Chapter 2
Responses to Comments

2.1 Distribution of the Draft EIR

The Draft Environmental Impact Report (EIR) prepared for the Los Angeles Harbor Department (LAHD) was distributed to the public and regulatory agencies on October 12, 2023, for a 45-day review period; the review period was subsequently extended to 60 days, ending on December 11, 2023. Printed copies of the Draft EIR were available for review at the Los Angeles Harbor Department, Environmental Management Division, 425 S. Palos Verdes Street, San Pedro, CA 90731. In addition to printed copies of the Draft EIR, digital copies were made available. Due to the size of the document, the digital copies were prepared as a series of PDF files to facilitate downloading and printing and were available on the Port web site at https://www.portoflosangeles.org/environment/environmental-documents. Interested parties were required to provide written comments on the Draft EIR, which must have been postmarked by December 11, 2023.

The LAHD conducted a public hearing regarding the Draft EIR on November 1, 2023, to provide an overview of the Proposed Project and alternatives and to accept public comments on the Proposed Project, alternatives, and environmental document.

The public comment and response component of the California Environmental Quality Act (CEQA) process serves an essential role. It allows the respective lead agencies to assess the impacts of a project based on the analysis of other responsible, concerned, or adjacent agencies and interested parties, and it provides an opportunity to amplify and better explain the analyses that the lead agencies have undertaken to determine the potential environmental impacts of a project. To that extent, responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals, and to improve the overall understanding of the Project for the decision-making bodies.

Eight commenters provided verbal comments at the public hearing. The LAHD received 35 comment letters on the Draft EIR during the public review period. Table 2-1 presents a list of those agencies, organizations, and individuals who commented on the Draft EIR.

Table 2-1. Public Comments Received on the Draft EIR

Letter Code	Date	Individual/Organization	Page(s)
State, Regional, and Local Government			
CDFW	12/11	California Department of Fish & Wildlife	
DTSC	12/8	Department of Toxic Substances Control	
LABOS	10/30	City of Los Angeles Bureau of Sanitation	
SCAQMD	12/8	South Coast Air Quality Management District	
Organizations			
ASM	12/7	Action Sales & Metal	
ALLIED	12/11	Allied Cement Co.	
CESPNC	12/11	Central San Pedro Neighborhood Council	
COSPNC	11/27	Coastal San Pedro Neighborhood Council	
CFASE	12/11	Coalition for a Safe Environment et al.	
E4SS	12/11	E4 Strategic Solutions (Berman)	
FUTPORT	12/12	FuturePorts	
HAIC	10/23	Harbor Association of Industry and Commerce	
IBEW	11/1	International Brotherhood of Electrical Workers Local Union No. 11	
KONVEIO	11/7	Konveio	
LAMI	12/8	Los Angeles Maritime Institute/Children's Maritime Institute	
LAUSD	12/11	Los Angeles Unified School District	
NWSPNC	12/11	Northwest San Pedro Neighborhood Council	
ROTARY	11/2	Rotary Club of Wilmington	
SBACC	12/12	South Bay Association of Chambers of Commerce	
SPCC	11/30	San Pedro Chamber of Commerce	
WCC	11/8	Wilmington Chamber of Commerce	
WNC	12/5	Wilmington Neighborhood Council	
WYMCA	11/1	Wilmington YMCA	
Individuals			
CASEY	11/8	Dennis Casey	
COLE	12/10	Paul Cole	
ETTEL	12/10	Wayne Ettel	
HERNANDEZ	12/8	Samuel Hernandez	
LENNARD	11/5	Jonathan Lennard	
MORRIS	11/3	Mallissa Morris	
MURRAY	11/5	Tim Murray	
O'BRIEN	12/5	Timothy O'Brien	
RADE	10/24	Sam Rade	

Letter Code	Date	Individual/Organization	Page(s)
SAXTON	12/8	Ryan Saxton	
SANCHEZ	12/8	Enrique Sanchez	
SMITH	11/6	Jazmes C Smith	
WIDNER	10/13	Wayne Widner	
Public Hearing			
PH1	11/1	Pat Nave (none)	
PH2	11/1	Ryan Saxton (Petworth Consulting Group)	
PH3	11/1	Bruce Hayman (LAMI)	
PH4	11/1	Monica Garcia (WCC)	
PH5	11/1	Tommy Faave (IBEW)	
PH6	11/1	Henry Rogers (HAIC)	
PH7	11/1	Yolanda de la Torre (Wilmington YMCA)	
PH8	11/1	Carlos Rodarte (IBEW)	

2.2 Responses to Comments

In accordance with CEQA (CEQA Guidelines § 15088), the LAHD has evaluated the comments on environmental issues received from agencies and other interested parties and has prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the Draft EIR. Comment letters are presented in Section 2.3 of this chapter. The responses to comments are presented in this section.

In compliance with CEQA Guidelines Section 15088(b), the written responses address the environmental issues raised. In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the Proposed Project is provided. In each case, the LAHD has expended a good faith effort, supported by reasoned analysis, to respond to comments. This section includes responses not only to the written comments received during the 60- day public review period of the Draft EIR, but also the verbal comments made at the public hearing for the Draft EIR. Some comments have prompted revisions to the text of the Draft EIR, which are referenced and shown in Chapter 3, "Modifications to the Draft EIR." A copy of each comment letter/comment is provided, and responses to each comment letter immediately follow. All of the comments received and the responses to those comments will be considered by the decision-makers prior to taking any action on the Proposed Project.

Some comments requested that the LAHD recirculate the DRAFT EIR. A lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but prior to certification of the Final EIR (Public Resources Code, § 21092.1; CEQA Guidelines, § 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." (CEQA Guidelines, § 15088.5(a).) "Significant" new information includes information showing that "(1) [a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented [;] or (2)

[a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance" (State CEQA Guidelines § 15088.5 (a)(1), (a)(2).)

The responses to comments provide the following information:

- First and foremost, the responses address the environmental concerns raised by the comments, and describe how they are addressed in the document;
- They provide corrections to the text, where such corrections are warranted; and,
- They expand on or provide minor clarifications to information already included in the Draft EIR in those instances where comments question this information.

However, none of the conditions warranting recirculation of the EIR, as specified in CEQA Guidelines § 15088.5 and described above, has occurred. Neither LAHD's responses to comments nor any of the information clarified or modified in the Final EIR would cause new significant impacts or increase the severity of an existing significant impact identified in the Draft EIR, even after mitigation. No feasible alternatives have been recommended that would avoid a significant impact, wherein the Applicant has refused to adopt such an alternative; and as to the adequacy of the Draft EIR, LAHD believes, based on its consideration of all substantial evidence presented to and before it, the EIR is complete and fully compliant with CEQA.

2.2.1 State, Regional, and Local Governments

California Department of Fish and Wildlife (CDFW)

Comment Letter

See Section 2.3.

Responses

Response to Comment CDFW-1:

The comment describes the Department's role, provides an overview of the Proposed Project, and summarizes biological role and significance of Los Angeles Harbor and the species therein, including sensitive species and habitats.

Thank you for your review and comments on the Draft EIR. The LAHD appreciates the Department's summary. The candidate, sensitive, or special-status species and associated habitat that are known to occur on or near the Project site are discussed in sections 3.2.4 through 3.2.10 of the DRAFT EIR. No further response to this comment is required.

Response to Comment CDFW-2:

The comment recommends that piles be installed using a vibratory hammer, to the extent feasible; recommends specific techniques for pile driving; and recommends measures, including the use of silt curtains, to control turbidity during pile driving.

Potential effects to biological species resulting from pile pulling and driving, including underwater noise and turbidity, are addressed in Sections 3.2.24 and 4.2.2 of the Draft EIR (pp. 3.2-28–3.2-30, 4-21–25). The Draft EIR (p. 3.2-29) considers potential impacts to fish based on underwater noise levels that may result from piles being driven (DEIR, p. 3.2-29). The Draft EIR concludes that while noise from impact pile-driving during pile installation could cause seals and sea lions to avoid the immediate construction area (i.e., within 20 meters), those activities would likely not result in significant harassment or the

loss of individuals or habitat because the noise levels would not exceed the thresholds cited in CDFW's comment or in other applicable technical guidance (e.g., Caltrans [2020] and NOAA Fisheries [2018]). Similarly, in-water construction activities would not generate peak noise levels that would result in injury or loss of individuals of managed fish species. Furthermore, the small size of the construction area that would be affected in relation to the total Harbor habitat that is utilized by managed species, particularly fish in the Coastal Pelagics Fisheries Management Plan (FMP), means that the number of potentially affected individuals that could be affected would be relatively small (DEIR, pp. 3.2-29–3.2.30, 4-24–25). Accordingly, the Draft EIR concludes that the impact to these biological resources would be less than significant and, therefore, further mitigation, such as the bubble curtain the comment suggests, is not required. The comment does not suggest that the sound levels cited in the Draft EIR are incorrect or inapplicable; accordingly, the LAHD stands by the analysis in the Draft EIR and no revision of the FEIR is required.

The LAHD appreciates the Department's recommendation that vibratory methods be used to install piles in order to reduce underwater sound levels. In the case of Berth 191, vibratory methods are not feasible. LAHD anticipates, given the age of the wharf at Berth 191 (timber piles were first installed at the site in 1922 and have been replaced since then) and the presence of dense soils at the site, that driven piles would encounter obstructions at some depth. A vibratory hammer cannot produce sufficient energy to drive a timber fender pile through such obstructions, whereas an impact hammer can. Furthermore, continued use of a vibratory hammer once an obstruction is encountered would likely result in damage to the pile, preventing it from performing as designed. Accordingly, CDFW's recommendation cannot be incorporated into the Proposed Project at this time.

Effects from turbidity associated with pile removal are also addressed in Section 3.2.24 of the Draft EIR (DEIR, pp. 3.2-28 to 3.2-39). The Draft EIR explains that turbidity would be limited in severity and extent due to the small scale of the Project construction area, relative to the Harbor as a whole, and limited extent of pile driving and dredging activity. As a result, any sediment resuspension from in-water work would be brief and localized. The Draft EIR explains that pile installation and any maintenance dredging to clean-up the slope after construction activities that may be necessary would be unlikely to affect foraging by terns given the limited extent of construction and the fact that least terns do not utilize the East Basin to any great extent.

Furthermore, the Project would be required to abide by all applicable water quality regulations and permitting. In particular, prior to construction, the Project would need to prepare for review and approval a Stormwater Pollution Prevention Plan (SWPPP) in accordance with a Construction General Permit (CGP) and a water quality management plan as part of its Clean Water Act (CWA) Section 401 certification from the Los Angeles Regional Water Quality Control Board (LARWQCB). The SWPPP would specify best management practices (BMPs) for construction activities, as well as efficient responses to spill events to minimize the magnitude of a potential spill and any resulting impacts during Project construction (DEIR, Appendix A [NOP/IS], pp. 47–48). The Section 401 Water Quality Certification plan would also impose BMPs and water quality monitoring measures during clean-up dredging, which could include testing and monitoring to ensure that turbidity does not extend beyond permitted limits (*Ibid.*; see also DEIR, § 3.2.22, p. 3.2-26, describing list of pre-construction permits that must be obtained and how their associated requirements address in-water activities).

In summary, the combination of the temporary and localized nature of construction effects, the small number of individuals of sensitive species that would be affected, and the implementation of standard construction controls would ensure that impacts related to turbidity would be less than significant. For these reasons, LAHD can conclude that substantial evidence supports the Draft EIR's conclusion that the Proposed Project, as mitigated, would have less than significant impacts to biological resources; therefore, no further revisions to the FEIR or additional mitigation measures are required.

Response to Comment CDFW-3:

CDFW's comment notes that incomplete removal of old creosote-treated timber piles may result in broken piles and pile stub at or above the mudline, which may potentially leach contaminants into the Harbor waters and benthic sediments. The comment points to Fish and Game Code section 5650(6) to reiterate that it is unlawful to deposit or place into waters any substance or material deleterious to fish, plant, or bird life, including any wood treated with ammoniacal copper zinc arsenate (ACZA), chromated copper arsenate (CCA), and alkaline copper quaternary (ACQ). CDFW therefore recommends that any existing piles that cannot be fully removed be cut off at least two feet below the mudline to avoid potential continued leaching of contaminants into the environment.

During its review of the Proposed Project, LAHD neither found nor was presented with any substantial evidence suggesting that leaching of contaminants from century-old pilings would create substantial water or sediment pollution in the future that would result in significant impacts. In addition, the excavation of sediments necessary to cut piles two feet below the mud line would inevitably create additional turbidity beyond that created by the proposed construction. Although the adverse effects of that turbidity would be limited in extent and duration, as described in Response to Comment CDFW-2, they would add to the impacts of construction. Accordingly, LAHD concludes that substantial evidence supports the determination that it would be inadvisable to remove piles deeper than originally proposed.

As to the composition of the new piles, LAHD appreciates CDFW's recommendations that treated wood piles not be used or, if they must be used, that they be wrapped. The Draft EIR (p. 2-15) explains that some of the existing timber piles would be replaced with new timber piles and that additional timber fender piles would be installed, but the Draft EIR did not provide any further information about the composition of those piles. In accordance with LAHD standard practice, as set forth in the Marine Improvements Specification included in permits and construction contract documents, the new timber piles would be wrapped with a 6-millimeter polyethylene inner wrap and a 30-mil outer PVC wrap. Accordingly, CDFW's recommendation has been incorporated as a feature of the Proposed Project and the FEIR has been revised to reflect this updated information. Because incorporating this feature would further ensure that impacts would be less than significant, no new impacts requiring further analysis would occur and no additional mitigation is required.

Response to Comment CDFW-4:

CDFW notes that certain marine mammals, including harbor seals, California sea lions, and sea turtles, may be present within the Project area, and thus may be affected by potential noise impacts from pile driving if those species are present during those activities. CDFW therefore recommends that LAHD prepare and implement a marine mammal and sea turtle monitoring plan to reduce the potential for noise impacts. The recommended plan would include establishment of an underwater exclusion zone, monitoring of marine mammal and sea turtle use of the construction area by an

experienced observer, and cessation of pile driving if marine mammals or sea turtles are present in the exclusion zone.

LAHD recognizes and appreciates this comment. LAHD notes that MM BIO-1: Protect Marine Mammals (DEIR, p. 3.2-38) contains the provisions of CDFW's recommended monitoring plan. Therefore, given that MM BIO-1 incorporates the measures recommended by CDFW, substantial evidence supports the Draft EIR's conclusion that implementation of MM BIO-1 would mitigate any potential impacts to marine mammal species to less-than-significant levels.

While the monitoring efforts required by MM BIO-1 would protect marine mammals, it is true that the measure does not explicitly mention sea turtles. The Draft EIR (p. 3.2-14) explains that sea turtles have very rarely been seen in the Los Angeles Harbor and would be extremely unlikely to occur in the Inner Harbor where the Project site is located. For that reason, the potential for sea turtles to be disturbed by the small-scale, short-duration construction activities of the Proposed Project would be remote. Furthermore, sea turtles, like marine mammals and fish, would be expected to avoid pile-driving areas. In any case, it is standard practice for the marine mammal observers to note and report on other marine wildlife, including sea turtles. Therefore, with implementation of MM BIO-1 and because noise levels would not exceed established thresholds, any potential impacts to sea turtles from construction and operation activities would be less than significant, such that no further mitigation is necessary. However, because the Draft EIR does not explicitly make these specific findings, the FEIR has been revised accordingly.

Response to Comment CDFW-5:

CDFW expresses concern about widespread adverse impacts to eelgrass and marine ecology associated with redistributing non-native invasive alga, including *Caulerpa taxifolia* and *C. prolifera*, during pile construction and anchoring.

LAHD recognizes the importance of identifying *Caulerpa* and preventing the redistribution of the species within Southern California. As CDFW recognizes and the Draft EIR explains, the Proposed Project would, in accordance with NOAA Fisheries and CDFW's *Caulerpa* Control Protocol, be required to complete a pre-construction *Caulerpa* survey 30 to 90 days prior to any planned in-water activities, including pile-driving and construction (DEIR, p. 3.2-17; NOAA Fisheries and CDFW 2021). If any *Caulerpa* species are found, LAHD would comply with the reporting requirements of the *Caulerpa* Control Protocol by promptly notifying CDFW and NMFS, stopping any work, and working with those agencies to develop a control and eradication framework to ensure the infestation is isolated, treated, and the risk of spread is eliminated (NOAA Fisheries and CDFW 2021; DEIR, pp. 3.2-17, 3.2-26, 3.2-31, 3.2-42).

Response to Comment CDFW-6:

CDFW asks that any special status species and natural communities detected during Project surveys be uploaded to the California Natural Diversity Database (CNDDB).

The LAHD acknowledges and understands this requirement and will comply with the reporting requirements of the CNDDB as appropriate.

Response to Comment CDFW-7:

CDFW summarizes the potential filing fees associated with filing the Notice of Determination and any other applicable environmental documents. The LAHD acknowledges and understands this requirement and will comply with the filing fee

requirements of Cal. Code Regs, Title 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.

Department of Toxic Substances Control (DTSC)

Comment Letter

See Section 2.3.

Responses

Response to Comment DTSC-1:

Thank you for your review and comments on the Draft EIR. The DTSC's comment suggests that the Proposed Project could affect and be affected by the "Gibson Environmental and Wilmington Liquid Bulk Terminal" site, which was operated as a waste recycling facility from 1990 to 1994. Potential contaminants of concern at the site include total petroleum hydrocarbons (TPH), such as jet fuel, motor oil, Stoddard solvent, diesel, and gas. DTSC explains that the former recycling facility which has a consent agreement with DTSC and is currently undergoing closure under Resource Conservation and Recovery Act (RCRA) requirements, while the closure certification review process remains underway. The site is also subject to a Corrective Action Consent Agreement that is enforced by DTSC.

LAHD appreciates DTSC providing this information regarding the ongoing closure of the Gibson Environmental site. Although it is adjacent to Berth 191, the Gibson site underlies the adjacent Vopak leasehold. Accordingly, site-specific restrictions that are set forth in the Gibson Corrective Action Consent Agreement would not directly apply to the Project site or activities conducted thereon. Moreover, and as explained in the Initial Study/Notice of Preparation (IS/NOP), the Project would not undertake activities that would directly disturb contamination on the Gibson site (DEIR, Appendix. A, pp. 43-44).

