. North American HIA Practice Standards Working Group. Oakland, CA: November 2010.

Introduction

Health Impact Assessment (HIA) is a practice to make visible the interests of public health in decision-making. The International Association of Impact Assessment defines HIA as: *a combination of procedures, methods and tools that systematically judges the potential, and sometimes unintended, effects of a policy, plan, program or project on the health of a population and the distribution of those effects within the population. HIA identifies appropriate actions to manage those effects.* With roots in the practice of Environmental Impact Assessment (EIA), HIA aims to inform the public and decision-makers when decisions about policies, plans, programs, and projects have the potential to significantly impact human health, and to advance the values of democracy, equity, sustainable development, the ethical use of evidence and a comprehensive approach to health.

While available guidance documents for HIA describe the procedural steps and products of each stage of the HIA process, there exists considerable diversity in the practice and products of HIA due to the variety of decisions assessed, diverse practice settings, and the nascent evolution of the field. This document, a collective product of a HIA practitioners' workgroup in North America, intends to translate the values underlying HIA along with key lessons from HIA practice into specific "standards for practice" for each phase of the HIA process. Participants at the first *North American Conference on Health Impact Assessment* held in Oakland, California in September 2008 identified the development of standards as a priority need for the field. Subsequent to the 2008 conference, participants collectively developed the first version of these practice standards. This document reflects the second version of those standards, and has been revised to include a set of "minimum elements" of HIA practice.

In this document, *Minimum Elements* answer the question of "what essential elements constitute an HIA"; this is distinct from *Practice Standards*, which answer the question, "how to best conduct an HIA."

Minimum Elements can serve as a basis to identify and promulgate examples of HIA within the field of practice and in broader social discourse, distinguishing HIA from other practices and methods that also aim to ensure the consideration of and action on health interests in public policy. These *Minimum Elements* apply to HIA whether conducted independently or integrated within an environmental, social or strategic impact assessment.

The *Practice Standards* are not rigid criteria for acceptability but rather guidance for effective practice. A practitioner may use the *Practice Standards* as benchmarks for their own HIA practice, to stimulate discussion about HIA content and quality, and to evaluate this emerging field.

These standards are intended support the development and institutionalization of HIA, and are aligned with the central concepts and suggested approaches described in the World Health Organization's 1999 Gothenburg Consensus Paper on HIA, a guiding document in the HIA field. The members of the North American HIA Practice Standards Working Group recognize that real-world constraints and varying levels of capacity and experience will result in appropriate and ongoing diversity of HIA practice. Every practice standard in this document may not be achieved in every example of HIA. Overall, we hope that these standards will be viewed as relevant, instructive and motivating for advancing HIA quality.

Minimum Elements of HIA

A health impact assessment (HIA) must include the following minimum elements, which together distinguish HIA from other processes. An HIA:

1. Is initiated to inform a decision-making process, and conducted in advance of a policy, plan, program, or project decision;
2. Utilizes a systematic analytic process with the following characteristics:
   - 2.1. Includes a scoping phase that comprehensively considers potential impacts on health outcomes as well as on social, environmental, and economic health determinants, and selects potentially significant issues for impact analysis;
   - 2.2. Solicits and utilizes input from stakeholders;
   - 2.3. Establishes baseline conditions for health, describing health outcomes, health determinants, affected populations, and vulnerable sub-populations;
   - 2.4. Uses the best available evidence to judge the magnitude, likelihood, distribution, and permanence of potential impacts on human health or health determinants;
   - 2.5. Rests conclusions and recommendations on a transparent and context-specific synthesis of evidence, acknowledging sources of data, methodological assumptions, strengths and limitations of evidence and uncertainties;
3. Identifies appropriate recommendations, mitigations and/or design alternatives to protect and promote health;
4. Proposes a monitoring plan for tracking the decision's implementation on health impacts/determinants of concern;
5. Includes transparent, publicly-accessible documentation of the process, methods, findings, sponsors, funding sources, participants and their respective roles.

HIA Practice Standards

Adherence to the following standards is recommended to advance effective HIA practice:

1. General standards for the HIA process

1.1. An HIA should include, at a minimum, the stages of **screening, scoping, assessment, recommendations,** and **reporting** described below.

1.2. **Monitoring** is an important follow-up activity in the HIA process. The HIA should include a follow-up monitoring plan to track the outcomes of a decision and its implementation.

1.3. **Evaluation** of the HIA process and impacts is necessary for field development and practice improvement. Each HIA process should begin with explicit, written goals that can be evaluated as to their success at the end of the process.

