



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: SEPTEMBER 7, 2011

FROM: ENVIRONMENTAL MANAGEMENT DIVISION

SUBJECT: RESOLUTION NO. _____ - STAFF RESPONSE TO THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 95 REGARDING THE INCLUSION OF CONSTRUCTION EMISSIONS IN THE BAY WIDE HEALTH RISK ASSESSMENT

SUMMARY:

On February 17, 2009, the Port of Los Angeles Community Advisory Committee (PCAC) approved Recommendation No. 95 requesting that the Bay Wide Health Risk Assessment (BWHRA) be revised to include consideration of a re-calculation for harmful contribution to pollution and health risk resulting from construction projects. The BWHRA was developed to help formulate the San Pedro Bay Standards (Standards).

Staff recommends the Board of Harbor Commissioners (Board) deny PCAC Recommendation No. 95. The methodology to calculate health risk is based on continuous 70-year exposure to diesel particulate matter (DPM) emissions. For the BWHRA, staff calculates and compares the health risks based on 2005 emission levels and 2020 forecasted emission levels and uses the analysis to establish risk targets. Construction emissions are short-term (average 1-2 years in duration) and highly variable and speculative. As the methodology is based on continuous exposure over a long period of time, including short-term construction emissions would result in far less accurate calculations of risk. Although the BWHRA was completed without the inclusion of construction emissions, staff will continue to consider project related construction emissions (and health risk) through the California Environmental Quality Act (CEQA) process and adhere to the Los Angeles Harbor Department Sustainable Construction Guidelines for Reducing Air Emissions.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Consider and deny Recommendation No. 95; and
2. Adopt Resolution No. _____.

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DISCUSSION:

PCAC Recommendation No. 95 - *“Require Bay Wide HRA be revised to include consideration of a re-calculation for harmful contribution to pollution and health risk resulting from construction.”*

Background - On November 6, 2006, the Ports of Los Angeles and Long Beach (Ports) Boards of Harbor Commissioners (Boards) adopted the San Pedro Bay Ports Clean Air Action Plan (CAAP), which is a sweeping plan aimed at significantly reducing the impacts posed by air pollution from port-related sources. Building on the success of the 2006 CAAP, on November 22, 2010, the Boards adopted the 2010 CAAP Update.

The 2010 CAAP Update contains new long-term goals for emissions and health risk reductions from port-related sources. These goals, also known as the San Pedro Bay Standards, establish aggressive targets for the Ports to further improve air quality, reduce health risks, and to guide air quality planning and priorities.

To help formulate the Health Risk Reduction Standard, the Ports developed the BWHRA Tool, a health risk modeling tool. An estimate of health risk reductions in 2020, the target year, was developed by comparing health risk modeling results from 2005 baseline year port-related diesel particulate matter (DPM) emissions with an estimate of port-related DPM emissions using forecasted conditions in 2020. The BWHRA Tool was extensively reviewed by the U.S. Environmental Protection Agency Region 9, California Air Resources Board, and South Coast Air Quality Management District.

On February 17, 2009, the PCAC adopted Recommendation No. 95 (Transmittal 1), requesting the Board to require the BWHRA be revised to include consideration of a re-calculation for harmful contribution to pollution and health risk resulting from construction. After careful consideration, staff recommends that Recommendation No. 95 be rejected. DPM emissions from construction projects were not included in the BWHRA analysis primarily because we consider this approach to be inaccurate.

It is our judgment that use of construction emissions in the baseline year – 2005 – or the target year – 2020 – would be misleading because construction is temporary and consists of highly variable short-term duration activities relative to the operational emissions sources from the Ports, which are assumed to be in continuous operation.

Under the BWHRA methodology, 70-year exposure to DPM emissions for operations was modeled for both the 2005 baseline year and 2020 forecast year. If we included construction emissions in the 2005 baseline, we would have to assume that potential receptors are exposed to a speculative short-term (1-2 years is typical for construction projects) construction scenario prior to calculation of project emissions for 70 years. As the methodology is based on continuous exposure over a long period of time, including short-term construction emissions would result in far less accurate calculations of risk.

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Although staff did not include construction emissions in the BWHRA methodology, construction emissions and their impacts are fully captured in the CEQA analyses for individual projects as described in the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) documents for each project. The impacts are mitigated as needed, including adherence to Harbor Department's Sustainable Construction Guidelines for Reducing Air Emissions which was adopted by the Board in February 2008.

These guidelines were developed outside of the CAAP because they apply to off-road equipment and construction management practices not addressed in the CAAP. The guidelines are more stringent and go beyond the current regulatory standards set by the South Coast's Air Quality Management District and the California Air Resources Board for construction equipment. The intent of the guidelines is to facilitate the integration of sustainable concepts and practices into all capital projects at the Port in a practical, yet aggressive manner that employs Best Management Practices and Best Available Control Technology. The guidelines are incorporated into all construction specifications advertised for bid and are expected to reduce diesel particulate matter, green house gases, and other criteria pollutants.

Staff Analysis – For the reasons stated above, staff recommends that the Board deny PCAC Recommendation No. 95 and not require a revision to the BWHRA to include a re-calculation for emissions from construction projects.

ENVIRONMENTAL ASSESSMENT:

The proposed action is to consider and deny PCAC Recommendation No. 95 requesting that the BWHRA be revised to include a re-calculation emissions resulting from construction projects. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from CEQA in accordance with Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

This Board action, which denies PCAC Recommendation No. 95, would have no financial impact upon the Harbor Department.

ECONOMIC BENEFITS:

This Board action will have no employment effect.

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CITY ATTORNEY:

The Office of the City Attorney has reviewed this Board report and has determined that there are no legal issues at this time.

TRANSMITTAL:

1. PCAC Recommendation No. 95

FIS Approval: KP

CA Approval: TR



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APPROVED:



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BOARD MEETING: 9/15/2011

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