In addition, knowing that there is contamination at the Project site, LAHD has prepared a Soil Management Plan (SMP) to ensure that any contaminated soils that the construction work may encounter is managed properly and accordance with all applicable laws and regulations. The provisions and requirements of the SMP were summarized in the Draft EIR (pp. 2-13 to 2-14), and the SMP is included in the FEIR as Appendix E. Furthermore, as described in the Initial Study (DEIR, Appendix A p. 44), the Proposed Project would install all appropriate structural vapor control measures, such as impermeable membrane, passive venting, and paving, to reduce any risks to operational on-site workers. With these measures, prior site-specific health risk analyses (Envirotox 2018, Leighton 2019) concluded that concentrations of these contaminants did not pose significant risks or hazards to off-site receptors. Accordingly, no revisions of the FEIR are necessary.

Response to Comment DTSC-2:

DTSC's comment recommends that the Proposed Project and future CEQA documents acknowledge the potential for historic or future activities on or near the Project site that could result in the release of hazardous waste/substances. DTSC notes that, in instances where releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of contamination and any potential threat to public health and the environment.

Section 6.9 of the IS/NOP analyzes whether the Proposed Project may have significant impacts related to hazards and hazardous materials (DEIR, Appendix A, pp. 43–46). The Draft EIR's Project Description incorporates this analysis (DEIR, pp. 2-13–2-14).

As to future activities on or near the Project site, IS/NOP Section 6.9(a) acknowledges and describes the presence of soil and groundwater contamination at the Project site, and analyzes whether the Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (IS/NOP, pp. 43-44). The Proposed Project's construction activities would likely not involve the use of substantial quantities of hazardous materials, while any hazardous materials that are stored or used during Project operations would be required to comply with all corresponding Federal and State regulations, the State General Permit for Storm Water Discharges Associated with Construction Activity, and the Project-specific Storm Water Pollution Prevention Plan (SWPPP; DEIR, p. 2-13; Appendix A, p. 43). The SWPPP would impose requirements and Best Management Practices (BMPs) that would ensure all materials delivered, stored, and used adhere to spill prevention and control measures, along with hazardous waste management requirements (DEIR, p. 2-13; Appendix A, p. 43). Implementing these standards and BMPs would also minimize the potential for an accidental release of petroleum products, hazardous materials, and/or explosion that could create a significant hazard during Project construction activities (DEIR, p. 2-13; Appendix A, pp. 43–44).

The IS/NOP (DEIR, Appendix A, p. 44) and the Draft EIR also reference the site assessments and risk evaluation carried out in support of the Proposed Project and describes the control measures to be employed to minimize the potential for offsite transport or dispersion of contamination and risks to worker and public health and safety ([Leighton 2018]; DEIR, pp. 2-13 to 2-14.). Several areas at the Project site have been identified as having soil concentrations above regulatory health risk screening level. Any contaminated soils that may be encountered during construction would be managed in accordance with the Soil Management Plan referenced in the Draft EIR (pp. 2-13 and 2-14) and added to the FEIR as Appendix E that has been prepared for the Proposed Project (see Response to Comment DTSC-1). In addition, the site-specific Human Health Risk Analysis concluded that potential risks to on-site workers could be addressed by structural vapor control measures, such as an impermeable membrane, passive venting, and paving, all of which would be installed prior to Project construction and operation (DEIR, Appendix A, p. 44). Contaminated groundwater beneath the Project site is also not expected to pose a risk to the public or workers due to the minimal potential for exposure. The Project's proposed installation of stone columns would not require open excavation to groundwater, thus avoiding the potential for groundwater to be drawn or extracted to the surface (DEIR, Appendix A p. 44; DEIR p. 2-13).

The site assessment determined that existing contamination at the Project site largely does not exceed regulatory limits. In areas susceptible to concentrations above those limits, the site-specific analysis concluded that they pose no significant risk or hazard to off-site receptors, while any potential risks to on-site workers would be localized and could be addressed by structural vapor control measures, such as an impermeable membrane, passive venting, and paving, all of which would be installed prior to Project operation (DEIR, Appendix A, p. 44). Contaminated groundwater beneath the Project site is also not expected to pose a risk to the public or workers due to the minimal potential for exposure. Nevertheless, any contaminated soils that may be encountered during construction would be tested and managed in accordance with standard removal and treatment/disposal protocols (DEIR, Appendix A, p. 44; DEIR, pp. 2-13 to 2-14).

Finally, the only hazardous materials that may be used or transported as part of the Proposed Project's operations would include small amounts of refined petroleum products and chemicals that are used in on-site equipment and facility maintenance activities, and only nominal quantities of corrosive or oxidizing materials (DEIR, Appendix A, p. 44; DEIR, pp. 2-13 to 2-14). The facility would not handle radioactive, explosive, flammable, unstable, or toxic materials. As to potential accidental releases, spills of non-product materials could occur, but any quantities would be small and kept on site. The imposition of construction and operation BMPs would address any potential future spills, thereby limiting the frequency, extent, and consequences of those spills (DEIR, Appendix. A, p. 44; DEIR, pp. 2-13 to 2-14).

For these reasons, given the controls that would be in place and imposed as required permit conditions and BMPs (described above), construction and operation of the Proposed Project would not, as determined in the IS/NOP (DEIR, Appendix A, pp. 43 – 44) create a significant hazard to the public through routine use, transport, or disposal of hazardous substances, or through reasonably foreseeable accidental or upset conditions, and impacts would be less than significant.

Response to Comment DTSC-3:

DTSC's comment recommends that all imported soil and fill material be tested to ensure that any contaminants of concern are within approved screening levels for the intended land use. DTSC advises minimizing the possibility of introducing contaminated soil and fill material by documenting the origins of those materials, and sampling them, if applicable.

LAHD notes that screening imported soil is a standard practice for construction projects carried out in the Port of Los Angeles. Soil import is undertaken in accordance with written guidance (LAHD 2021) that specifies soil testing procedures and methodologies, and incorporates relevant regulatory guidance regarding allowable concentrations of metals and organic compounds. Accordingly, the Proposed Project includes DTSC's recommendation with regard to imported soils and fill material, such that impacts would remain less than significant and no revisions of the FEIR are required.

City of Los Angeles Bureau of Sanitation (LASAN)

Comment Letter

See Section 2.3.

Responses

Response to Comment LASAN-1:

LASAN's comment explains that the Project is unrelated to sewers and does not require any hydraulic analysis.

Thank you for your review and comment on the Draft EIR. LASAN's determination that the Proposed Project is unrelated to sewers and does not require a hydraulic analysis is noted. The comment is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. No further revisions to the FEIR are necessary.

South Coast Air Quality Management District (SCAQMD)

Comment Letter

See Section 2.3.

Responses

Response to Comment SCAQMD-1:

SCAQMD's comment states that the number of truck trips generated from the Proposed Project, as reflected in certain tables from the Air Quality, Ground Transportation, and GHG Chapters and Appendices, is inconsistent. SCAQMD asks that LAHD explain this discrepancy and correct the number of anticipated truck trips in the Final EIR.

Thank you for your review and comments on the Draft EIR. The apparent discrepancies in truck numbers that the comment raises are due to different reporting units that vary based on the underlying analysis, and due to rounding in one case. Depending on the analysis, trips are reported as round trips and/or one-way trips on an annual and/or daily basis. The actual number of truck trips, however, remains consistent among the various tables. The difference between the 65,950 one-way trips specified in Table 3.1-3 and the 66,000 one-way trips specified in Table 3.8-4 is due to conservative rounding, which was done for clarity. However, in the interests of consistency, Table 3.8-4 has been revised in the FEIR to correct this discrepancy. This minor numerical correction does not constitute significant new information because it does not materially change the EIR's analyses or conclusions.

Response to Comment SCAQMD-2:

SCAQMD notes that the United States Environmental Protection Agency (USEPA) granted the California Air Resources Board (CARB) an authorization for CARB's 2020 At-Berth Regulation. SCAQMD explains that this regulation aims to reduce nitrogen oxides (NO_X) and diesel particulate matter (DPM), and that CARB issued an Enforcement Notice on October 24, 2023, to confirm that, beginning November 20, 2023, all regulated entities must follow and comply with the requirements set forth in the 2020 Regulation. SCAQMD therefore recommends that the LAHD "review the 2020 At-Berth Regulation and ensure it follows the regulation's requirements."

LAHD acknowledges the USEPA's authorization of the 2020 At-Berth Regulation and CARB's October 2023 Enforcement Notice. The Draft EIR explains that CARB's 2020 At-Berth Regulation does not apply to dry bulk vessels, such as those that would service the Proposed Project (DEIR, p. 3.1-32). As such, bulk vessels are not currently certified to use available capture technologies, nor are they required to control their emissions under CARB's Ocean-Going Vessels At-Berth Regulation. Instead, the 2020 Regulation currently applies only to container, reefer, cruise, ro-ro, and tanker vessels, whereas the vessels servicing the Proposed Project would be small bulk carriers.

However, as the Draft EIR explains, the Project proponent, Ecocem, plans to implement capture technology if one is proven to be feasible and is actually available in the future. To account for this present uncertainty but future commitment, the EIR includes a lease measure (LM AQ-3) requiring Ecocem to complete a pilot study of an at-berth capture and control system within three years of entitlement execution (DEIR, p. 3.1-33). Doing so would help control the hoteling emissions of oceangoing vessels as part of the Proposed Project's SCAQMD air quality permit approach. If proven feasible, and upon CARB's certification, Ecocem would be required to implement the technology when operationally feasible. Such implementation would exceed the requirements of the At-

Berth Regulation until and unless the regulation is modified in the future to include bulk vessels. However, as the Draft EIR notes (p. 3.1-32), although hoteling emissions may be reduced as part of Ecocem's future air permit approach, the Draft EIR's analysis does not take credit for those potential reductions.

In the meantime, because the Proposed Project's vessels are not certified by CARB to use existing capture and control technologies, at-berth control is not feasible or capable of being accomplished in a successful manner within a reasonable period of time (Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364). Accordingly, the EIR cannot currently impose such a technology as mitigation, nor can it take credit for any emissions reductions resulting from such technology.

Response to Comment SCAQMD-3:

The comment suggests additional air quality mitigation measures to incorporate into the FEIR, including: maximizing calls from IMO Tier 3 vessels; retrofitting ocean-going vessels (OGVs); limiting truck idling; and requiring zero-emissions (ZE) or near-zero-emissions (NZE) haul trucks. SCAQMD also recommends that, where appropriate, LAHD include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the EIR's Energy and Utilities and Service Systems Sections, and include the aforementioned requirements in applicable bid documents, purchase orders, and contracts. Finally, SCAQMD advises that LAHD should conduct regular inspections to the maximum extent feasible to ensure operators are maintaining records of all trucks associated with Project construction that document how each truck meets permitted emissions standards.

With respect to the recommendation that the Proposed Project maximize calls from IMO Tier 3 vessels and retrofit OGVs, the Draft EIR explains (p. 3.1-32) that the Project proponent, Ecocem, has no control over the types of third-party vessels that would call at Berth 191, and thus cannot control the tier level of those vessels. The Draft EIR notes that the current fleet is comprised of an approximately 50/50 split of Tier 2 and Tier 3 vessels, which can be expected to turn over to mostly Tier 3 as vessels age out of the fleet (DEIR, p. 3.1-32). However, the Proposed Project cannot require an accelerated turnover schedule. Likewise, Ecocem cannot implement any sort of vessel retrofits because it has no control over those vessels. Therefore, while these features are incorporated as lease measures, there is no current feasible and enforceable CEQA mitigation that the Proposed Project could feasibly and successfully accomplish in a reasonable period of time to claim additional reduction credits (Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364).

LAHD notes that since the release of the Draft EIR, LAHD has revised LM AQ-5 (Vessel Speed Reduction Program) to include 100% of vessels. That change, while it would be beneficial to air quality, does not change the impact determinations of the Draft EIR. In addition, the measure has been re-designated as Mitigation Measure MM AQ-1. The FEIR has been revised to reflect those changes.

With respect to trucks, the Draft EIR (Table 3.1-11) shows that trucks would be a minor source of the Proposed Project's peak daily nitrogen oxides (NO_x) emissions, amounting to less than 4% of the total emissions. Nevertheless, the SCAQMD correctly notes that reducing those emissions would further reduce the Proposed Project's potential air quality impacts, even though those impacts would remain significant and unavoidable.

As to SCAQMD's recommendation that all trucks be either ZE or NZE, the Class 8 heavy-duty cement trucks that would service the Ecocem facility would all be third-party

trucks, owned by third-party cement companies or trucking firms. Accordingly, it would be infeasible to require that those trucks be ZE or NZE. Nevertheless, trucks meeting the Port's Clean Truck Program definition of drayage trucks would be required to comply with the Port's Clean Truck Program.

The Draft EIR does account for the construction-related trucks' anticipated compliance with the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, which impose requirements of meeting stringent emission standards or model year requirements on construction equipment and heavy-duty vehicles. The Guidelines also describe BMPs for all construction projects on Port Property, which the Proposed Project would be expected to comply with (DEIR, pp. 3.1-26 to 3.1-27; see DEIR, Appendix B, Table B1-2, p. B1-21). In addition, the FEIR includes two new lease measures that would reduce emissions from construction trucks: LM AQ-5 (Fleet Modernization for On-Road Trucks During Construction) and LM AQ-7 (Renewable Diesel Fuel for Construction Equipment and On-Road Trucks). These measures would reduce truck idling on site and, to the extent possible, ensure that trucks meet 2012 or newer emissions standards and use renewable diesel fuel during Proposed Project construction (see FEIR Section 3.2.1).

As with OGVs, Ecocem would have no ability to control third-party trucks, and therefore could not ensure that only zero-emissions trucks or trucks with particular engine profiles would call at the facility. However, CARB has promulgated regulations (DEIR, Section 3.1.3) that cover all trucks operated in California which will eventually have the effect of transitioning the state's truck fleet to zero emissions. For further discussion on how Orcem's fleet would comply with these programs and efforts, please refer to pages 3.1-43 to 3.1-44 of the Draft EIR.

Response to Comment SCAQMD-4:

The comment points out that the SCAQMD will be a Responsible Agency under CEQA and suggests that the Draft EIR include information about the Proposed Project's stationary sources to support the permitting process.

The LAHD acknowledges that the Project proponent will need to acquire stationary source permits from the SCAQMD and that SCAQMD may be a responsible agency under CEQA, given its role in the permitting process. In support of that role, the Draft EIR presents the Proposed Project's stationary sources that will require air quality permits, the relevant calculations and analyses for construction and operational emissions, and the relevant methodology (DEIR, Table 3.1-11; DEIR, Appendix B-1, Section 5.5; and Tables in Appendix B-1 on pp. B1-107 through B1-110).

2.2.2 Organizations

Action Sales & Metals Co.

Comment Letter

See Section 2.3.

Responses

Response to Comment ASM-1:

The comment states that the Port of Los Angeles will experience a great loss without Wayne Ettel's business location.

Thank you for your comment on the Draft EIR. Rolland Wayne Ettel, doing business as (dba) Boatswayne Ettel, is the tenant of the Harbor Department premises at Berth 193 under Revocable Permit 14-10. Revocable permits are temporary entitlements which can be terminated with 30 days' notice. The Proposed Project would occupy Mr. Rolland Wayne Ettel's premises. Mr. Rolland Wayne Ettel was served a notice to vacate on November 30th, 2023, with the deadline to vacate by January 4th, 2024. Furthermore, more than six months prior to the notice to vacate, Mr. Rolland Wayne Ettel was verbally informed by the POLA staff that he needed to vacate

the premises.

The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Allied Cement Company

Comment Letter

See Section 2.3.

Responses

Response to Comment ALLIED-1:

The comment contends that the Draft EIR fails to properly analyze the Project's cumulative impacts with the reasonably foreseeable impacts associated with the commenter's (Allied Cement Company) continued operations at Berth 191. The comment states that the Draft EIR should state the annual number of vessel calls at Berth 191 that will result from the Vopak Project, the proposed total bulk cement import, and other data that should be analyzed as part of the Project's cumulative impacts, particularly being co-located with the Vopak Project.

Thank you for your comments on the Draft EIR. The Draft EIR's analysis is consistent with the CEQA requirements that the commenter cites, including CEQA Guidelines section 15130, subdivision (b). In particular, the Draft EIR's Cumulative Impacts Analysis (Chapter 4) presents a summary of the reasonably foreseeable cumulative impacts of the Proposed Project and 48 recent, current, or reasonably foreseeable future projects within the general vicinity that the Proposed Project could contribute to cumulative impacts, including the Vopak Project at Berths 187-191 that the commenter specifically references (DEIR, pp. 4-3–4-11). The analysis further notes that "[o]ne project of particular note in this cumulative analysis is Project #31, the Berths 187-191 (Vopak) Liquid Bulk Terminal Wharf Improvements and Cement Terminal Project, as it is located immediately adjacent to the Proposed Project. Furthermore, that project would, if approved, be constructed at approximately the same time as the Proposed Project and its vessels would use the same berth (Berth 191) as the Proposed Project during operations" (DEIR, p. 4-3).

The commenter focuses on vessel traffic to Berth 191 but does not further specify which specific cumulative impacts that traffic would have that were not disclosed in the Draft EIR. Nevertheless, the Draft EIR considers the potential cumulative impacts associated with cumulative vessel traffic effects. For example, with respect to biological resources, the Draft EIR explains (p. 3.2-30) that the total number of vessels to Berth 191, whether

they are from Orcem only or from combined Orcem/Vopak vessel traffic, would be insignificant in the context of overall port vessel traffic, and would therefore have less than significant cumulative impacts. The Draft EIR's Cumulative Impacts chapter reiterates this, noting that certain marine species such as sea turtles are not expected to occur in the Harbor and their presence in the near-shore areas where vessel traffic could affect them is unlikely and unpredictable (DEIR, p. 4-22). For similar reasons, although vessel traffic can increase ambient underwater noise, that increase is not expected to result in a measurable increase in dBA and therefore not expected to result in a significant cumulative impact (DEIR, pp. 4-23–4-24).