1.4. HIA should respect the needs and timing of the decision-making process it evaluates.

1.5. HIA requires integration of knowledge from many disciplines; the practitioner or practitioner team must take reasonable and available steps to identify, solicit and utilize the expertise, including from the community, needed to both identify and answer questions about potentially significant health impacts.

1.6. Meaningful and inclusive stakeholder participation (e.g., community, public agency, decision-maker) in each stage of the HIA supports HIA quality and effectiveness. Each HIA should have a specific engagement and participation approach that utilizes available participatory or deliberative methods suitable to the needs of stakeholders and context.

1.7. HIA is a forward looking activity intended to inform an anticipated decision; however, HIA may appropriately conduct or utilize analysis, or evaluate an existing policy, project or plan to prospectively inform a contemporary decision or discussion.

1.8. Where integrated impact assessment is required and conducted, and requirements for impact assessment include responsibility to analyze health impacts, HIA should be part of an integrated impact assessment process to advance efficiency, to allow for inter-disciplinary analysis and to maximize the potential for advancing health promoting mitigations or improvements.

1.9. HIA integrated within another impact assessment process should adhere to these practice standards to the greatest extent possible.

2. Standards for the screening stage

2.1. Screening should clearly identify all the decision alternatives under consideration by decision-makers at the time the HIA is considered.

2.2. Screening should determine whether an HIA would add value to the decision-making process. The following factors may be among those weighed in the screening process:

2.2.1. The potential for the decision to result in substantial effects on public health, particularly those effects which are avoidable, involuntary, adverse, irreversible or catastrophic

2.2.2. The potential for unequally distributed impacts

2.2.3. Stakeholder and decision-maker concerns about a decision's health effects

2.2.4. The potential for the HIA to result in timely changes to a policy plan, policy or program

2.2.5. The availability of data, methods, resources and technical capacity to conduct analyses

2.2.6. The availability, application, and effectiveness of alternative opportunities or approaches to evaluate and communicate the decision's potential health impacts

2.3. Sponsors of the HIA should document the explicit goals of the HIA and should notify, to the extent feasible, decision-makers, identified stakeholders, affected individuals and organizations, and responsible public agencies on their decision to conduct an HIA.

3. Standards for the scoping phase

3.1. Scoping of health issues and public concerns related to the decision should include identification of: 1) the decision and decision alternatives that will be studied; 2) potential significant health impacts and their pathways (e.g., a logic model); 3) research questions for impact analysis; 4) demographic, geographical and temporal boundaries for impact analysis; 5) evidence sources and research methods expected for each research question in impacts analysis; 6) the identity of vulnerable subgroups of the affected population; 7) an approach to the evaluation of the distribution of impacts; 8) roles for experts and key informants; 9) the standards or process, if any, that will be used for determining the significance of health impacts; 10) a plan for external and public review; and 11) a plan for dissemination of findings and recommendations.

3.2. The scoping process should establish the individual or team responsible for conducting the HIA and should define their roles.

3.3. Scoping should include consideration of all potential pathways that could reasonably link the decision and/or proposed activity to health, whether direct, indirect, or cumulative.

3.4. The consideration of potential pathways should be informed by the expertise and experience of assessors as well as perspectives of the affected communities, health officials and decision-makers. The assessment team should solicit input from public health officials and local medical practitioners to ensure adequate representation by the entities responsible for and knowledgeable about health conditions. The assessment team should solicit input from members of affected communities or representative organizations via public meetings, written comments, or interviews to understand their views and concerns. The assessment team should solicit input from decision-makers to understand their views on the decision's relationship to health.

3.5. The final scope should focus on those impacts with the greatest potential significance, with regards to factors including but not limited to magnitude, certainty, permanence, stakeholder priorities, and equity.

3.6. The scope should include an approach to evaluate any potential inequities in impacts based on population characteristics, including but not limited to age, gender, income, place (disadvantaged locations), and race or ethnicity.

3.7. The HIA scoping process should identify a mechanism to incorporate new, relevant information and evidence into the scope as it becomes available, including through expert or stakeholder feedback.

4. Standards for the assessment phase

4.1. Assessment should include, at a minimum, a baseline conditions analysis and qualified judgments of potential health impacts:

4.1.1. Documentation of baseline conditions should include the documentation of both population health vulnerabilities (based on the population characteristics described above) and inequalities in health outcomes among subpopulations or places.

4.1.2. Evaluation of potential health impacts should be based on a synthesis of the best available evidence, as qualified below.

4.1.3. To support determinations of impact significance, the HIA should characterize health impacts according to characteristics such as direction, magnitude, likelihood, distribution within the population, and permanence.

4.2. Judgments of health impacts should be based on a synthesis of the best available evidence. This means:

4.2.1. Evidence considered may include existing data, empirical research, professional expertise and local knowledge, and the products of original investigations.

4.2.2. When available, practitioners should utilize evidence from well-designed and peer-reviewed systematic reviews.

4.2.3. HIA practitioners should consider published evidence, both supporting and refuting particular health impacts.

4.2.4. The expertise and experience of affected members of the public (local knowledge), whether obtained via the use of participatory methods, collected via formal qualitative research methods, or reflected in public testimony, is potential evidence.

4.2.5. Justification for the selection or exclusion of particular methodologies and data sources should be made explicit (e.g., resource constraints).

4.2.6. The HIA should acknowledge when available methods were not utilized and why (e.g., resource constraints).

4.3. Impact analysis should explicitly acknowledge methodological assumptions as well as the strengths and limitations of all data and methods used.

4.3.1. The HIA should identify data gaps that prevent an adequate or complete assessment of potential impacts.

4.3.2. Assessors should describe the uncertainty in predictions.

4.3.3. Assumptions or inferences made in the context of modeling or predictions should be made explicit.

4.4. The lack of formal, scientific, quantitative or published evidence should not preclude reasoned predictions of health impacts.

5. Standards for the recommendations phase

5.1. The HIA should include specific recommendations to manage the health impacts identified, including alternatives to the decision, modifications to the proposed policy, program, or project, or mitigation measures.

5.2. Where needed, expert guidance should be utilized to ensure recommendations reflect current effective practices.

5.3. The following criteria may be considered in developing recommendations and mitigation measures: responsiveness to predicted impacts; specificity; technical feasibility; enforceability; and authority of decision-makers.

5.4. Recommendations may include those for monitoring, reassessment, and adaptations to help manage uncertainty in impact assessment.

6. Standards for the reporting phase

6.1. The responsible parties should complete a report of the HIA findings and recommendations.

6.2. To support effective, inclusive communication of the principal HIA findings and recommendations, a succinct summary should be created that communicates findings in a way that allows all stakeholders to understand, evaluate, and respond to the findings.

6.3. The full HIA report should document the screening and scoping processes and identify the sponsor of the HIA and the funding source, the team conducting the HIA, and all other participants in the HIA and their roles and contributions. Any potential conflicts of interest should be acknowledged.

6.4. The full HIA report should, for each specific health issue analyzed, discuss the available scientific evidence, describe the data sources and analytic methods used for the HIA including their rationale, profile existing conditions, detail the analytic results, characterize the health impacts and their significance, list corresponding recommendations for policy, program, or project alternatives, design or mitigations, and describe the limitations of the HIA.

6.5. Recommendations for decision alternatives, policy recommendations, or mitigations should be specific and justified. The criteria used for prioritization of recommendations should be explicitly stated and based on scientific evidence and, ideally, informed by an inclusive process that accounts for stakeholder values.

6.6. Distribute HIA and/or findings to stakeholders that were involved in the HIA. The HIA reporting process should offer stakeholders and decision-makers a meaningful opportunity to critically review evidence, methods, findings, conclusions, and recommendations. Ideally, a draft report should be made available and readily accessible for public review and comment. The HIA practitioners should address substantive criticisms either through a formal written response or HIA report revisions before finalizing the HIA report.

6.7. The final HIA report should be made publicly accessible.

7. Standards for the monitoring phase

7.1. The HIA should include a follow-up monitoring plan to track the decision outcomes as well as the effect of the decision on health impacts and/or determinants of concern.

7.2. The monitoring plan should include: 1) goals for short- and long-term monitoring; 2) outcomes and indicators for monitoring; 3) lead individuals or organizations to conduct monitoring; 4) a mechanism to report monitoring outcomes to decision-makers and HIA stakeholders; 5) triggers or thresholds that may lead to review and adaptation in decision implementation; and 6) identified resources to conduct, complete, and report the monitoring.

7.3. Where possible, recommended mitigations should be further developed and integrated into an HIA (or other) management plan, which clearly outlines how each mitigation measure will be implemented. Management plans commonly include information on: deadlines, responsibilities, management structure, potential partnerships, engagement activities and monitoring and evaluation related to the implementation of the HIA mitigations. For greater effectiveness, HIA management plans should be developed in collaboration with, or at least with the input from, the entity responsible for implementing the plan. Management plans are living documents that will need to be revised and improved on an on-going basis.