The cumulative truck traffic impacts of the co-located projects have also been adequately analyzed, and substantial evidence indicates that cumulative transportation impacts associated with truck traffic would be less than significant. First, although, per Senate Bill 743, CEQA no longer requires an analysis of the effects of project traffic on intersections and freeway segments (the analysis is instead based on vehicle miles traveled [VMT]), Appendix E2 – *Ground Transportation and Level of Service Analysis* still provides an informational analysis on the effects of the Proposed Project's truck traffic on levels of service (LOS), as well as a cumulative analysis by considering the Proposed Project's impact on future-year regional traffic conditions (i.e., incorporating the related projects and overall regional growth; DEIR, pp. 4-35, 4-39). Second, although the Vopak Project would result in additional truck traffic from the current baseline with the resumption of cement activities at that facility, that traffic would not, in combination with the Proposed Project's traffic, make a substantial contribution to a cumulative impact under CEQA. This is because neither project would result in a significant VMT impact, since the Vopak project, like the Proposed Project, does not trigger a VMT impact analysis based on the Los Angeles Department of Transportation (LADOT) screening criteria for short- and long-term (cumulative) project effects on VMT. Accordingly, the Draft EIR's analysis of cumulative impacts complies with CEQA, and no revision of the FEIR is required.

Response to Comment ALLIED-2:

The comment contends that the Draft EIR's description of vessel operations is internally inconsistent and does not justify the anticipated time that each vessel will unload at Berth 191. For these reasons, the commenter expresses concern over the potential for Orcem's and Vopak's vessel operations at Berth 191 to conflict, including equitable use of the Berth.

The anticipated time that each vessel would unload, including any perceived conflicts regarding equitable use of Berth 191, is largely a logistical/technical issue, rather than a CEQA concern or environmental impact. More specifically, in determining the significance of the Proposed Project's potential environmental effects, CEQA directs that "economic and social changes resulting from a project shall not be treated as significant effects on the environment" (CEQA Guidelines, § 15064, subd. (e)). For these reasons, Orcem's and Vopak's "equitable use" of Berth 191 would constitute an economic or social change that would not result in a physical change that should be regarded as a potentially significant effect on the environment (CEQA Guidelines, § 15064(f)(6) ["Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment"]).

Nevertheless, the Draft EIR (p. 3.1-17 [Table 3.1-3]) analyzed the potential impacts associated with 24 vessel calls per year, each at berth for five days. The Draft EIR

concluded that those vessel calls could potentially yield significant air quality impacts, but otherwise found no other significant environmental effects. As a result, and absent substantial evidence of a potentially significant impact that the Draft EIR did not analyze, the FEIR need not be revised.

Nevertheless, with regard to any potential logistical issues at Berth 191, the Draft EIR described how much raw material (granulated blast furnace slag [GBFS]) would be conveyed to the Orcem facility by vessels, which is based on the design capacity of the processing plant (800,000 metric tons per year; DEIR, p. 2-16). Accordingly, the 24 Supramax vessels described in the Draft EIR would import up to that amount, rather than the 1.08 to 1.34 million tons of GBFS the commenter contends.

Accordingly, Orcem's vessel operations would be very similar to Vopak's operations: 24 vessels conveying 800,000 tons of GBFS (the facility's maximum capacity) means each vessel would carry approximately 33,000 tons, which is nearly identical to the tons-per-vessel ratio of Vopak's 15 vessels conveying 500,000 tons, or approximately 35,000 tons of material (as the commenter indicates). Since the comment acknowledges that the two projects would have similar unloading rates, the vessels delivering GBFS to Orcem could unload in approximately the same amount of time as those delivering cement to Vopak. Furthermore, together, the two operations would have vessels at berth for 39 combined weeks of the year, leaving plenty of time (13 weeks) for contingencies, delays, emergencies, etc., without conflicts. Given that substantial vessel delays due to scheduling conflicts are unlikely, the potential for any substantial impacts arising from such delays is too speculative and remote to evaluate, and therefore not reasonably foreseeable for purposes of this CEQA analysis. Accordingly, the project description in the EIR is accurate and adequate. Because the comment provides no additional substantial new information, no revision of the FEIR is required.

Central San Pedro Neighborhood Council

Comment Letter

See Section 2.3.

Responses

Response to Comment CESPNC-1:

Thank you for your comments on the Draft EIR. This comment introduces the commenter and summarizes the purpose of the comment letter. The commenter contends that the "No Project" Alternative (Alternative 1) "is the only feasible alternative due to air quality, health risks, and traffic impacts." The commenter proposes modifications to the Reduced Project Alternative (Alternative 2) and the Product Import Terminal Alternative (Alternative 3) that would provide for movement of the GBFS raw material via rail car to an inland processing facility.

The Draft EIR acknowledges that the Proposed Project would have a significant impact on air quality after mitigation (but does not find significant human health or traffic impacts). However, the Draft EIR ultimately considered but rejected the No Project Alternative (Alternative 1) as superior to the Proposed Project because the No Project Alternative would not meet or fulfill any of the Proposed Project's objectives (DEIR, p. 5-2). Moreover, CEQA does not require that a lead agency adopt the No Project Alternative simply because the Proposed Project may have significant impacts that cannot be mitigated to less than significant levels. Instead, CEQA provides that if the lead agency determines that a project's benefits outweigh its impacts it may adopt the project

on the basis of a statement of overriding considerations (CEQA Guidelines §15093, Public Resources Code, sections 21083 and 21083.5). That decision will be made by the Board of Harbor Commissioners (Board) in its consideration of the Final EIR prepared for the Proposed Project.

Furthermore, the comment's characterization of the No Project Alternative (Alternative 1) as the only "feasible" alternative is inaccurate. All four of the alternatives considered and analyzed in the Draft EIR (i.e., the Proposed Project, the No Project Alternative [Alternative 1], the Reduced Project Alternative [Alternative 2], and the Import Terminal [Alternative 3]) are feasible to build and operate. The decision as to which one should actually be approved will be made by the Board based on its consideration of all evidence in the record.

Response to Comment CESPNC-2:

The comment contends that the GBFS import, processing, and transport activities that the Proposed Project will produce PM_{10} and $PM_{2.5}$ particles in levels that exceed SCAQMD thresholds. Because these emissions exceed the threshold standards, the commenter contends that these exceedances are sufficient to require a finding that the "No Project" alternative is the only feasible alternative.

As explained in Response to Comment CESPNC-1, exceedances of significance thresholds do not, under CEQA, require a finding that the No Project Alternative (Alternative 1) is the only feasible alternative.

The Draft EIR acknowledges that the Proposed Project's operations would produce PM_{10} and $PM_{2.5}$ off-site concentrations exceeding SCAQMD significance thresholds and finds significant and unavoidable impacts (DEIR, pp. 3.1-29–3.1-31). As presented in Draft EIR Table 3.1-13 and Appendix B2 Figure B2-8, the highest modeled concentrations (i.e., the maximum impact) of PM_{10} and $PM_{2.5}$ are located at the property line of the Project site. That analysis does include trucks and road dust along the designated truck routes (DEIR, Appendix B2, Section 3.1.2 and Figure B2-2). The concentrations that the comment suggests be calculated (i.e., off-site concentrations) would be much lower at the actual residential and sensitive population receptors because of dispersion by air movement over the intervening distance (over 3,000 feet to the nearest residential receptors in Wilmington), and in fact the only exceedances at sensitive receptors are at the USC Boathouse, Banning's Landing, and the Waterfront Promenade, none of which are residential receptors. Accordingly, the Draft EIR adequately disclosed the potential PM impacts of the Proposed Project, and in the absence of substantial new information that shows otherwise, no revision of the FEIR is required.

Response to Comment CESPNC-3:

The commenter expresses concern about health risks. The commenter states that the EIR should be clarified regarding its finding that the Project does not exceed the CEQA impact requirement/threshold for health and cancer risks to residences in Wilmington and the adjacent marinas.

As indicated in the comment, the significant CEQA threshold for cancer risk is 10 in 1 million. As shown in Figure 3.1-2 of the Draft EIR, the cancer risk for residents (including children) at the maximally exposed residential receptor location is 1.2 in 1 million, well below the threshold of significance. The cancer risk estimate of 8.8 in 1 million at the maximally exposed sensitive receptor location (recreational) is also below the 10-in-1-million threshold of significance (DEIR, p. 3.1-38 [Table 3.1-14]). Note that the cancer risk at the maximally exposed sensitive receptor (the Los Angeles World

Cruise Center) was calculated based on conservative default residential exposure assumptions (i.e., assuming a recreational receptor would be continuously exposed at that location for 24 hours/day, 350 days/year, for 30 years, as shown in DEIR Appendix B3 Table B3-5, p. B3-29). The actual cancer risk for the sensitive receptors (including children) at that location is expected to be much lower than the reported cancer risk result because the exposure time, frequency, and duration for recreational receptors at the Los Angeles World Cruise Center would be much lower than the default residential exposure assumptions of 30 years' continuous exposure, which is very conservative (i.e., over-predictive of impacts) for a recreational receptor. For these reasons, the Draft EIR appropriately concludes that the Proposed Project's cancer burden would be less than significant (DEIR, p. 3.1-42).

The 10-in-1-million risk contour (the orange contour in Figure 3.1-2), which shows the area where residential risk would be significant if anyone lived there, is close to the site and does not reach the nearby residential neighborhood, which is over 3,000 feet away. The 1-in-1-million risk contour (the yellow contour in Figure 3.1-2, which encompasses a very small portion of the residential neighborhood) is shown for informational purposes only and does not represent the CEQA significance threshold for cancer risk.

As part of the Draft EIR's air quality analysis, the health risk assessment (HRA) evaluated cancer risk (including lung cancer) and noncancer health effects on the respiratory system (e.g., asthma and chronic obstructive pulmonary disease [COPD]) due to exposure of offsite residents, workers, and other sensitive receptors to toxic air pollutant emissions from the Project site. The default agency-recommended toxicity criteria and exposure assumptions used in the HRA are all based on conservative high-end estimates to ensure the HRA methodology is protective of the health of the most sensitive populations. The results of the HRA (DEIR, Table 3.1-14; Appendix B-3) indicate that the cancer risk and noncancer chronic and acute hazards are all below their respective CEQA significance thresholds for all evaluated populations. Specifically, the maximum calculated cancer risk of 8.8 in 1 million (non-residential sensitive receptors) is below the threshold of 10 in 1 million, the maximum chronic hazard index of 0.10 (non-residential sensitive receptors) is less than the threshold of 1, the acute hazard index of 0.17 is less than the threshold of 1, and the population cancer burden of 0.0021 is less than the threshold of 0.5. Therefore, the Proposed Project's chronic and acute noncancer impacts would be less than significant (DEIR, p. 3.1-38 [Table 3.1-14], p. 3.1-42).

Although the comment states that the Draft EIR ignores "considerable data available that shows various important pulmonary impacts, especially on workers and children, such as COPD and asthma," the comment does not provide such data or any other substantial new information to require re-analysis or reconsideration of the conclusions described above. Therefore, no revision of the FEIR is required.

Response to Comment CESPNC-4:

The comment expresses concern about potential truck traffic impacts. The comment states that, although CEQA does not require an analysis of truck trips, the Project's anticipated truck trips should be analyzed according to VMT, as opposed to the LOS analysis that was provided for informational purposes only.

The Draft EIR analyzes the Proposed Project's truck traffic impacts on local intersections (DEIR, Section 3.8.6). Because CEQA does not require an analysis of intersection impacts, the LOS analysis is presented as informational, but it is, nevertheless, a consideration of the Proposed Project's effects on local roadways. The informational LOS analysis accounts for trucks by using the criteria set forth in the Transportation

Research Board Highway Capacity Manual, which include the adjustment factor for truck size indicated in the comment. The qualitative LOS analysis considered the effects of additional peak-hour Proposed Project truck traffic at five intersections that would be used by those trucks (DEIR, p. 3.8-15 [Table 3.8-3]). As explained in the Draft EIR, the impact analysis used employee commute trip VMT for the impact determination because CEQA does not require VMT analysis of commercial trucks in CEQA documents (DEIR, p. 3.8-5).

Additionally, Proposed Project truck traffic would be required to proceed via designated truck routes. One such designated route, Harry Bridges Boulevard/Alameda Street, is a federally designated National Highway Freight Network roadway (National Highway System Intermodal Connector Route), which was reconstructed by the LAHD approximately ten years ago to accommodate the weight of long-term truck volumes. Based upon a field assessment, the Proposed Project trucks alone will not degrade pavement conditions. This roadway is maintained by the COLA Department of Public Works. The Harbor Department works closely with the DPW on monitoring roadway conditions outside the Harbor District. Additionally, the COLA DPW will be reconstructing the section of Alameda Street from Anaheim Street to Lakme Avenue, which will also accommodate long-term truck volumes, including that of the Proposed Project. Finally, all of the Proposed Project's operational truck traffic would use the planned Berth 200 Roadway that is being designed for heavy trucks and, as described in revised Table 3.8-5 (FEIR Section 3.2.6), is expected to be available for use less than two years after construction of the Proposed Project is completed and operations begin (i.e., December 31, 2026)..

Response to Comment CESPNC-5:

The comment offers news articles concerning a proposed port development in the community of Vallejo, California, and asks that the articles be taken into consideration when considering the Proposed Project. That project was very different from the Proposed Project in that it included numerous elements unrelated to Ecocem's proposed processing facility, including other manufacturing and import/export facilities and substantial rail operations. In addition, the two projects have very different physical settings. Accordingly, any perceived concerns about the Vallejo Project are too attenuated to connect or relate to the underlying Proposed Project. See also Response to Comment CFASE-6. The articles offered by the comment are part of the administrative record of the Proposed Project, but as they do not raise any issues under CEQA, no further response is required.

Response to Comment CESPNC-6:

The comment maintains that Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal) should be modified to include rail transport of either the raw material (Alternative 2) or product (Alternative 3). The commenter proposes modifying these alternatives such that raw product would be imported through the site, loaded onto rail cars, transported to a non-waterfront grinding mill, then distributed throughout Southern California.

The Draft EIR considered, but ultimately rejected as infeasible, a rail-based product distribution alternative (DEIR, Section 5.4.2). The rail alternative was dismissed as infeasible for the following reasons:

> (1) There is insufficient space on the Project site to accommodate a railcar loading facility;

(2) Orcem's potential customers do not have any rail access; and

(3) Even if it were technically feasible, adding a new rail line would unacceptably disrupt Vopak's operations.

These three reasons apply equally to rail-based movement of the raw material or of the product. In addition to these reasons, other factors make a rail-based operation infeasible. First, movement by rail would be inconsistent with the operating logistics of the Class I railroads (Union Pacific [UP] and Burlington Northern Santa Fe [BNSF]) serving the region. The average distance to Orcem's prospective customers is approximately 73 miles, and approximately 90% of the customers are located within 150 miles of the Port. The UP and the BNSF railroads do not move intra-regional cargo to/from the Ports of Los Angeles/Long Beach (with one exception: slab steel trains to Fontana, since trucks cannot move such cargo due to weight). In fact, UP and BNSF do not typically move any cargo for distances less than 500 miles. Second, such a rail service would necessitate interchange of railcars at a BNSF and/or UP inland railyard, with transfer of the GBFS raw material or the GGBFS product to trucks at those railyards. The facilities for such an operation do not exist, nor is such an operation allowed by UP or BNSF, at their existing railyards.

Even if these limiting factors did not exist, both alternatives would increase the number of transfers of material by adding transfers to and from railcars. Each additional transfer would result in additional emissions of air pollutants to the region above those that would be generated by the Proposed Project. Finally, both alternatives suggested by the comment would add locomotive emissions to the region's air pollution without eliminating truck emissions.

The comment does not provide substantial new information to require re-analysis or reconsideration of the conclusions described above. Therefore, no revision of the FEIR is required.

Coalition for a Safe Environment et al. (CFASE)

Comment Letter

See Section 2.3.

Responses

Response to Comment CFASE-1:

Thank you for your comments on the Draft EIR. This comment summarizes the main topics that the commenter will raise in its letter. This comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is otherwise general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-2:

The commenter quotes a portion of Section 65040.12 of the California Government Code. This citation is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is otherwise general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-3:

The commenter quotes a portion of Section 38711 of the California Health and Safety Code. This citation is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is otherwise general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-4:

The commenter requests that POLA grant another public comment extension for 30 additional days.

LAHD provided a 45-day review period that started on October 12, 2023, and ended on November 27, 2023. On November 1, 2023, LAHD announced that it would extend the comment period deadline to December 11, 2023. While the initial November 27 comment deadline did not coincide with other comment period deadlines for other Port projects under consideration, the December 11 deadline did unintentionally coincide with the John S. Gibson Truck and Chassis Parking Lot Project. However, CEQA does not prevent coinciding comment periods from occurring, nor does it require the Port to reschedule comment deadlines for different projects proposed by the same lead agency.

The comment also claims that the Port and the City of Los Angeles have violated Government Code § 65040.12, subdivisions (d)(4), (e)(1), and (e)(2). It is unclear on what basis the Port and City have violated the provisions of those subdivisions. Generally, section 65040.12 directs the Office of Planning and Research to serve as the coordinating agency in state government for environmental justice programs, and for producing guidelines for local agencies to create environmental justice elements as part of their general plans. Because the Proposed Project does not concern the drafting or review of an environmental justice general plan element, those provisions do not apply to the Proposed Project's construction and operation.

In summary, the comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Response to Comment CFASE-5:

This comment contends the Port of Los Angeles has not complied with NEPA, stating that the Proposed Project requires preparation of a Draft and Final Environmental Impact Statement (EIS). The comment states that the Project involves demolition and construction in coastal waters, and has significant impacts on air quality, greenhouse gas emissions, biological habitats, and public health.