7.4. When monitoring is conducted, methods and results from monitoring should be made available to the public.

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Coalition For A Safe Environment

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CFASE

June 25, 2015

Michael Simon
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Joshua Goldman
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Transportation Power, Inc.
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858-248-4255

Re: Mitsubishi Cement Corporation
Su: Request For Product Information, Cost & Delivery Quotation

Dear TransPower:

The Coalition For A Safe Environment (CFASE) is currently in discussion with Mitsubishi Cement Corporation regarding the use of your Zero Emissions On-Road Heavy Duty Class 8 Truck as Mitigation for their MCC Cement Facility Modification Project at the Port of Long Beach Pier F.

Mitsubishi intends to purchase a fleet of trucks and have estimated that their fleet will make 166,400 truck trips annually at full capacity. The trucks would be used to haul Cement Dry Bulk Trailers to customers regionally. The new facility would be completed in approximately 2 years. FYI traditionally the Port of Long and Port of Los Angeles jointly purchase 1-2 trucks to conduct demonstration testing under their Clean Air Action Plan, Clean Truck Program and Technology Advancement Program (TAP).

In addition, CFASE has been an environmental leader in recommending and supporting innovative incentive and cost sharing programs such as the TAP, Prop 1B, AB 32 Cap & Trade Fund, South Coast AQMD, California Air Resources Board and USEPA special zero emissions freight transportation pilot project fund programs.

Mitsubishi will also use a Top Front End Payloader equipped with a blade to be used in a ship hull. If you offer or can manufacture an all-Electric Zero Emissions Top Front End Payloader please provide that information.

CFASE with 8 other community based non-profit organizations jointly submitted public comments on the MCC Cement Facility Modification Project Draft EIR and Final Environmental Impact Reports and recommended the TransPower Zero Emissions Class 8 Truck.

CFASE would like to introduce you at this time to Mr. H.O. "Bud" Biggs Project Manager who has requested that we provide them information on your company and your Zero Emissions Truck line. To facilitate this request and to expedite the exchange of information we are requesting that you send the information directly to him and cc me a copy for our records and continuing discussions.

Please provide a brief proposal with the following information as a minimum on your TransPower ElecTruck International ProStar Class 8 On-Road Heavy Duty Truck:

a. Product Specification Sheet
b. Electric Class 8 Truck Product Description (Report dated 8-8-2014)
c. Any other important supporting information
d. Purchase Order Cost Information based on an order of 1-3, 10, 25, 50, 100
e. Product Delivery Schedule based on a purchase of 1-3, 10, 25, 50 100
f. Product Maintenance Information
g. Product Warranty Information
h. Zero Emissions Cost-Benefits vs Diesel Trucks Information
i. Product Environmental Co-Benefits such as Near Noiseless, No Motor Oil etc.

If you offer an All-Electric Zero Emissions Top Front End Payloader please provide the equivalent information listed previously.

The following is H.O. "Bud" Biggs contact information:

H.O. "Bud" Biggs
Project Manager
Mitsubishi Cement Corporation
5808 State Highway 18
Lucerne Valley, Ca 92356
760-248-5121 Office
760-774-6883 Cell
760-248-9002 Fax
bbiggs@mitsubishicement.com

Please provide the information by Monday June 29, 2015. You can email or deliver a hard copy of the information.

Thank you,

Jesse N. Marquez

Jesse N. Marquez
Executive Director

Coalition For A Safe Environment

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CFASE

June 25, 2015

Andy Swanton
Director, Business Development US & Canada
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BYD Motors, Inc.
1800 S. Figueroa St.
Los Angeles, CA 90015

Re: Mitsubishi Cement Corporation
Su: Request For Product Information, Cost & Delivery Quotation

Dear BYD Motors:

The Coalition For A Safe Environment (CFASE) is currently in discussion with Mitsubishi Cement Corporation regarding the use of Zero Emissions On-Road Heavy Duty Class 8 Truck as Mitigation for their MCC Cement Facility Modification Project at the Port of Long Beach Pier F.

Mitsubishi intends to purchase a fleet of trucks and have estimated that their fleet will make 166,400 truck trips annually at full capacity. The trucks would be used to haul Cement Dry Bulk Trailers to customers regionally. The new facility would be completed in approximately 2 years. FYI traditionally the Port of Long and Port of Los Angeles jointly purchase 1-2 trucks to conduct demonstration testing under their Clean Air Action Plan, Clean Truck Program and Technology Advancement Program (TAP).

In addition, CFASE has been an environmental organization leader in recommending and supporting innovative incentive and cost sharing programs such as the TAP, Prop 1B, AB 32 Cap & Trade Fund, South Coast AQMD, California Air Resources Board and USEPA special zero emissions freight transportation pilot project fund programs.

Mitsubishi will also use a Top Front End Payloader equipped with a blade to be used in a ship hull. If you offer or can manufacture an all-Electric Zero Emissions Top Front End Payloader please provide that information.

CFASE with 8 other community based non-profit organizations jointly submitted public comments on the MCC Cement Facility Modification Project Draft EIR and Final Environmental Impact Reports and recommended the use of Zero Emission Class 8 Trucks and Top Front End Payloaders.

CFASE would like to introduce you at this time to Mr. H.O. "Bud" Biggs Project Manager who has requested that we provide them information on your company and your Zero Emissions Truck line. To facilitate this request and to expedite the exchange of information we are requesting that you send the information directly to him and cc me a copy for our records and continuing discussions.

Please provide a brief proposal with the following information as a minimum for your Zero Emissions Class 8 Trucks and Top Front End Payloaders.

a. Product Specification Sheet
b. Any other important supporting information
c. Purchase Order Cost Information based on an order of 1-3, 10, 25, 50, 100
d. Product Delivery Schedule based on a purchase of 1-3, 10, 25, 50 100
e. Product Maintenance Information
f. Product Warranty Information
g. Zero Emissions Cost-Benefits vs Diesel Engine Information
h. Product Environmental Co-Benefits such as Near Noiseless, No Motor Oil etc.

Note: For the Top Front End Payloaders provide information for 1-3.

The following is H.O. "Bud" Biggs contact information:

H.O. "Bud" Biggs
Project Manager
Mitsubishi Cement Corporation
5808 State Highway 18
Lucerne Valley, Ca 92356
760-248-5121 Office
760-774-6883 Cell
760-248-9002 Fax
bbiggs@mitsubishicement.com

Please provide the information by Monday June 29, 2015. You can email or deliver a hard copy of the information.

Thank you,

Jesse N. Marquez

Jesse N. Marquez

Executive Director

CFASE

Coalition For A Safe Environment

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June 25, 2015

Ruben Garcia
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Advanced Cleanup Technologies, Inc.
20928 Lamberton Ave.
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310-505-9636 Cell
310-763-9076 Fax
rubeng@actird.com

Re: Mitsubishi Cement Corporation
Su: Request For Product Information, Cost & Delivery Quotation

Dear AEG:

The Coalition For A Safe Environment (CFASE) is currently in discussion with Mitsubishi Cement Corporation regarding the use of a dry bulk ship exhaust capture and treatment system such as AMECS as Mitigation for their MCC Cement Facility Modification Project at the Port of Long Beach Pier F.

Mitsubishi is required by the South Coast AQMD to incorporate a dry bulk ship exhaust capture and treatment system as part of their permit. They are currently considering using a technology called DoCCS. CFASE has reviewed this technology and determined that it is inferior to AMECS because it will only capture and treat NOX. Our additional major concern is that it has never been built or tested before and will take 3 years minimum to verify.

The new facility would be completed in approximately 2 years. FYI traditionally the Port of Long and Port of Los Angeles jointly sponsor and conduct demonstration testing under their Clean Air Action Plan, Clean Truck Program and Technology Advancement Program (TAP).

In addition, CFASE has been an environmental organization leader in recommending and supporting innovative incentive and cost sharing programs such as the TAP, Prop 1B, AB 32 Cap & Trade Fund, South Coast AQMD, California Air Resources Board and USEPA special zero emissions freight transportation pilot project fund programs. Ships are included in the definition of freight transportation.

CFASE with 8 other community based non-profit organizations jointly submitted public comments on the MCC Cement Facility Modification Project Draft EIR and Final Environmental

Impact Reports and recommended the use of AMECS-Advanced Maritime Emissions Control System as Mitigation.

CFASE would like to introduce you at this time to Mr. H.O. "Bud" Biggs Project Manager who has requested that we provide them information on your company and your AMECS Technology. To facilitate this request and to expedite the exchange of information we are requesting that you send the information directly to him and cc me a copy for our records and continuing discussions.