Although the Proposed Project does have significant residual impacts in the areas of air quality and greenhouse gases (but not biological resources or public health), those impacts do not, in themselves, necessitate preparation of an EIS. The determination of whether to prepare an EIS belongs, in this case, to the U.S. Army Corps of Engineers (see DEIR, Table 1-1), not to the Port. While the Corps and the Applicant will engage in the federal permitting and review process separately, based on the information presented in the Draft EIR, the Corps has not indicated that it considers a separate or joint EIS necessary for the Proposed Project. Nevertheless, the Project Applicant will be

responsible for separately coordinating with the Corps and obtaining any requisite federal permits that may be required before Project construction and operations can commence.

Response to Comment CFASE-6:

This comment asserts the Port's executive, legal, and environmental management teams have failed to conduct "due diligence" in investigating Ecocem and its prior history. The comment provides citations to and quotations from newspaper articles that relate to a project that Ecocem, Orcem, and Vallejo Marine Terminal proposed in the City of Vallejo.

The commenter's claim that the Port failed to investigate Ecocem and its associated entities does not raise issues regarding the Proposed Project's potential environmental impacts as relevant to CEQA. The Vallejo project in which Ecocem was involved was a different project in a different environmental setting than the Proposed Project, and was reviewed by a different lead agency other than the Port of Los Angeles. Therefore, the concerns about the Vallejo project have no relationship to the potential environmental impacts of the Proposed Project, nor is consideration of the Vallejo project a CEQA issue. More specifically, in determining the significance of the Project's potential environmental effects, CEQA directs that "economic and social changes resulting from a project shall not be treated as significant effects on the environment" (CEQA Guidelines, § 15064, subd. (e)). For these reasons, public opposition to the Vallejo project constitutes a social impact that would not result in a physical change that should be regarded as a potentially significant effect on the environment (CEQA Guidelines, § 15064, subd. (f)(6) ["Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment"]). Accordingly, the public opposition to that project documented in the material quoted in this comment is not relevant to the Proposed Project, nor does CEQA require such opposition to be considered in the case of the Proposed Project.

The letter from the Bay Area Air Quality Management District referenced by the comment cites a health risk assessment that found significant health risks from the Vallejo project. The health risk assessment conducted for the Proposed Project using agency-approved protocols considered the Project's emissions of air toxics and the mitigation measures imposed on the Proposed Project, and determined that the Proposed Project would not have significant health risks (DEIR, pp. 3.1-38 through 3.1-43). Accordingly, the concerns raised in that letter regarding the Vallejo project were adequately addressed in the Proposed Project, and no revision of the FEIR is necessary.

The letter from the California Attorney General's office referenced by the comment raises concerns about the Vallejo project's possible environmental justice impacts related to public health impacts. As explained below (see Response to Comment CFASE-8), CEQA does not require an analysis of environmental justice issues. To this end, and as more fully explained in a separate memorandum also prepared by the California Attorney General's Office, CEQA imposes indirect limits on agencies and their analyses of potential environmental justice impacts. A copy of this memo can be found at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf. Furthermore, the public health impacts of the Proposed Project, whether or not they would fall disproportionately on disadvantaged communities, were considered in the Draft EIR (DEIR, Section 3.1.5.1, Impact AQ-5) and found to be less than significant. Accordingly, the Attorney General's letter regarding the Vallejo project is not applicable to the Proposed Project and no revision of the FEIR is necessary.

The comment is otherwise noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. Because the comment is general and does not identify any specific deficiencies of the Draft EIR, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-7:

The comment states that "The DFEIR (sic) Violates CEQA" for several reasons, including that: (a) the Draft EIR fails to adequately consider the Project's environmental setting and cumulative impacts; (b) the revised air quality analysis is flawed and underestimates the Project's air quality impacts; (c) the Draft EIR's mitigation measures for other Project impacts are inadequate, unlawfully deferred, and unenforceable; and (d) the Draft EIR fails to analyze the potentially significant impacts of coal transport.

As to the Project's environmental setting and cumulative impacts, the Draft EIR sets forth the Proposed Project's setting in detail (DEIR, Section 2.4) and fully considers its cumulative impacts (DEIR, Chapter 4). Because the comment does not identify any specific deficiencies in the DEIR's consideration of those issues, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

The Draft EIR analyzed the Proposed Project's potential air quality impacts (DEIR, Section 3.1). The analysis considered all of the Proposed Project's emission sources and employed assumptions and methodologies that ensured that those emissions were not underestimated (DEIR, Section 3.1, Appendix B2). Because the comment does not identify any specific deficiencies in the Draft EIR's consideration of the air quality analysis, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

As to mitigation, the Draft EIR imposes feasible, enforceable mitigation measures, lease measures, and standard permit conditions for the identified significant air quality, biological, greenhouse gas, and noise impacts. Because the comment does not specify how those measures are "inadequate, unlawfully deferred, and unenforceable," the comment does not identify any specific deficiencies in the Draft EIR's mitigation, and no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)). LAHD notes that as part of the preparation of the FEIR, three additional lease measures, LM AQ-5 (Fleet Modernization for On-Road Trucks During Construction), LM AQ-6 (Fleet Modernization for Construction Equipment), and LM AQ-7 (Renewable Diesel Fuel for Construction Equipment and On-Road Trucks), have been included. These measures would further reduce emissions during construction, although, because their benefits cannot accurately be quantified, the FEIR does not take credit for those reductions. In any case, the reductions would likely not be sufficient to reduce the Proposed Project's significant air quality impacts to less than significant.

As to the issue of coal transport, LAHD notes that the Proposed Project does not contemplate or involve the transport of coal. Therefore, the Draft EIR was not required to analyze any potential impacts associated with coal transport and the Proposed Project would not have any significant impacts in this regard.

Response to Comment CFASE-8:

The comment states that "The Environmental Justice Analysis is Flawed and Misleading," because the environmental justice analysis: (a) has a misleading demographic analysis; and (b) fails to acknowledge the already-existing pollution burden.

CEQA does not require analysis of environmental justice issues. Instead, CEQA centers on whether a proposed project may have a significant effect on the physical environmental, and therefore requires preparation of an EIR to identify and analyze potentially significant impacts and indicate the manner in which those significant effects can be mitigated or avoided (Pub. Resources Code, § 21002.1(a); CEQA Guidelines § 15064(d)). As part of this analysis, an EIR must consider the significance of the underlying activity, which may vary with the environmental setting. Thus, for example, where a community already faces a high pollution burden, the operative CEQA question that the EIR must address is whether any additional amount of pollution from the proposed project should be considered significant in light of existing conditions. For these reasons, environmental justice is not considered or treated as an "area of impact" under CEQA, and CEQA does not require that a proposed project mitigate preexisting conditions or pollution burdens.

With respect to the comment that the demographic analysis is misleading, the LAHD notes that the Draft EIR did not contain a demographic analysis related to an environmental justice analysis. Demographic information is presented in Chapter 8 Socioeconomics, but that information does not include the data on racial composition and poverty level by census tract needed for an environmental justice analysis because it was not intended to support such an analysis.

With respect to existing air pollution, the Draft EIR acknowledges the region's existing air quality, including a description of the region's attainment status for criteria air pollutants, a survey of the health effects of those pollutants, a summary of local (i.e., port area) air quality, and a summary of recent regional air toxics studies including MATES II, MATES IV, and MATES V (DEIR, Section 3.1.2.2, pp 3.1-3 to 3.1-8). In addition, the FEIR includes, as Section 3.1.5.6, a new discussion of potential health effects related to significant air pollutant impacts, as suggested by guidance developed by the City of Los Angeles (2019). That discussion provides supplemental information on the potential links between the Proposed Project's emissions of criteria pollutants and human health effects related to the significant impacts identified in DEIR Section 3.1.5.1.

While the Draft EIR does not contain a separate environmental justice analysis, it does analyze the Project's potential to impact the environmental setting's preexisting pollution burden. For example, the Draft EIR's air quality analysis relies on guidance provided by SCAQMD and the Department of Toxic Substances Control's Office of Environmental Health Hazard Assessment (OEHHA), which include thresholds that seek to address cancer and other health risks to communities in the vicinity of the San Pedro Bay port area (DEIR, p. 4-13). Based on these criteria, the Draft EIR identifies sensitive receptors in the Port area (DEIR, Figure 3.1-1) and uses assumptions and procedures approved by OEHHA to determine the impact of the Proposed Project's air emissions on surrounding populations. The Draft EIR finds that operation of the Proposed Project and build alternatives (Alternatives 2 and 3) would result in exceedances of the SCAQMD regional significance thresholds for NOx and PM but that health impacts on all evaluated populations (i.e., occupational, residential, and non-residential sensitive receptors) would be less than significant.

Because the comment does not identify any specific deficiencies in the Draft EIR or these analyses, or present significant new information that would changes these conclusions, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-9:

The comment contends that the Draft EIR fails to consider the potential risks due to the Project site being situated in a sea-level rise inundation zone.

The DEIR's Greenhouse Gas Emissions chapter (Section 3.5) discusses potential impacts associated with sea-level rise (SLR) on the Proposed Project (DEIR, p. 3.5-36). In particular, Sections 3.5.8.1 and 3.5.8.2 (DEIR, pp. 3.5-36–3.5.37) explain the background and regulatory setting for analyzing sea level rise, which includes guidance from the State of California and the Port's Sea Level Rise Adaptation Study. Both studies recognize the uncertainty of SLR projections, and thus offer future scenarios of SLR under different assumptions of GHG emissions, ice cap melting, and other factors. The Port's study, for example, considers horizon years of 2030, 2050, and 2100, and three global warming scenarios (low, mid-range, and high) to predict impacts to Port infrastructure from inundation and flooding under various scenarios of SLR, high tides, and storm tides. Under the Port's scenarios, SLR is predicted to rise 24 inches by 2050. The State's study also analyzes projected scenarios, which predict SLR at the Los Angeles tide gauge will reach approximately 12 inches by 2050. Because the State's study recommends considering the life of the project when selecting horizon years and SLR, the Draft EIR relies on scenarios that predict SLR by 2050 because the Proposed Project would be expected to have a maximum service life of 50 years and thus operate at least until 2050 but not until 2100.

With this regulatory framework in mind, Section 3.5.8.3 analyzes potential impacts to the Proposed Project based on the 24-inch SLR estimate for 2050 (DEIR, pp. 3.5-.7–3.5-38). The analysis explains that SLR, alone, would not cause permanent inundation or shoreline overtopping at Berths 191-195, even at normal high tide. Therefore, SLR by itself would not threaten the Proposed Project's facilities during their projected service life. Although the Proposed Project is not anticipated to operate beyond approximately 2075, the Draft EIR nevertheless explains that potential temporary flooding may occur within the next 100 years. Under those circumstances, the Proposed Project's facilities, like all other Port facilities, would operate under contingency and emergency prevention and response plans, which would mandate shut down of any infrastructure (e.g., utilities such as gas and electric) in anticipation of flooding, thus avoiding serious risk of rupture or electrical hazard. Although traffic would be blocked by water depths of more than a few inches, vehicle movement should be able to resume quickly after waters have receded in a matter of a few hours. Accordingly, the Draft EIR concludes that SLR does not pose substantial structural risks to the Proposed Project or either of the build alternatives (DEIR, pp. 3.5-.7–3.5-38).

Because this comment presents no new significant or substantial evidence that would change the Draft EIR's conclusion about the less-than-significant sea level rise impacts, no further response or revision to the FEIR is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-10:

The comment provides a concluding statement, which asks that the Draft EIR be revised and, if necessary, recirculated to correct the claimed CEQA inadequacies and ensure the Project's environmental impacts are fully disclosed and mitigated.

This comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. As explained in Section 2.2 above, a lead agency is required to recirculate a Draft

EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but prior to certification of the Final EIR (Public Resources Code Section 21092.1; Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (CEQA Guidelines, Section 15088.5(a). "Significant" new information includes information showing that "(1) [a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented [;] or (2) [a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance" (Guidelines Section 15088.5(a)(1), (a)(2)).

As indicated in LAHD's responses to comments CFASE-1 through CFASE-9 and CFASE-11 through CFASE-20, LAHD finds that significant new information that would be sufficient to require recirculation of the Draft EIR has not been identified. More specifically, these comments do not present information that shows a new significant environmental impact would result that was not otherwise analyzed, that a mitigation measure exists that was not otherwise considered, or that an environmental impact would substantially increase in severity unless mitigation measures are adopted. Nor has LAHD found that any other public comments submitted on the Draft EIR present significant new information that would require revisions to the document requiring recirculation. Instead, all edits made to the Final EIR merely clarify or expand on the information in the Draft EIR; therefore, recirculation is not required.

Response to Comment CFASE-11:

The commenter states that the Draft EIR's criteria pollutant and toxic pollutant emissions analysis is inadequate because air pollutant emissions, greenhouse gas emissions, cumulative impacts, and public health impacts would fall disproportionately on disadvantaged and environmental justice communities. The comment states that zero-emissions and emissions capture and treatment technologies exist to mitigate those impacts, and provides lists of such equipment that it represents as available for over 90% of the Proposed Project's vehicle and equipment needs. The commenter also proposes installing air purification systems in all sensitive receptor homes, child care centers, schools, and recreational centers, along with noise suppression technologies such as soundproof glass, doors, and windows.

As explained more fully in the Response to Comment CFASE-8 above, CEQA does not require a separate evaluation of impacts on disadvantaged and environmental justice communities. Nevertheless, the Draft EIR identifies and analyzes air pollutants and GHG emissions from the Proposed Project that exceed significance criteria, and applies mitigation measures that would reduce those emissions.

The comment letter's attachment provides a list of equipment represented as zero-emission technologies that the comment implies should be incorporated into the Proposed Project. LAHD notes that the mere existence of specific equipment does not mean it can be applied to the Proposed Project. Specifically, the majority of the listed equipment, such as yard tractors, transportation refrigeration units, jeeps, troop carriers, SUVs, cranes, reach stackers, straddle carriers, various pallet trucks, tow tractors, vans, refrigerated trucks, refuse trucks, agricultural tractors, passenger and freight trains, buses, and mining equipment would not be used by the Proposed Project and thus would not be

applicable to the Proposed Project. Some of the listed construction equipment, such as dozers, excavators, and loaders, could be appropriate during construction of the Proposed Project. The availability of such equipment in the local area from which the construction contractors would be drawn is unknown. However, LAHD notes that Ecocem would strive to contract with construction contractors who have this equipment available, such as by including this requirement in applicable bid documents and requests for proposals. Furthermore, Ecocem would be required to comply with the Port's LAHD Sustainable Construction Guidelines, which establish air emission criteria for inclusion in construction bid specifications.

The Proposed Project would use three pieces of mobile equipment on site for managing raw materials: a front-end loader, an excavator, and a small forklift (DEIR, p. 2-20). The forklift would be electric-powered, and would thus be zero-emissions. For the loader and excavator, zero-emissions models that would meet the facility's requirements are not currently available, meaning that they would be diesel-powered. However, the Project proponent would be required to replace the front-end loader every two years with technology equal to or cleaner than Tier 4 (DEIR, LM AQ-6, which has been revised in the FEIR [Section 3.2.1] to establish replacement criteria and has been re-designated as MM AQ-2); this could include a zero-emissions unit when a suitable model becomes available (the excavator would turn over at the end of its useful service life, assumed to be 14 years; DEIR, Appendix B1, Section 5.6). Furthermore, LAHD notes that because there would be only two units on site, one of which (the excavator) would only operate a few hours a week, the on-site mobile equipment is a negligible source of the calculated emissions (DEIR, Table 3.1-11 "Offroad Equipment").

Mitigation in the form of the zero-emissions technologies for third-party on-road trucks and oceangoing vessels (OGVs) of the classes listed in the comment's attachment is not applicable to the Proposed Project for the reasons described in Section 3.1.5.1 and Section 3.5.6.1 of the Draft EIR and in responses to comments SCAQMD-2 and SCAQMD-3, (i.e., that the Project proponent has no control over the third-party on-road trucks and OGVs that would be the principal sources of emissions).

Similarly, the Draft EIR finds that the Proposed Project's cumulative impacts related to operational air emissions and human health are significant but finds that no additional feasible mitigation beyond the measures imposed in Draft EIR Section 3.1, as revised in the FEIR (Section 3.2.1), is available. This is true because, as explained above, the zero-emissions equipment referred to in the commenter's attachment is not applicable to the Proposed Project.

The Draft EIR explains that the Proposed Project would not have significant project-level public health impacts (DEIR, Section 3.1.5.1). Accordingly, implementation of the mitigation measures the commenter suggests is not necessary. The Draft EIR, however, also explains that the Proposed Project may have significant cumulative air quality impacts, i.e., in combination with other projects in the area that would be significant (DEIR, Section 4.2.1.3). The Port has approved Port-wide air pollution control measures through the Clean Air Action Plan (CAAP) to reduce health risk impacts from the Proposed Project and future projects at the Port. Moreover, the Proposed Project's compliance with existing regulations proposed by CARB and the USEPA would also further reduce air emissions associated with cumulative health impacts from Port operations, although future rules have not yet been adopted and are therefore not accounted for in the HRA's emissions calculations. For these reasons, the Draft EIR cautions that it is unknown at this time how these future measures would reduce

cumulative health risks, which is why the DEIR conservatively assumes that airborne cancer and non-cancer impacts within the Proposed Project's region are considered to be cumulatively significant (DEIR, p. 4-19). This, in turn, means that the level of reduction is uncertain at this point, which renders additional mitigation infeasible.

The comment cites "significant Public Health Impacts and inadequate proposed mitigation" as the basis for recommending installation of air purification technologies in nearby sensitive receptors. However, the Draft EIR concludes that the public health impacts of the Proposed Project, including individual cancer risk, chronic and acute non-cancer hazards, and population cancer burden, would be less than significant (DEIR, Section 3.1.5.1, Impact AQ-5). Accordingly, the measures suggested by the comment are not required to mitigate a significant impact of the Proposed Project.

LAHD notes that a mitigation measure must have an essential connection with the significant impact of the project, and the measure must be roughly proportional to the project impact to be mitigated (CEQA Guidelines, § 15126.4(a)(4)(A)–(B)). When addressing a wide-spread regional impact such as air quality, lead agencies cannot require project applicants to shoulder more than their fair share of the costs of mitigation. CEQA further does not require that a project be modified or mitigated to improve upon existing environmental conditions (see *In re Bay-Delta Programmatic Envtl. Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1167–1169: ["[E]xisting environmental problems . . . that would continue to exist even if there were no [project] . . . are part of the baseline conditions rather than [project]-generated environmental impacts . . .."].)

The installation of air filtration systems throughout the community would be a considerable undertaking that would not be connected to a Project-specific significant impact or be proportional to the magnitude of the Project's reasonably foreseeable human health impacts (i.e., less than significant). The EIR does acknowledge the Proposed Project's contribution to an existing cumulative health impact (DEIR, Section 4.2.1.3, Impact AQ-5). However, that impact is an existing, wide-spread regional impact that, as described above, CEQA does not require individual projects to mitigate beyond their fair share. Region-wide impacts are more appropriately addressed by the larger-scale programs that the Port, the SCAQMD, CARB, and other stakeholders are implementing. At the Port level, these include programs aimed at improving air quality such as the CAAP and the Sustainable Construction Guidelines (see DEIR, p. 3.1-13), the Air Quality Mitigation Incentive Program, and the Technology Advancement Program.

Noise suppression measures are not necessary because the Proposed Project would not generate operational noise levels that would exceed significance criteria (the impact for which the noise suppression measures suggested by the comment would be appropriate) and would not make a considerable contribution to a significant cumulative noise impact (DEIR, Sections 3.7.4.3 and 4.2.7).

Because this comment presents no new significant or substantial evidence that would change the Draft EIR's conclusions related to mitigation of off-site air quality and noise impacts, no further response or revision to the FEIR is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-12:

The commenter contends that the Draft EIR's Health Risk Assessment is "under-evaluated" because it did not include the underestimated criteria pollutants emissions,

toxic pollutant emissions, and greenhouse gas emissions on public health that the commenter previously identified.

The Draft EIR's Health Risk Assessment (HRA) was prepared in accordance with OEHHA and SCAQMD guidance (DEIR, Appendix. B3). Based on that guidance, the HRA evaluates four different types of health effects: individual excess lifetime cancer risk, population cancer burden, chronic non-cancer hazard index, and acute non-cancer hazard index. The HRA also uses the USEPA's dispersion model AERMOD (v. 22112; USEPA 2022) to develop dispersion factors (i.e., predicted concentrations per unit of emission) for each source of emissions for average annual and hourly maximum averaging periods outside the Project site. Similarly, the Hotspots Analysis and Reporting Program (HARP2) Risk Assessment Standalone Tool (RAST) (v. 22118; CARB 2022) was used to perform the health risk calculations for the non-inhalation pathways for the multi-pathway chemicals.

The HRA was developed using a four-step process to estimate the health impacts described above: (1) quantify construction emissions and operational emissions for them Proposed Project and alternatives; (2) identify ground-level receptor locations that may be affected by emissions, including a regular receptor grid as well as specific discrete non-residential sensitive receptor locations nearby such as schools, child care centers, hospitals, elder cares, and recreational areas; (3) perform dispersion modeling analyses to estimate dispersion factors for each modeled source at each receptor location; and (4) estimate the ambient TAC concentrations and characterize the potential health impacts at each receptor location posed by the Proposed Project and alternative scenarios. To estimate cancer risk impacts for the construction and operation of the Proposed Project and alternatives, annual volatile organic compound (VOC) and particulate matter (PM) emissions of less than 10 microns (PM_{10}) associated with terminal construction and operation were estimated for each year of several long-term exposure periods and speciated into their TAC components as necessary for the HRA analysis using speciation profiles developed by CARB. The cancer risk exposure periods were 30 years for residents and other types of non-residential sensitive receptors such as schools, child care centers, hospitals, elder cares, and recreational areas, 25 years for occupational receptors, and 70 years for the population cancer burden analysis.

With these parameters in mind, the HRA concludes that the Proposed Project would not result in significant unmitigated health impacts in any of the four types of health risks evaluated. As summarized in Table 3.1-14 of the Draft EIR, the HRA concludes that the maximum individual cancer risk for the Proposed Project is predicted to be less than the 10-in-1 million significance threshold for all evaluated populations (i.e., occupational, residential, and non-residential sensitive receptors). Therefore, the impact of individual cancer risk for the Proposed Project would be less than significant. The population cancer burden was also found to be less than significant, as the HRA predicted it to be 0.0021, which is well below the threshold of 0.5. The HRA concludes that the maximum chronic hazard indices for the residential, non-residential sensitive, and occupational receptors are predicted to be 0.0068, 0.10, and 0.23, respectively, below the significance threshold of 1.0 for all receptor types. Therefore, the Proposed Project's chronic noncancer impact would be less than significant. Finally, the maximum acute hazard index is predicted to be 0.17, below the significance threshold of 1.0 for all receptor types. Therefore, the Proposed Project's acute noncancer impact would be less than significant.

Because the commenter does not provide significant new information that would change the outcome of the HRA's findings or the methodology described above, substantial

evidence supports the EIR's reliance on the HRA and its determination that the Proposed Project presents less-than-significant public health impacts. Accordingly, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-13:

The comment contends that the Draft EIR significantly underestimates the total criteria pollutant, toxic pollutants, and greenhouse gas emissions calculations for gypsum trucks. The commenter also contends that these figures are underestimated by a factor of 2 to 3; therefore, the figures in Table 2-2 should be increased by at least 2.5 to 3 times.

The Draft EIR provides a consistent and adequate analysis of truck emissions. The analysis assumed round trips, not one-way trips as the comment claims, for trucks hauling gypsum (DEIR, Table 3.1-3; Appx. B1, Table B1-4.) Once the Project is operational (i.e., beginning in year 2027), there would be approximately 1,975 such round trips per year (or approximately 3,950 one-way trips), each of which would be approximately 150 miles long (i.e., between the Project site and the boundary of the South Coast Air Basin).

The comment claims "port cargo trains and empty containers" as the reason for the analysis' underestimation, but neither of those factors is relevant to the Proposed Project because the Project would not involve train traffic or cargo containers. Further, the comment does not provide a reference or other support for its claims that emissions "are underestimated by a factor of 2 to 3" and that gypsum truck trips "should be increased by at least 2.5x-3x". It therefore remains unclear where those figures originate from, and absent additional substantial evidence to support those numbers, no further revisions to the Draft EIR's truck trip analysis is necessary or warranted.

The comment further contends that the Draft EIR's truck analysis did not account for and mitigate the impacts of gypsum truck trips: leaving their place of origin at either a truck company parking lot or an independent owner/operator's house; traveling to another location to pick- up the sealed dry-bulk pneumatic tanker trailer; and returning to the gypsum manufacturer or distributor in order to pick up the gypsum, deliver it to the Ecocem facility, and then return to their place of origin. First, LAHD notes that the Draft EIR did not represent that the trucks transporting gypsum would be "sealed dry-bulk pneumatic tanker trailer[s]." Instead, sealed dry-bulk pneumatic tanker trailers would be used to transport the product, GGBFS, from the Berth 191-194 facility to regional customers; gypsum trucks would be medium-duty box-type trucks (DEIR, p. 2-17 Section 2.5.3.4). Second, absent substantial evidence that the trucks would make all of the trips the commenter suggests (e.g., trips to the truck operators' homes or off-site places of business), those trips and sources are speculative, uncertain, and cannot be quantified for purposes of analyzing impacts. Because CEQA does not require that the EIR engage in such speculation, the only information available and relevant to the EIR's analysis of impacts associated with truck trips is related to the transport of the Proposed Project's materials (DEIR, Appendix B1, Table B1-4).

The comment otherwise provides no further information or substantial evidence that would support an analysis of those activities, nor does LAHD possess such information. In the absence of substantial additional information, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)) and no revision of the FEIR is necessary.

Response to Comment CFASE-14:

The comment states that the DEIR's truck analysis did not account for and mitigate the impacts of trips by trucks hauling GGBFS making the types of trips enumerated in Comment CFASE-13.

Please see Response to Comment CFASE-13, which is equally applicable to the trucks that would transport the GGBFS product, and further explains why, absent additional substantial evidence, the type of analysis this comment asks for is too speculative and thus not required under CEQA.

Response to Comment CFASE-15:

The comment contends that the Draft EIR's statement that trucks would not idle for more than 5 minutes is "impossible and underestimated."

The Draft EIR analyzed potential impacts associated with truck idling time. For example, per the California Air Resources Board's (CARB's) Heavy Duty Diesel Vehicle Idling Emission Reduction Regulation (CCR Title 13, Sections 1956.8, 2485), and restrictions imposed by Los Angeles County, idling of on-road trucks is not to exceed 5 minutes (DEIR, Appendix B1, p. B1-29). The CARB regulation will apply to trucks used during Project construction and operation and requires that on-terminal heavy-duty trucks be equipped with a non-programmable engine shutdown system that automatically shuts the engine down after five minutes, or, alternatively meets a stringent NOx idling emission standard (DEIR, Appendix B1, p. B1-7). Orcem, the Project applicant, has also confirmed that, to meet this regulatory requirement, truck engines would be turned off during loading of material. The Project would also be required, through lease measure LM AQ-4 Los Angeles Harbor (LAHD) Sustainable Construction Guidelines, to comply with the Port's Sustainable Construction Guidelines for Reducing Air Emissions, which impose requirements for meeting stringent emission standards on construction equipment and heavy-duty vehicles. The Port's Guidelines include Best Management Practices (BMPs) for all construction projects at the Port, and include measures and BMPs that reduce emissions, including a 5-minute limit on construction truck idling time (DEIR, p. 3.1-27; DEIR, Appendix B1, p. B1-22). Furthermore, LAHD has proposed an additional lease measure, LM AQ-5, Fleet Modernization for On-Road Trucks During Construction (FEIR Section 3.2.3) that, among other requirements, limits construction truck idling to 5 minutes. Thus, the Draft EIR's statement that trucks would not idle for more than 5 minutes is reasonable, supportable, and enforceable.

As to the comment's contention that the Draft EIR failed to analyze train delay impacts, trucks accessing the Project site during construction and operation would only cross the Vopak spur track that crosses Yacht Street/Nissan Way. The Vopak spur has very little train traffic, as on average, according to the port-area rail operator (Pacific Harbor Line [PHL]), no more than 9 cars are moved at a time, inbound on one weekday and then outbound on a different weekday. Given that train movement occurs only twice a week, very little of the Proposed Project's truck traffic during construction or operation would be blocked at this crossing. Rather, a Vopak rail movement (one per day, inbound or outbound) would, on average, only block Nissan Way/Yacht Street for about 40 seconds (assuming a 290-foot-long train moving at 5 mph). Given that the Proposed Project would generate an average of 254 trucks per day over a 24-hour period and that those trucks would encounter only one rail movement twice a week, truck idling and associated emissions would be insubstantial.

The Proposed Project's traffic would also cross the Port's mainline track located just north of Water Street. However, operational traffic would use the planned Berth 200 Roadway once it is completed, which would be less than two years after the Proposed Project begins operation (FEIR Section 3.2.6, Table 3.8-5). Accordingly, any idling of truck traffic at the mainline tracks would be restricted to construction vehicles.

Actual blockage times from October 2023 were extracted from the crossing hardware (provided by the PHL, which is under the authority of an operating agreement with LAHD), yielding the following statistics:

- Average train movements/weekday: 23.3
- Average weekday train movements/hour: 0.33-1.67/hour
- Average duration/train movement (both directions): 4.5 minutes

Given the temporal distribution of train movements, the average train movement duration, and temporal distribution of Project traffic (approximately 6 per hour assuming trips are evenly distributed over 24 hours of operations), few of the Proposed Project's construction trucks would be blocked. Hence, it is expected that truck idling would be minimal on a daily basis and emissions associated with idling at grade crossings would be insubstantial.

No further revisions to the Draft EIR's truck idling analysis is feasible or warranted, and no further response or revision to the FEIR is possible or required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment CFASE-16:

The comment states that the Draft EIR's cumulative impacts analysis of Project emissions is significantly underestimated and needs to be revised to include truck criteria pollutants, toxic pollutants, and greenhouse gas emissions. The comment argues that the cumulative impact assessments are underestimated by a factor of 2 to 3.

The EIR's description of the Proposed Project's potential cumulative impacts on air quality complies with CEQA. The emissions from Project-related trucks are included in the cumulative impact analysis under Draft EIR Section 4.2.1 (DEIR, pp. 4-12 to 4-21). This is because truck emissions are included in the total emissions of the Proposed Project (DEIR, Table 3.1-11 and Table 3.5-2), and the Proposed Project's total emissions are considered in the cumulative analysis. The Draft EIR's cumulative impact analysis for air quality and greenhouse gases is not quantitative, so the emissions from the Project-related trucks are not shown as a separate component of the cumulative impact. Instead, the Draft EIR acknowledges that the Proposed Project's operational impacts on air quality would make cumulatively considerable contributions to the assumed existing significant impacts related to criteria pollutants (NO_X, $PM_{2.5}$, and PM_{10}), toxic air pollutants, and greenhouse gases.

As to the commenter's contention that the cumulative impact assessments are "underestimated by a factor of 2 to 3," please see Responses to Comment CFASE-13.

Response to Comment CFASE-17:

The comment states that the Draft EIR did not address the impacts of the Transportation Security Administration's Transportation Worker Identification Credential (TWIC) status of truck drivers, which is required to enter the Port. The comment notes that there is currently a truck driver shortage and high turnover, but Ecocem has not provided any information or letters of intent, including contractual agreements between trucking

companies and Orcem, regarding whether their gypsum suppliers have enough truck drivers and trailers to meet Ecocem's delivery needs.

LAHD notes that all truck drivers accessing marine terminals in the Port of Los Angeles are required to be TWIC-compliant; accordingly, the third-party trucks that would service the Proposed Project would be driven by individuals with TWIC clearance. In any case, the impacts associated with drivers' TWIC status and any perceived truck driver shortage all relate to economic and social issues, rather than environmental issues. As stated in Responses to Comments ALLIED-2 and CFASE-6, CEQA only requires that an EIR analyze whether the Proposed Project may have a significant effect on the physical environment (CEQA Guidelines, § 15064(d)). CEQA is clear that "economic and social changes resulting from a project shall not be treated as significant effects on the environment." (CEQA Guidelines, § 15064(e).) For these reasons, any potential impacts associated with the TWIC status and availability of, and contracts with, truck drivers, would only be economic or social, and therefore not result in a physical change that should be regarded as a potentially significant effect on the environment. (CEQA Guidelines, § 15064, subd. (f)(6) ["Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment"].) Thus, the EIR is not required to analyze these factors.

As to the commenter's claim that "Non-TWIC drivers typically will own older semi-trucks which are higher air polluting, have more accidents, have more frequent breakdowns on highways, freeways and public streets," the comment provides no substantial evidence to support that assertion, nor is LAHD aware of any such data that would warrant further inquiry or analysis. Furthermore, the Draft EIR uses emissions factors for the general truck fleet within the South Coast Air Basin (see DEIR, Appendix B-1, p. B1-29), rather than emissions factors from a TWIC-only truck fleet. Accordingly, absent additional evidence, no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)), and no revision of the FEIR is necessary.

Response to Comment CFASE-18:

This comment contends that the Draft EIR failed to analyze whether the local street, freeway, and highway capacity can adequately support the Proposed Project's anticipated number of truck trips per hour/day/year.

Please see Response to Comment CESPNC-4 regarding CEQA's requirements for a traffic analysis and the Draft EIR's analysis of impacts of truck traffic on local roadways. The commenter refers to 95,950 trucks per year, but DEIR Tables 2-2, 3.1-3, 3.8-4, and B1-4, present the correct figure of 65,950 truck trips per year (including both cement and gypsum trucks).

Response to Comment CFASE-19:

The comment quotes the Draft EIR's plan to use a control technology based on a barge-mounted scrubber system that captures and treats engine exhaust from at-berth vessels. The comment notes that there are two companies that would be able to service these ships, and that the Project applicant can meet with those companies to obtain a letter of intent to implement these scrubber and emissions capture systems.

Thank you for your comment. This comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment does not identify any specific deficiencies

in the Draft EIR or its analysis of ship emission mitigation; therefore, no further response is required (Public Resources Code, § 21091(d); CEQA Guidelines, § 15204(a)).

Response to Comment CFASE-20:

The comment provides a list of CEQA references, including citations to Guidelines Sections 15064, 15126.2, 15378(a), 15126.2(a), 15064.4(a), and 15126.4.

This comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies in the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Coastal San Pedro Neighborhood Council

Comment Letter

See Section 2.3.

Responses

Response to Comment COSPNC-1:

The comment recommends that the Proposed Project "be used as an incentive by the Port to significantly accelerate emissions control programs on ocean going vessels at-berth and in-transit emissions" to help mitigate significant and unavoidable NOx and PM impacts to a level of compliance.

Thank you for your comments on the Draft EIR. As to emission control programs on ocean going vessels at berth, please see Response to Comment SCAQMD-2. As to in-transit emissions and corresponding mitigation efforts, please refer to Response to Comment SCAQMD-3.

Response to Comment COSPNC-2:

The comment expresses its support for the Proposed Project given that the specialized cement it would produce would offset approximately 666,500 metric tons of carbon released per year.

Thank you for your comment; it is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project.

Response to Comment COSPNC-3:

The comment requests future monitoring and mitigation of traffic impacts resulting from trucks servicing the Proposed Project, as needed to mitigate or reduce traffic impacts on adjacent communities and roadways.

The Port monitors traffic conditions in the area surrounding the Proposed Project site and greater Port footprint as part of its goods movement improvement activities, and would therefore be able to implement improvements as necessary. The Draft EIR presents an informational analysis demonstrating that traffic conditions at local intersections would not be adversely affected by the Proposed Project's truck traffic. The DEIR (p. 3.8-16 [Table 3.8-16]) describes current LAHD projects and initiatives that will alleviate traffic issues in the area and further points out that Project-related heavy-duty trucks would use designated traffic routes that would minimize conflicts with or adverse effects on local intersections and traffic conditions (DEIR, p. 3.8-15 [Table 3.8-3], p. 3.8-16 [Fig. 3.8-1],

p. 3.8-17 [Fig. 3.8-2]). For example, the Draft EIR explains that during Project construction, all Project-related traffic would use Avalon Boulevard and Broad Avenue northerly to Harry Bridges Boulevard. This would help divert truck traffic from the Wilmington community's nearby recreational uses. Until March 2028, operational truck traffic from the Project would also use that route; thereafter, operational traffic would use the planned Berth 200 Roadway (FEIR Table 3.8-5), and LAHD will install traffic signage to re-route truck traffic and avoid potential delays (DEIR, pp. 3.8-17–3.8-18 [Figs. 3.8-3, 3.8-4]).