Please provide a brief proposal with the following information as a minimum for your AMECS Technology.

a. Product Specification Sheet
b. Product Model Options
c. Any other important supporting information
d. Purchase Order Cost Information based on an order of 1
e. Product Delivery Schedule based on a purchase of 1
f. Product Maintenance Information
g. Product Warranty Information
h. Cost-Benefits Analysis vs Electric Shorepower vs Bunker Fuel if available
i. Special Product Benefits such as requires no costly infrastructure, more efficient that shorepower etc.

The following is H.O. "Bud" Biggs contact information:

H.O. "Bud" Biggs
Project Manager
Mitsubishi Cement Corporation
5808 State Highway 18
Lucerne Valley, Ca 92356
760-248-5121 Office
760-774-6883 Cell
760-248-9002 Fax
bbiggs@mitsubishicement.com

Please provide the information by Monday June 29, 2015. You can email or deliver a hard copy of the information.

Thank you,

Jesse N. Marquez

Jesse N. Marquez
Executive Director

AMECS SHIP REGISTER FOR CARB TESTING

The following ships were tested using the AMECS system and under CARB testing guidelines and were submitted in the official CARB test results

	Vessel Name	Testing Date	Type of Vessel	AMECS Connection Time (hours)
1	Portland Bay	8/18/2012	Dry Bulk Carrier	3.3
2	Vivace	8/24/2012	Dry Bulk Carrier	30.8
3	Vivace	8/25/2012	Dry Bulk Carrier	19.5
4	Maple Ocean	9/10/2012	Dry Bulk Carrier	25.6
5	Clipper Imabari	9/11/2012	Dry Bulk Carrier	10
6	Mizunagi Maru	9/13/2012	Dry Bulk Carrier	12.5
7	Mizunagi Maru	9/19/2012	Dry Bulk Carrier	26.1
8	Rosina Topic	9/21/2012	Dry Bulk Carrier	18.4
9	Delphinus	10/5/2012	Dry Bulk Carrier	55.4
10	Port Shanghai	10/13/2012	Dry Bulk Carrier	92
11	Basic Rainbow	10/18/2012	Dry Bulk Carrier	11.8
12	Hudson Trader 1	10/21/2012	Dry Bulk Carrier	47.7
13	Venus Shining	10/24/2012	Dry Bulk Carrier	24.3
14	Shanghai Bulker	10/31/2012	Dry Bulk Carrier	17.8
15	Albany Sound	11/2/2012	Dry Bulk Carrier	20.2
16	Jalma Topic	11/11/2012	Dry Bulk Carrier	9.5
17	Spar Draco	11/18/2012	Dry Bulk Carrier	148
18	Casta Diva	1/26/2013	Dry Bulk Carrier	76.1
19	Euro Trader	1/29/2013	Dry Bulk Carrier	11.1
20	Four Turandot	2/20/2013	Dry Bulk Carrier	11.8
21	Sky Jade	3/3/2013	Dry Bulk Carrier	46.2
22	Matsushima Bay	3/6/2013	Dry Bulk Carrier	9.8
23	Suzaku	3/13/2013	Dry Bulk Carrier	17.1
24	United Halo	3/17/2013	Dry Bulk Carrier	139.7
25	La Carita	4/14/2013	Dry Bulk Carrier	22.9
26	Taihua Star	4/25/2013	Dry Bulk Carrier	16.7
27	Orange Truth	4/30/2013	Dry Bulk Carrier	44.3
28	AS Virginia	5/3/2013	Dry Bulk Carrier	16.7
29	Guo Tou 301	5/4/2013	Dry Bulk Carrier	39.9
30	Dalmatia	9/21/2013	Dry Bulk Carrier	20.2
31	Furness St Kilda	9/27/2013	Dry Bulk Carrier	79.3
32	Matakana Is.	10/2/2013	Dry Bulk Carrier	15.2
33	CB Paradise	10/4/2013	Dry Bulk Carrier	32.8
34	Lorraine	10/17/2013	Container	28.8
	Total Testing - Pier Based			**1201.5**
35	MSC PO LIN	10/22/2014	Container	11
36	MSC Eleni	10/29/2014	Container	21
37	MSC Heidi	11/4/2014	Container	72
38	MSC Nerissa	11/12/2014	Container	12
39	MSC Eleni	11/14/20014	Container	34
40	MSC Carmen	11/18/2014	Container	24
41	MSC LISA	12/17/2014	Container	20
42	MSC PO LIN	12/18/2014	Container	20
	Total Testing - Barge Based *			**214**
	Total Hours - CARB TESTING ONLY			**1415.5**

* Note: CARB Required 200 additional hours for CARB verification of AMECS Barge unit