Response to Comment COSPNC-4:

The comment requests further analysis to include consideration of a rail-based product distribution alternative.

For a discussion on the Draft EIR's consideration of a rail-based product distribution project alternative, please see Response to Comment CESPNC-5.

E4 Strategic Solutions

Comment Letter

See Section 2.3.

Responses

Response to Comment E4SS-1:

The comment provides a summary and overview of the Proposed Project's construction and operation, and certain determinations and conclusions made in the Draft EIR.

Thank you for your comments on the Draft EIR. The comment is noted and hereby part of the Final EIR and will be before the decisionmakers. No further response is required.

Response to Comment E4SS-2:

The comment contends that the Draft EIR's Project Description fails to disclose the full scope of the Project with respect to overseas transportation because it omits important elements. The comment states that the Project Description should describe the entire voyage as an aspect of the Project, including overseas transport of GBFS by ocean-going vessels (OGVs) that originate from ports in Asia or Mexico.

CEQA does not obligate a lead agency to consider or describe impacts originating outside California, and common practice is to carry CEQA analyses to the State line or air district over-water boundaries. Similarly, CEQA requires only that the Project Description contain: (a) the precise location and boundaries of the proposed project; (b) a statement of objectives sought by the project; (c) a general description of the project's technical, economic, and environmental characteristics, and (d) a statement briefly describing the intended uses of the EIR (CEQA Guidelines, § 15124). Sections 1.2. and 2.4 of the Draft EIR describe the Project's location and setting; Section 2.3 describes the Project's purpose, need, and objectives; Section 2.5 describes the technical, economic, and environmental characteristics of the Project; and Sections 1.3 and 1.5.2 describe the intended uses of the EIR. Accordingly, the comment's statement that "the full voyage, from the ports of origin to the Project site is part of the 'whole of the action'" improperly expands the scope and jurisdiction of CEQA and the Port's reviewing authority, and is not otherwise required for an EIR's project description to be sufficient.

Furthermore, analysis of overseas transportation would be speculative, as the exact sources of GBFS and the exact composition of the vessel fleet over the life of the

Proposed Project are unknown at this time; however, the analysis required by CEQA presented in the Draft EIR is based on fleet composition information available to the preparers at the time of analysis. Thus, the analysis is not inadequate or misleading.

Response to Comment E4SS-3:

The comment contends that CEQA's exemption for out-of-state emissions under Public Resources Code section 21080(b)(14) and CEQA Guidelines section 15277 is inapplicable to the Project and requests that the Project Description be revised to accurately describe the Project and analyze impacts posed by Project-related OGVs operating beyond the State's overwater boundaries.

Please see Response to Comment E4SS-2, which explains why including emissions from out of state would improperly expand the scope of CEQA. While the comment correctly notes that the Project site is in the State of California, the emissions the comment requests be included would not be in the state and would thus be outside the scope of a CEQA analysis.

Response to Comment E4SS-4:

The comment contends that the Draft EIR fails to fully analyze GHG emissions generated by OGVs because the EIR only calculated GHG emissions from the state's overwater boundary, approximately 178 nautical miles from the Port of LA. The comment concludes by stating that the EIR fails to make the "good-faith effort" to describe emissions as required by "Code of Regs, tit. 14, §15064.4."

For the same reasons as described in the responses to comments E4SS-2 and E4SS-3, the Draft EIR properly tailored the scope of GHG emissions generated by OGVs by calculating those generated within CARB's California over-water boundary off the coast, which equates to a maximum one-way transit distance of 178 nautical miles, and is 130 nautical miles beyond the Southern California Air Basin (SCAB) over-water boundary (DEIR, pp. 3.5-17, 3.5-14). As such, the comment's suggested revision—i.e., to calculate all emissions generated by OGVs during their entire voyage—would improperly expand the scope and jurisdiction of CEQA and would require an analysis that is too speculative and difficult to predict. Furthermore, while Asia or Mexico could be likely points of origin for OGVs transporting GBFS in the near future, it would be speculative to assume that they will continue to be so throughout the life of the Proposed Project.

Response to Comment E4SS-5:

The comment states that the Draft EIR's failure to disclose the Proposed Project's full GHG inventory by ignoring GHG emissions from OGV activity beyond the state boundaries are misleading, particularly given that the Draft EIR asserts the Project would, overall, help reduce GHG emissions (DEIR, Section 3.5.2, p 3.5-3).

As described above, a complete GHG emissions inventory that accounts for out-of-state emissions generated by foreign OGVs is not required by CEQA, nor feasible due to the speculative nature of the OGVs that would service the Project, their proposed routes, their points-of-origin, and other extenuating factors that would be necessary to estimate their GHG emissions accurately.

Furthermore, the Draft EIR does not take credit for emissions reductions attributable to replacing a fraction of the Portland cement in California's construction industry with GGBFS. As discussed below, the Draft EIR's statements in Section 3.5 regarding the Proposed Project's potential GHG benefits are provided for context: the actual GHG calculations in Section 3.5 include only the emission sources involved in transporting,

processing, and distributing the raw materials and finished product and do not include the benefits of the use of the product throughout the region. Accordingly, the comment's implication that the Draft EIR is improperly taking credit is incorrect.

The Draft EIR's statements regarding the overall benefit to California in terms of GHG emissions are based on the difference between the GHG emissions generated by the traditional Portland cement industry and the GHG emissions associated with GGBFS . The Draft EIR explains that Portland cement production results in high GHG emissions, accounting for upwards of 2% of CO_2 emissions in California (DEIR, p. 3.5-3). Any substitute for traditional Portland cement that results in lower GHG emissions would benefit California by reducing the State's overall GHG emissions and by helping the State reach its GHG emissions reductions goals, all while supplying a highly-sought-after resource that fundamentally supports the State's building and construction industry.

Whether imported from abroad or produced in the region, Portland cement's thermal energy consumption, and therefore its GHG footprint, is substantially greater than that of GGBFS (DEIR Table 2-1; see also DEIR, pp. 3.5-3–3.5-4). As such, once imported and produced, the GGBFS material created by the Project's operations would result in an overall net reduction in GHG emissions with respect to cement or cement-type products (DEIR, p. 3.5-9 [CARB's 2022 Scoping Plan specifically mentions blending with low-carbon materials as an opportunity to reduce GHG emissions generated by the cement industry].) Accordingly, substantial evidence supports the Draft EIR's statements regarding the overall net-GHG benefits of the Proposed Project.

Response to Comment E4SS-6:

The commenter contends that the Product Import Terminal Alternative (Alternative 3) is not a valid Project Alternative because it does not meet any of the Project's objectives and describes an entirely different Project than the one proposed.

The Draft EIR's Alternatives chapter (DEIR, Ch. 5) analyzes each Project Alternative, including whether and how they will achieve the Proposed Project's objectives. For the Product Import Terminal Alternative (Alternative 3), the Draft EIR explains that the Product Import Terminal would not process any of the raw materials into the final GGBFS finished product—instead, the GGBFS finished product would come from overseas by vessel. The finished powder product produced overseas would be transported by ocean-going bulk vessels to Berth 191, where it would be off-loaded to storage silos by the vacuum conveyor system, stored onsite, and then loaded onto customer trucks (DEIR, p. 5-3).

Accordingly, the commenter's statement that the Product Import Terminal Alternative (Alternative 3) would import 775,000 MT per year of Portland cement is incorrect – Alternative 3 calls for importing finished GGBFS product, along with other cementitious products that are typically handled by other cement import terminals, such as Portland cement, fly ash, ground natural pozzolan. Thus, although this alternative would likely supply lower quantities of low-carbon binder, it would still nevertheless import some finished GGBFS product, and would also achieve the Project's objectives of: providing storage capacity for the rapid unloading of bulk ships delivering raw materials and for loading product on bulk tanker trucks; being located near the center of the Southern California market to reduce traffic burden, road wear, and energy requirements associated with truck transport of product; providing necessary import capacity for an

environmentally sustainable product; and facilitating the future development of improved low-carbon, high performance binders.

For these reasons, the Product Import Terminal Alternative (Alternative 3) is a legally adequate CEQA alternative because it is feasibly able to attain most of the basic Project objectives.

Response to Comment E4SS-7:

The comment points out that the Draft EIR did not include any discussion of water quality impacts, cites regulations promulgated by the Los Angeles Regional Water Quality Control Board, and states that the Draft EIR did not adequately characterize the chemical content of GBFS, particularly with respect to heavy metals for which Harbor waters are listed as impaired.

The comment correctly points out that the Draft EIR did not include a separate analysis of water quality. This is because, as the Draft EIR (p. ES-8) states, "the scope of this Draft EIR was established **based on the NOP issued by LAHD**…and on the comments received by [sic] agencies and the public" [emphasis added]. LAHD established the scope of the Draft EIR in accordance with the process in CEQA Guidelines Section 15063, which indicates that one of the purposes of an Initial Study is to focus the EIR on the effects determined to be significant, Section 15064, which outlines the process for determining potential significance, and Section 15143, which states, "effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study." None of the comments received on the IS/NOP presented any substantial evidence suggesting that water quality issues were of concern; accordingly, the Draft EIR was not required to consider water quality.

The IS/NOP thoroughly analyzed the potential for significant impacts to water quality from implementation of the Proposed Project, including particulate matter releases from construction and operation and changes in runoff patterns (DEIR, Appendix A, pp. 43–45 [Section 6.9], pp. 47–50 [Section 6.10]). It concluded that with the proposed stormwater and erosion controls; compliance with the Construction General Permit and the Industrial General Permit (including the City's Low Impact Development requirements), the Los Angeles Regional Water Quality Control Board's Waste Discharge Requirements and the Section 401 Water Quality Certification, the USEPA's Vessel General Permit, and the USACE's Section 10 construction permit); and the nature of the GBFS raw material, potential impacts on water quality would be less than significant. Accordingly, consistent with CEQA Guidelines Section 15143 ("Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR"), that issue was not considered in the Draft EIR.

The various Harbor water quality designations that the commenter cites, including various measures from the LARWQCB's Basin Plan, only apply in instances where substantial evidence shows that substantial pollution would reach Harbor waters. Here, however, the IS/NOP explained that the Project would not significantly and adversely pollute Harbor waters (DEIR Appendix A, pp. 43–45 [Section 6.9], pp. 47–50 [Section 6.10]). The Draft EIR concluded, based on substantial evidence, that the controls incorporated into the Proposed Project, including dust control measures and stormwater management and treatment measures consistent with the City's stormwater program requirements, would minimize the potential for trace metals to be mobilized and come into contact with Harbor waters in a manner that would adversely impact water quality. Therefore, the Proposed Project would not trigger application of the various regulatory

water quality measures cited by the comment and the commenter does not present any substantial evidence that disputes this conclusion.

The comment suggests that the chemical composition of GGBFS presented in the Draft EIR might not be representative of the Proposed Project's imported material. However, the Draft EIR's statement (p. 2-9) that the composition from load to load varies "somewhat" (rather than "substantially" or "considerably") is a reasonable characterization of the material and does acknowledge a degree of variability in its composition. The comment does not provide evidence that GBFS varies substantially in its composition.

The comment's statements regarding the heavy metal content of slag (with postulated impacts on water quality) appear to be based on a misunderstanding of the nature of GBFS. The study cited by the comment (Sas et al. 2015) concerns "steel slag", a material quite different from GBFS. Steel slag is produced by converting iron into steel, as (Sas et al. 2015) stated, in a basic oxygen furnace or an electric arc furnace. The blast furnace, on the other hand, is used to convert mined iron ore into metallic iron; the resultant slag is called blast furnace slag, which can be granulated, a beneficiation process done by quenching with water. They are different processes that produce slags with very different chemical compositions. Importantly, the production of steel involves the addition of carbon and various metals, including zinc and chromium, which may appear at elevated concentrations in the resultant steel slags. Iron production, by contrast, results in slags with compositions resembling that presented in the Draft EIR (Table 2-2) and in relevant safety data sheets (available upon request). Accordingly, the metal concentrations reported in Sas et al. (2015) and cited by the comment as evidence that the EIR under-reported metal concentrations in GBFS are not relevant to the Proposed Project.

The comment's characterization of the Proposed Project's best management practices (BMPs) and other control measures as a recognition of potential water quality risks because those measures "are functionally mitigation measures" is not consistent with CEQA guidance. CEQA allows lead agencies, such as the Port, to rely on generally applicable regulations to conclude an environmental impact will not be significant and therefore does not require mitigation; doing so does not improperly defer creation or imposition of mitigation. That principle applies here. The stormwater and dust control measures included as part of the Proposed Project (and described in the IS/NOP [DEIR, Appendix A, p. 48-49] and in the Draft EIR [Section 2.5.3; Section 3.1.3]), along with the permits that the Project must secure before construction can commence, are a combination of industry-standard measures and features designed to respond to the basic requirements of the City of Los Angeles' stormwater programs, the State of California's stormwater permits, and the Clean Water Act's NPDES permits (DEIR, Section 3.2.22, p. 3.2-26). Accordingly, they are not "functionally mitigation measures," but rather elements of the Proposed Project; accordingly, the level of detail presented in the DEIR is appropriate. The LAHD requires through the BMPs that every facility that handles cement incorporate extensive dust controls in order to comply with SCAQMD rules regarding particulate emissions (e.g., Rule 403 that regulates man-made fugitive dust and includes control measures), and most open stockpiles include provisions for periodic watering and runoff controls. Thus, the CEQA review adequately addressed the Proposed Project's potential impacts to water quality.

Response to Comment E4SS-8:

The commenter contends that, for prior projects, the Port has included in its EIRs an analysis of "hazardous and hazardous materials" if the project in question involved excavating soils contaminated by hazardous materials. Given this, the commenter argues that the EIR does not include information that is normally contained in an EIR's discussion of hazardous materials, including what types of contaminants are present at the Project site, along with their concentrations or potential threat to human health of the environment.

The Draft EIR addressed resources that were identified in the IS/NOP as potentially affected by the proposed action; resources that would not be affected, as evaluated in the IS/NOP, were not analyzed in the Draft EIR, consistent with CEQA guidance (CEQA Guidelines § 15143).

For the Proposed Project, the potential risks posed by site contamination have been evaluated in the course of the CEQA process as follows: the IS/NOP (DEIR, Appendix A), prepared using the criteria in CEQA Guidelines Appendix G, concluded that, given the nature of the Proposed Project and the standard controls that would be required by the construction permits, impacts related to encountering contaminated soil and, possibly, groundwater during excavation and grading activities would be less than significant without mitigation (IS/NOP Section 6.9 [DEIR, Appendix A, pp. 43–44]). As explained more fully in the IS/NOP and in the Responses to Comments DTSC-1 and DTSC-2, the Proposed Project's construction and operational activities would conform to the Soil Management Plan prepared for the Project (FEIR Appendix E) and to the requirements of the permits that the Project applicant would be required to obtain, including the State General Permit for Storm Water Discharges Associated with Construction Activity and a Project-specific Storm Water Pollution Prevention Plan (SWPPP). Those permits would require that Project construction and operation adhere to standard BMPs to minimize runoff of contaminations and clean-up any spills, including, but not limited to: controls for vehicle and equipment fueling and maintenance; material delivery, storage, and use; spill prevention and control; and solid and hazardous waste management. Similarly, contamination at most of the Project site does not currently exceed regulatory limits, particularly for detected levels of diesel-range petroleum hydrocarbons, volatile organic compounds (VOCs), and selected heavy metals; but the Project would still install all appropriate structural vapor control measures, such as impermeable membrane, passive venting, and paving, to reduce any risks to operational on-site workers (Appendix. A, p. 44.) To this end, prior site-specific health risk analyses concluded that concentrations of these contaminants did not pose significant risks or hazards to off-site receptors.

Given the controls that would be in place, as described above, construction and operation of the Proposed Project would not create a significant hazard to the public through routine use, transport, or disposal of hazardous substances, and impacts would be less than significant without mitigation. Accordingly, the Draft EIR was not required to include a section analyzing the Proposed Project's potential impacts to hazards and hazardous materials because the Proposed Project would not have potentially significant and unmitigated impacts to those resource areas. The LAHD notes that the other EIR cited as an example by the comment (for the Al Larson Boat Shop Improvement Project [SCH No. 2010091041]) was prepared more than 10 years ago for a different type of project with different site conditions, and is thus not relevant to the proposed Orcem project.

As to the comment's statement that the Draft EIR did "not reveal what types of contaminants are present at the Project site," the Draft EIR disclosed the types of contaminants likely to be encountered ("heavy metals, petroleum hydrocarbons, and volatile organic compounds"). The Draft EIR references site assessment studies (i.e., Leighton 2018, EnviroTox 2018) that disclose the levels of site contamination and their threat to human health and the environment; those studies were part of the Draft EIR, by reference, and are available on request (DEIR, Appendix A, p. 44; DEIR, pp. 2-13–2-14). In summary, the site assessments determined that existing contamination at the Project site largely does not exceed regulatory limits and that contamination above those limits poses no significant risk or hazard to off-site receptors, while any potential risks to on-site workers would be localized and could be addressed by structural vapor control measures (DEIR, Appendix A, p. 44; DEIR, p. 2-13). Contaminated groundwater beneath the Project site is also not expected to pose a risk to the public or workers due to the minimal potential for exposure during construction and operation (DEIR, Appendix A, p. 44; DEIR, p. 2-13). Finally, contaminated soils encountered during construction would be tested and managed in accordance with standard removal and treatment/disposal protocols and the guidance of the project-specific Soil Management Plan (DEIR, Appendix A, p. 44; DEIR, pp. 2-13–2-14; FEIR Appendix E).

For these reasons, given the controls that would be in place and imposed as required permit conditions and BMPs (described above), construction and operation of the Proposed Project would not create a significant hazard to the public through routine use, transport, or disposal of hazardous substances, or through reasonably foreseeable accidental or upset conditions; therefore, impacts would be less than significant. The CEQA review process adequately addressed hazardous materials that may be encountered during construction.

Response to Comment E4SS-9:

The comment states that the Draft EIR's air quality analysis omits critical data and employs flawed methods. In particular, the commenter identifies three "main areas" that contribute to the analysis' defects, including: (1) the omission of critical emissions data; (2) the reliance on inconsistent and flawed methodologies to calculate emissions and pollutant concentrations; and (3) material discrepancies and inconsistencies among the Project Description, the EIR's air quality analysis, and the supporting appendices. The commenter repeats these points in more detail in subsequent paragraphs, which have been designated as individual comments and for which detailed responses are provided.

As to the first "main area," the comment contends that the EIR omits: emissions data for toxic air contaminants (TACs); calculations for certain stationary source emissions; VOC emissions for grinding aids; emissions data for harbor craft; supporting data for plume rise assumptions; vehicle emission contributions for toxic air contaminants; and support for an exclusion of fugitive dust from the health risk assessment. Please see Responses to Comments E4SS-12 (TAC data); E4SS-16, ES4SS-17, and E4SS-18 (stationary source data); E4SS-19 (VOC emissions), E4SS-13 and E4SS-23i (harbor craft emissions); E4SS-23vi (plume rise assumptions); E4SS-12 and E4SS-23iii (vehicle TAC emissions), and E4SS-25 (fugitive dust in the HRA).

As to the second "main area," the commenter contends that the Draft EIR relied on inconsistent and flawed methodologies, including: reliance on incorrect emissions factors to calculate electricity use; use of flawed methods to evaluate particulate matter (PM) emissions; use of incorrect emissions factors to assess paved and unpaved road travel; use of unsupported emission factors for the dryer that likely underreports NOx and CO;

failure to follow federal standards to assess $PM_{2.5}$ emissions; inaccurately characterizing haul road emissions; failing to use accurate meteorological data; and failing to follow EPA guidance to evaluate background pollutant concentrations. Please see Responses to Comments E4SS-11 (electricity generation emission factors); E4SS-23ii and E4SS-24 (PM emissions methodology); E4SS-14 (road use emissions factors); E4SS-17 and E4SS-18 (dryer emissions); E4SS-23ii ($PM_{2.5}$ methodology); E4SS-23iv (haul road emissions); E4SS-8 and E4SS-23vii (meteorological data); and E4SS-23vii and ix (background pollutant concentrations methodology).

As to the third "main area," the commenter states that material discrepancies and inconsistencies exist amongst the Project Description, Air Quality analysis, and EIR appendices, including: discrepancies in the emissions calculations for harbor craft and OGVs, which may result in underreporting of NOx emissions; use of erroneous heat limits for the dryer; inconsistent gas usage for the dryer; discrepancies in the analysis of road dust from vehicle travel; inconsistencies in the level of stockpile activity; inconsistencies between the amount of fuel used and the hours equipment is used; inconsistencies in the release temperature for grinding dryer/mill exhaust; inconsistencies between the Project Description and the temporal distribution of emissions; inconsistency between the heavy metals listed for GBFS and gypsum; and inaccuracy in the reference exposure levels in the appendices.

While it is unclear which portions of the Project Description, Air Quality analysis, or appendices these "inconsistencies" refer to, each portion of the Draft EIR consistently conveys and accurately reports all calculations from the supporting air quality studies and analyses. In particular, please see Responses to Comments E4SS-13 and E4SS-15 (harbor craft and OGVs); E4SS-18 (dryer heat limits and gas usage); E4SS-20 (road dust); E4SS-21 (stockpile activity); E4SS-22 (equipment activity and fuel use); E4SS-23v (dryer exhaust temperature); E4SS-23viii (temporal distribution of emissions), E4SS-28 (heavy metals in GBFS and gypsum); and E4SS-31 (reference exposure limits).

Response to Comment E4SS-10:

The comment identifies discrepancies in the Draft EIR's technical analysis and Appendix B1 calculations regarding the Proposed Project's global warming potentials (GWP).

The comment correctly notes discrepancies in the GWP values presented in Section 3.5 and Appendix B1 of the Draft EIR. Although the description of the greenhouse gas pollutants in Section 3.5.3 was intended purely as contextual information, the global warming potential values and note 7 in the Conversion Factors and Constants table of Appendix B1 (p. B1-110) have been updated in the FEIR to reflect the analysis performed in Section 3.5. The calculation of GHGs did not use the SCAQMD GWP values referenced in Appendix B1, but rather used the IPCC 6th assessment values, which are more up-to-date than the SCAQMD values. The calculation of dryer emissions has been updated to use the IPCC 6th assessment GWP values, and Table 3.5-2 has been revised accordingly. LAHD notes that the change is insubstantial (1 metric ton per year), as methane and nitrous oxide emissions would be a minute fraction of total GHG emissions.

LAHD notes that the text in Section 3.5.3 is informational only, and these updates and revisions do not change the Draft EIR's methodology or impact determinations.

Response to Comment E4SS-11:

The comment states that the Draft EIR used inaccurate GHG emission factors from USEPA eGRID data instead of using emissions factors from Los Angeles Department of Water and Power (LADWP) for GHG emissions from electricity generation.

The comment is correct that use of LADWP factors in the Draft EIR would have resulted in higher estimates of the Proposed Project's total GHG emissions in early years. The difference would not have been considerable: LAHD notes that the LADWP factor for the year 2021 of 609 pounds of CO_2 per MWH (megawatt-hour), is approximately 15% higher than the 2021 eGRID value of 532 lbs CO_2/MWH. Furthermore, LADWP projects zero GHG emissions by 2035 (LADWP 2022 – Power Strategic Long-Term Resource Plan, p. 4-63). As a result, in its later years the Proposed Project would have zero GHG emissions from electricity consumption, rather than the 93 metric tons predicted by the DEIR for 2049 (DEIR Table 3.5-2).

In the early years of the Proposed Project, however, electricity use could constitute a substantial fraction of total GHG emissions (e.g., in DEIR Table 3.5-2, nearly one-third of the GHG emissions in Year 2027 would result from electricity generation). Accordingly, given that the LADWP emission factor in 2027 is higher than the eGRID value for that year, the use of the LADWP factor would result in an increase compared to the amount shown in the Draft EIR (from 6,261 to 7,171 metric tons). That would translate to an insubstantial increase (approximately 4 percent) in the Proposed Project's total GHG emissions. In any case, the Draft EIR's significance conclusion, i.e., that the Proposed Project's GHG emissions would represent a significant impact, would be unchanged. LAHD has revised Table 3.5-2 in the FEIR to incorporate the LADWP 2021 emission factor and apply the NREL projections of future emissions reductions. This approach results in GHG emissions in 2049 of 107 metric tons rather than the zero forecast by LADWP, and thus represents a conservative estimate.

Response to Comment E4SS-12:

The comment states that the Draft EIR fails to adequately disclose TACs from construction and operation of the Project due to discrepancies or inconsistencies with the supporting analysis and due to use of incorrect or unsubstantiated data.

The Draft EIR contains the information, including data, assumptions, and modeling methodology, necessary to calculate TACs for input into the models used in the analysis. Appendix B1 reported the total particulate matter (PM) and volatile organic compounds (VOC) emissions, Appendix B2 reported the dispersion modeling methods and results, and Appendix B3 reported the profiles that were used to speciate (i.e., determine the relative concentrations of the various TAC components) the total PM and/or total VOC/total organic gases (TOG) emissions from all relevant sources (not just the dryer emissions) into individual TAC. The TAC emissions for each source can be calculated using the total PM or total VOC/TOG emissions and appropriate speciation profiles which provide the weight fractions of the individual TACs included in the PM or total VOC/TOG emissions. This calculation followed the standard methodology recommended in the Hot Spots Guidance and was implemented in the Draft EIR HRA databases. The detailed methodology and procedures of this step are not described in the EIR, as it is not LAHD's (or most other lead agencies') practice to provide step-by-step details of the HRA analyses, though they are available upon request. In the HRA analysis, health risks were calculated based on the annual average or 1-hour maximum TAC concentrations using the emissions, source-specific dispersion factors, and matching speciation profiles directly.

Details of the inputs, queries used, and the outputs in the HRA databases were submitted to the SCAQMD on October 13, 2023, and that agency has not indicated that it considers the analyses flawed in any way. The TAC concentrations and risk calculations can be verified either in the Draft EIR HRA databases submitted to the SCAQMD and available on request or outside the Draft EIR HRA databases using the input tables (emissions, dispersion factors, speciation profiles, toxicities, and exposure intake factors, etc.) provided in the databases. Accordingly, the Draft EIR provides adequate information to allow the public to conduct independent analyses.

For more information on how the HRA analyzed potential impacts from TACs, please see Response to Comments CESPNC-3, CFASE-11, and CFASE-12.

Response to Comment E4SS-13:

The comment states there are discrepancies between the diesel particulate matter (DPM)/PM_{10} to $PM_{2.5}$ scaling value used between construction and operational emission values for harbor craft emissions.

The comment is accurate to the extent that the source notes three different ratios. However, the table titled "Correction Factors" on page B1-60 of the Draft EIR confirms that the 92% value sourcing CARB's OFFROAD model was used consistently for the analysis (the statement on p. B1-60 that 89% was used is erroneous, and the FEIR has been revised to correct that error). The OFFROAD model is appropriate for the analysis because it represents more recent guidance than the CARB emissions inventory that the comment cites and is more specific to harbor craft. LAHD notes that the difference between 92% and 95.6% for the harbor craft source is small, relative to total project emissions, as changing the emissions of harbor craft by 3.6 percentage points would result in a negligible change in total emissions and in the severity of the impact and would therefore not change the impact determination.

Similarly, although the comment notes apparent inconsistencies with the harbor craft (HC) inputs, the comment is inaccurately comparing the Draft EIR's values to the Port of Los Angeles 2022 Emissions Inventory (EI). The 2022 EI had not been prepared or released when the Draft EIR was being prepared; therefore, the Draft EIR's values are accurately sourced from the Port of Los Angeles' 2021 EI, as those values were the most up to date data at the time of the analysis. CEQA does not require that an EIR be constantly updated, but instead, it need only rely on the best information available at the time it is prepared.

For more information on the Draft EIR's methodology for analyzing emissions from engines, please refer to Response to Comment SCAQMD-1, SCAQMD-2, and SCAQMD-3.

Response to Comment E4SS-14:

The comment states the mean vehicle weight used in the analysis should consider the weighted average of vehicle weight and distance traveled.

CARB's Entrained Road Travel Methodology Summary from March 2021 indicates the average vehicle fleet weight is based on the vehicle count with no account of the distance traveled per vehicle type. The Draft EIR's analysis did take into account vehicle weight as a weighted average. As stated in Appendix B1 on page B1-56, "Average weight of vehicles traveling on site during construction was estimated by the number of trips on site for the different vehicle classes (LDA, LDT1 and T7) and their weights." The analysis assumed an on-site trip length of 0.1 miles per visit for all vehicle classes. Accordingly,

the method used in the Draft EIR is appropriate and consistent with the guidance in AP-42 (to which the comment cites).

Response to Comment E4SS-15:

The comment contends that there is a discrepancy between the 2021 POLA Emissions Inventory and the Draft EIR's selection of oceangoing vessel (OGV) engine tier under the Proposed Project and the Reduced Project Alternative. In particular, the comment argues that the Draft EIR does not provide evidence to support the claim that OGV engines would be 50% Tier 2 and 50% Tier 3 beyond the informational statement provided by Orcem's vessel fleet operator.

The OGV tier levels used in the Draft EIR calculations were provided by Ecocem and reflect that company's knowledge of the vessel fleet that would deliver GBFS to the Project site in the near future (because the composition of the vessel fleet farther in the future is speculative [see Response to Comment E4SS-1 and E4SS-2], the air quality calculations assume that fleet composition for the life of the project). The POLA 2021 EI values are based on the general bulk carrier fleet, not on the subset of that fleet that would service the Proposed Project. Accordingly, the emissions factors used in the Draft EIR for OGVs serving the Proposed Project are appropriate and no revision of the FEIR is required.

Response to Comment E4SS-16:

The commenter contends that the EIR omits emissions calculations results from numerous emission unit tables, including those from Storage and Loading Silos, Fuel Combustion at the Dryer, from the Grinding Mill, and from Material Handling.

The emissions calculations that the comment refers to (i.e., storage and loading silos on page B1-109, emissions from fuel combustion at the dryer on page B1-110, emissions from the grinding mill on page B1-111, and emissions from material handling of GBFS and gypsum on page B1-112) were presented in the summary table on pages B1-124 to B1-140 and in Section 3.1 of the Draft EIR. Accordingly, the Draft EIR adequately discloses all requisite information which allows for informed public review and decision-making.

Response to Comment E4SS-17:

The commenter contends that the EIR may underreport NOx and CO emissions based on a recent Best Available Control Technology (BACT) determination that was performed for a similar aggregate dryer unit. Based on this determination, the commenter argues that NOx emissions could be 2x higher and CO emissions could be 15x higher for than estimates provided for the dryer in the Draft EIR.

The September 2, 2022, BACT determination cited in the comment was for a granite dryer rated at 135 MMBtu/hr and is from Part B of the SCAQMD BACT Guidelines, which are Lowest Achievable Emission Rate (LAER)/BACT determinations for major sources. Because the Proposed Project would not be a major source, as defined in SCAQMD Rule 1302(s), BACT determinations are appropriately referenced from Part D of the BACT Guidelines for Non-Major Polluting Facilities (i.e., compliance with Rule 1147 and natural gas for sulfur dioxide (SO_x) and PM_{10} [rotary dryer for Rev. 2 2-1-2019]).

Response to Comment E4SS-18:

The commenter contends that the EIR uses inconsistent dryer emissions. In particular, the commenter states the proposed monthly heat input limit of 11,000 MMBtu per month

does not relate to the proposed annual heat input limit of 195,000 MMBtu per year once fully operational in calendar year 2027.

The annual average emissions from the dryer were calculated based on hourly emissions (i.e., the average hourly heat input and emission factor) and the normal operating schedule (i.e., 24 hours per day, 7 days per week, and 45 weeks per year). The daily emissions were calculated as the maximum rated heat input capacity and maximum operating schedule (i.e., 24 hours per day). Therefore, the monthly heat input limit and annual heat input limit on page B1-110 of Appendix B1 were not the basis of the annual and daily emissions on page B1-108. The annual operational energy usage in Table 3.3-4 is equivalent to the energy usage that is basis for the annual average emissions (i.e., the average hourly heat input and the normal operating schedule as presented on page B1-110). Table 3.1-3 presents a maximum natural gas dryer fuel consumption whereas Table 3.3-4 presents the annual average energy from natural gas at the dryer. The daily and annual emissions from the dryer are the same on page B1-108 and B1-134. The values in Table 3.3-4 present the operational assumptions of the Proposed Project and are the basis of the emission calculations and input to dispersion modeling.

Response to Comment E4SS-19:

The comment states that grinding aids, which typically include organic compounds, are used at grinding mills to increase grinding efficiency and reduce energy consumption. Based on this, the commenter argues that the EIR fails to take into account VOC emissions from the Proposed Project's use of grinding aids that would likely be used at the mill, thus resulting in potential underreporting of air quality impacts.

The Draft EIR does not underreport air quality impacts. With respect to VOCs, the Proposed Project would not use grinding aids, such as the VOCs referenced by the commenter. Accordingly, there would be no VOC emissions from those aids, and the Draft EIR does not underreport air quality impacts related to VOC emissions.

Furthermore, the Draft EIR explained that "All dust generated within the mill building (e.g., bucket elevator, air slides, etc.) and the GGBFS material transfer to and from silos (e.g., bucket elevator, air slides, etc.) would be captured by filters. In other words, based on closed loop project design and filter efficiency, there would be no dust emissions from these particular sources that do not go through a filter." (DEIR, p. 3.1-31.) Appendix B1 further explains: "PM_{10} and $PM_{2.5}$ emissions from the electric grinding mill were calculated based on a manufacturer guarantee for the filter specification (i.e., 2.5 mg/Nm3 on dry basis). The average and maximum exhaust flow rate as well as temperature were based on the project design. The PM emissions were assumed to have 100% capture efficiency due to pneumatic conveyance from the mill to the process bag filter." (DEIR, Appx. B1, p. B1-34.)

Response to Comment E4SS-20:

The comment states that the EIR underreports entrained road dust emissions, arguing that there is a discrepancy in the EIR's methodology for estimating entrained road dust construction emissions compared to estimating the entrained road dust operation emissions. In particular, the comment states that the EIR fails to consider the road surface silt loading specific to LA and Orange Counties, fewer rainfall days per year, and heavier average vehicle weights for onsite vehicles traveling the road from the delivery/customer heavy duty trucks, like it did for construction emissions.

The silt loading factor, defined as the mass of silt-sized material per unit area of travel surface (EPA, AP-42, Section 13.2.1), would be expected to differ between different road

types (e.g., onsite versus offsite). The vehicle weight would be expected to differ between construction and operation, since different vehicles would be utilized for these different phases as listed in Appendix B1. The annual rainfall days for onsite operation were referenced from Table 5 of CARB's Miscellaneous Process Methodology 7.9. Entrained Road Travel, Paved Road Dust, which provides the rainfall days for each of the counties in the Los Angeles region. Accordingly, the analysis was appropriate to the conditions of the Proposed Project, and no revision of the FEIR is needed.

The onsite entrained road dust emissions from unpaved roads were based on operational silt loading values with a rationale provided on page B1-116 in Appendix B1 (i.e., the silt loading factor was referenced from AP-42 Table 13.2.2-2 for iron and steel production (mean) since these are the onsite conditions associated with operational onsite unpaved roads). The onsite entrained road dust emissions from paved roads were based on operational silt loading values with rationale provided on pages B1-117 to B1-123 (i.e., the silt loading factor was referenced from Table 3.c.3. of California Air Resources Board Miscellaneous Process Methodology 7.9. Entrained Road Travel, Paved Road Dust published in March 2021 for local road type for California.

The rationale for the selection of the operational vehicle weights was cited on page B1-116 as follows: "Operating weight was based on specifications for CAT 336 in an email received on June 7, 2022. Operating weight includes 90% fuel tank and 165 lb operator, as referenced from Technical Specifications for 336 Hydraulic Excavator from the Caterpillar website." On pages B1-117 and B1-119, the rationale for the selection of the operational vehicle weights was cited as follows: "Operating weight was based on specifications for CAT 972M in an email received on June 7, 2022. Operating weight includes tires, full fluids, operator, standard counterweight, ride control, cold start, fenders, axles, power train guard, secondary steering, sound suppression and 4.8 m3 bucket, as referenced from Technical Specifications for 336 Hydraulic Excavator from the Caterpillar website." The rationale for the selection of the operational vehicle weights was cited on page B1-121 as follows: "Vehicle weight was assumed to be equal to Toyota 80V electric pneumatic forklift with up to 17,500 lb. capacity. The weight of the forklift was assumed to be 20,000 lbs. The weight accounts for travel with load and no load." The rationale for the selection of the operational vehicle weights was cited on pages B1-122 and B1-123 as follows: "Based on Ecocem correspondence received February 28, 2022, with load."

Response to Comment E4SS-21:

The comment contends that the EIR underreports emissions from the Proposed Project's stockpiles, as based on the criteria and methodology relied on from USEPA's AP-42, Chapter 13.2.5.

USEPA AP-42 Chapter 13.2.5 provides the most appropriate basis for the calculation of stockpile emissions for the Proposed Project. While the median grain size of GBFS is less than 1 centimeter (DEIR, p. 2-9), the use of AP-42 Chapter 13.2.5 takes into account that GBFS forms a crust that is not easily disturbed (i.e., "nonerodable") and that the stockpile would have a high water content due to frequent watering. These features would substantially limit particulate matter emissions from wind erosion, making the surface act more like gravel than sand. The additions/removals would be intermittent (not continuous) because the stockpile formation and removal processes would not occur 24 hours per day, 7 days per week, 52 weeks per year, but would instead fluctuate with vessel arrivals and mill activity levels (DEIR Section 2.5.3.5).

The emissions from the formation of the stockpiles and removals from the stockpile were provided in the material handling calculations. Material handling daily and annual emissions were provided in the "Material handling" rows on page B1-108 of Appendix B1 and the associated calculations were presented on pages B1-112 to B1-113. The stockpile wind erosion emissions were provided on page B1-108 in the "GBFS Storage Pile" and "Gypsum Storage Pile" rows, with the associated calculations on pages B1-114 and B1-115.

Erosion potential was calculated using USEPA's AP-42, Chapter 13.2.5. Equation 3 for a dry, exposed surface with limited erosion potential. Erosion potential is equal to zero when the friction velocity is less than or equal to threshold friction velocity. The friction velocity is greater than the threshold friction velocity two days per month. Friction velocity was calculated using USEPA's AP-42, Chapter 13.2.5. Equation 4 for a large, relatively flat pile or exposed area with little penetration into the surface wind layer and a height-to-base ratio less than or equal to 0.2. The emission factor was calculated using USEPA's AP-42, Chapter 13.2.5. Equation 2 for each disturbance period for wind-generated particulate emissions. The stockpiles would be frequently watered and enclosed on three sides to control emissions.

In AP-42, on page 13.2.5-2, the emission factor is stated to be calculated on an annual basis in units of measure of grams per square meter per year based on the particle size multiplier multiplied by the sum of the erosion potential corresponding to the observed or probable fastest mile of wind for the period between disturbances. On pages B1-114 to B1-115 of DEIR Appendix B1, the daily emissions were based on the maximum daily emission factor and the annual emissions were calculated as the average hourly emissions multiplied by the annual operation schedule. The annual emissions are greater than the maximum daily controlled emissions (i.e., 0.09 lbs PM_{10} per day for GBFS multiplied by 7 days per week and 52 weeks per year equals 33 lbs PM_{10} per year for GBFS; i.e., 0.004 lbs PM_{10} per day for gypsum multiplied by 7 days per week and 52 weeks per year equals 1.31 lbs PM_{10} per year for gypsum). This approach would be a continuous disturbance (i.e., daily; for a surface disturbed daily, N = 365 per year). Therefore, the annual emissions were conservatively calculated. These calculations are for the wind erosion of stockpiles (i.e., Ap-42 13.2.5 Industrial Wind Erosion on DEIR pages B1-114 to B1-115). The calculations for the material handling are presented on DEIR pages B1-112 to B1-113.

Accordingly, the stockpile emissions calculations are consistent with regulatory guidance and are not underreported, and no revision of the EIR is necessary.

Response to Comment E4SS-22:

The comment notes that the EIR underreports front end loader and excavator emissions. The commenter also states that the EIR fails to provide calculations demonstrating that the identified amount of fuel is sufficient for the hours needed to work.

The activity values provided in the Draft EIR are consistent and appropriate given that, during Project operations, only two off-road vehicles would be operating, one of them only 4 hours per day. These operational details were provided by the Project proponent and are presented in Section 6.1 of Appendix B1 of the Draft EIR; fuel consumption was calculated using engine data from the OFFROAD2021 EI model output by vehicle category and model year and by factoring in the vehicle activity levels. Briefly, gallons/hour were calculated using the fuel consumption and horsepower hours from OFFROAD2021 EI model output by vehicle category, model year, calendar, year, and

region. Those factors, paired with the low annual use of the equipment, account for the small fuel consumption value.

Response to Comment E4SS-23:

The commenter summarizes Appendix B2 of the Draft EIR, which contains the air dispersion modeling analysis of specific criteria pollutants associated with the Proposed Project and Alternatives. Based on the provided summary, the commenter identifies a list of "notable assumptions or conclusions in the EIR that are deficient."

Individual responses to each list item identified by the commenter are provided below:

i. The comment contends that the EIR fails to justify the harbor craft emission assumptions in Draft EIR Appendix B2 of 10% of time on site and 90% off site.

The comment is correct that the assumptions in Appendix B2 may underestimate harbor craft on-site activity. However, those assumptions are only relevant to the Localized Significance Threshold (LST) screening analysis, which is performed to determine whether modeling is necessary for dispersion analysis. That screening analysis showed that modeling was necessary because emissions of NO_x and PM exceeded the thresholds (DEIR Appendix B2 Table B2-1). Use of more conservative assumptions (i.e., a higher percentage of activity on site) would not have changed any of the conclusions of the screening analysis.

For calculating emissions of criteria pollutants and TACs, the Draft EIR's assumptions regarding operational-phase harbor craft (i.e., tugboat) activity are consistent with LAHD practice in CEQA documents and are presented in Draft EIR Appendix B1 (Section 5.2 and pp B-104-B-106). The emissions calculations include the harbor craft activity involved both in vessel assist and in deploying and retrieving the Yokohama fenders during each OGV visit. The assumptions for vessel assist are that each tugboat would spend 30 minutes at berth (i.e., onsite) per vessel call (15 minutes during OGV arrival and 15 minutes during departure). As the total transit time between the berth and the seaward rendezvous point is typically well over an hour, the time at berth (i.e., on site) is approximately 15% of the total activity. For the activity involving Yokohama fenders, the analysis assumed 67% of the time on site. Accordingly, the emissions calculations used for criteria pollutant evaluation and for the HRA assume substantially more than 10% of harbor craft activity would occur on site and are reasonable. The comment provides no evidence to the contrary; accordingly, no revision of the FEIR is necessary.

ii. The comment suggests that the EIR fails to address federal national ambient air quality standards (NAAQS).

In accordance with CEQA requirements, the Draft EIR assessed air quality impacts of the Proposed Project and alternatives. The State CEQA Guidelines Section 15064.7 states that the public agency may develop and establish thresholds of significance to be used in determining whether the environmental (e.g., air quality) impacts are significant. The Project site is located within the South Coast Air Basin under the jurisdiction of the SCAQMD. That agency has published air quality significance thresholds, including localized significance thresholds (LSTs) and ambient air quality standards for criteria pollutants (https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=250). The Draft EIR follows the methodologies discussed in the SCAQMD's CEQA air quality handbook and

other relevant CEQA guidelines (https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook). While the SCAQMD significance thresholds for PM_{10} and $PM_{2.5}$ concentrations are not directly equivalent to federal NAAQS standards, SCAQMD derived those thresholds based on the allowable change in a project-related concentration not to exceed the SCAQMD's regulatory concentration thresholds from its Rule 403 for and Rule 1301 for construction and operational activities, respectively.. As detailed in the Draft EIR (Section 3.1.5), the air quality analyses calculated the ambient air quality impacts of the Proposed Project and alternatives against the relevant SCAQMD air quality significance thresholds. Those impacts are presented in Section 3.1.5 of the Draft EIR.

iii. The comment argues that the EIR failed to analyze light duty vehicle impacts.

As stated in Section 3.1.5 of the Draft EIR, emissions from worker light-duty gasoline vehicles associated with the Proposed Project and alternatives account for 0.26% percent of the total emissions. The major contributors to the PM_{10} and $PM_{2.5}$ impacts at the maximum impact locations near the Project site are onsite fugitive dust emissions from material handling and transfer. Given that the PM impacts are significant as disclosed in the Draft EIR, inclusion of the emissions from the worker light-duty gasoline vehicles would not affect the significance determination, and the minor contribution of those emissions would not substantially change the severity of the impact.

iv. The comment states that the EIR inaccurately identifies haul road emissions.

While the USEPA Haul Road Workgroup Memorandum published in 2011 recommends that volume source configurations be based on the comparison of the modeling results and monitoring data, it also recognizes that the study was limited and did not preclude use of area source configuration. USEPA's PM Hotspot Guidance (Transportation Conformity Guidance for Quantitative Hot-spot Analyses in $PM_{2.5}$ and PM_{10} Nonattainment and Maintenance Areas, https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1013C6A.pdf) published in 2021 recommends line-area sources for modeling roadway sources. One of the disadvantages of using volume sources is that concentrations are not calculated in AERMOD when receptors are within the receptor exclusion zone. LAHD notes, therefore, that both line-area sources and volume sources are acceptable source configurations to be used for air dispersion models such as AERMOD and should be considered based on project-specific considerations. Given that the ambient air receptors (e.g., workers at the adjacent facility) are close to the roadway sources, the Draft EIR appropriately employed the line-area source configuration for the air quality analyses.

v. The comment asserts that the EIR contains discrepancies in parameters for modeled sources.

The exhaust temperatures for the dryer (326.6 Kelvin [K]) and for the baghouse point sources (373.15 K) were obtained from Ecocem based on the design parameters at the time the Draft EIR was prepared. The exhaust temperature for the dryer is based on the average operating condition and the exhaust temperature for the baghouse point sources is based on the maximum temperature for the products. As these sources are not the largest contributors to the PM_{10} and $PM_{2.5}$ mass emissions (OGV emissions account for the majority of the Proposed Project

emissions [DEIR, Table 3.1-11]), additional refinements would not appreciably alter the results. As for the release height for the transport to silos, the ground level (i.e., 0 meter) release height was supplied by Ecocem and was used for modeling the air quality impacts to be conservative.

vi. The comment contends that the EIR fails to include data supporting the release height associated with plume rise.

The release heights for volume sources representing the emissions from OGVs during maneuvering and transiting were adjusted to account for the plume rise due to AERMOD's limitation. To reasonably represent the release heights for OGVs, this Draft EIR used common scaling factors that were developed based on the engineering judgement of LAHD staff and LAHD's consultants, consistent with past Port EIRs.

Additionally, as shown in the Draft EIR (Section 3.1.5.1 Impact AQ-4), the maximum air quality impacts were located near the Project site and the major contributors to the maximum air quality impacts are onsite sources close to the receptors. The contribution from the transiting and maneuvering OGVs is relatively small. For this reason, the release height of OGVs is very unlikely to change the modeling results in a way that would change the significance determination.

vii. The comment argues that the EIR fails to use current meteorological data.

As stated in the Draft EIR (Section 3.1.4.3), the meteorological data collected at Wilmington Community Station located at Saints Peter and Paul School were used for dispersion modeling. These data were considered the most representative for the Project site in accordance with the Bay-Wide Sphere of Influence analysis. The purpose of the Sphere of Influence analysis was to fully characterize the varying conditions found in different areas of the Ports' operations. The study evaluated over fifteen meteorological stations located within a 20-kilometer radius of the Ports and investigated several selection criteria, including the influence of geographic features on prevailing wind patterns to determine representativeness of the surface meteorological stations. Based on the results of that analysis, the Wilmington Community Station was recommended for projects in the inner harbor area for CEQA purposes; the same station has been used for other Port projects in the same area in past EIRs. Data from 2012 through 2016 are the most recent five years obtained from the POLA.

viii. The comment notes that there is a discrepancy in the temporal distributions in Appendix B2, Table B2-4.

The assumptions used in the air quality analysis were based on the reasonably foreseeable project information available at the time the Draft EIR was prepared. While the overall schedule for the facility's operation is 24 hours per day and 7 days per week, a specific temporal distribution was available for the trucks based on detailed truck traffic information provided by Orcem. That temporal distribution was applied in the modeling to adequately disclose the air quality impacts associated with the Proposed Project and alternatives.

ix. The comment states that the analysis fails to review ambient background concentration representativeness against EPA guidance and fails to analyze for PM_{10} and $PM_{2.5}$ concentrations for comparison with federal NAAQS.

Please refer to responses to comments E4SS-23.ii and BE4SS-23.vii above for an explanation of the Draft EIR's analysis of PM_{10} and $PM_{2.5}$ concentrations and comparison with federal NAAQS requirements. The Wilmington station includes monitoring of gaseous criteria pollutants, particulates, and meteorological parameters. Based on the Sphere of Influence analysis, the Wilmington station was selected to be representative of both meteorological and ambient air quality conditions within the Port. Per the direction from the SCAQMD, the Port's ambient monitoring data are assumed to include contributions from background sources.

Response to Comment E4SS-24:

The comment states that the EIR fails to justify the use of an 18-year-old personal communication for not using off-site driving emissions in the HRA.

The SCAQMD's Final Localized Significant Threshold (LST) Methodology document (SCAQMD 2008) states that, "Off-site mobile emissions from the project should not be included in the emissions compared to the LSTs…" (see Chapter 1 – Introduction, Basic Approach, page 1-4). Accordingly, that published reference, which has not been superseded by subsequent guidance, could be substituted for the 18-year-old personal communication to cite for excluding the off-site driving emissions. The exclusion of off-site mobile emissions is the reason why they are not included in the health risk assessment. The FEIR has been revised to cite SCAQMD (2008) instead of a personal communication.

Response to Comment E4SS-25:

The comment contends that the EIR's HRA fails to analyze fugitive dust from construction of the Proposed Project.

The comment is correct that the Draft EIR excluded fugitive dust from the HRA as not constituting a TAC. The exclusion is standard practice in LAHD's EIRs and is based on the LAHD's protocol for conducting project-level HRAs. That protocol was developed in consultation with SCAQMD, which directed that fugitive PM emissions from road dust, wind erosion, and earth-moving activities need only be evaluated as criteria pollutants (i.e., PM_{10}/$PM_{2.5}$), not as TACs in the HRA. Following this direction, the fugitive dust emissions from these construction sources for the site have been evaluated as criteria pollutants, but not in the HRA. For further discussion on the methodology of the HRA and how it calculated potential emissions impacts to human health, please see Responses to Comments CESPNC-3, CFASE-11, and CFASE-12.

Response to Comment E4SS-26:

The comment contends that the EIR's HRA fails to analyze TACs from construction and operation of the Proposed Project.

Please see the Response to Comment E4SS-11, which explains that the TAC emissions can be verified either using the total PM/VOC emissions (provided in Appendix B-1) with the appropriate speciation profiles assigned for each emissions source group and pollutant (see Table B3-1) or using the HRA databases that were submitted to SCAQMD in electronic format. To facilitate the review, the source group ID information has been added to the existing speciation table in Appendix B3 (see the last row in the updated Table B3-1) to summarize the speciation profiles assigned for each source group.

Regarding the exclusion of worker vehicles from the modeling, the Ground Transportation section (DEIR, Section 3.8) provides more detail on the worker vehicles. In the first three years of operations, worker vehicle contributions to annual total organic gas (TOG) emissions would peak at 0.53% of the total TOG, and most of those emissions would not occur close to the Project site, where the maximum impact would occur (because of OGV emissions). Furthermore, vehicle emission would be expected to decline over time due to turnover and modernization of the fleet per California regulations, and thus would continue to constitute a de minimis source. In addition, worker vehicle emissions are typically from gasoline, meaning they do not contribute to diesel PM, the main driver (> 90%) for the Project's health risk. Therefore, the contribution of worker vehicle emissions towards TACs and health risk when modeled would be minor and would neither substantially change the severity of the Proposed Project's impacts nor alter the EIR's impact determination. Accordingly, no revision of the FEIR is required.

For further discussion on the methodology of the HRA and how it calculated potential emissions impacts to human health, please see Responses to Comments CESPNC-3, CFASE-11, and CFASE-12.

Response to Comment E4SS-27:

The comment contends the EIR uses the incorrect toxic emissions profile for the dryer.

As explained in Response to Comment E4SS-11, the TAC concentrations calculated in the Draft EIR were estimated using total PM or total VOC emissions with best-matching speciation profiles from the CARB's speciation database and the source-specific dispersion factors. Speciation profile 719 (natural gas internal combustion engines) was used in the Draft EIR analysis as the best match available for natural gas dryers in the CARB speciation database. The analysis did not use the dryer emission factors suggested in the comment because they do not fit into the overall methodology used in the emission speciation (i.e., using the total PM_{10} or TOG emissions and the weight fraction by chemical provided in CARB's speciation database to estimate the chemical-specific emissions) and risk calculations for the Draft EIR.

Nonetheless, the total VOC emissions for the dryers estimated in the Draft EIR and their TAC emissions using speciation profile 719 were compared to the TAC emissions calculated using the emission factors recommended in the comment (i.e., in Table B-1: Default EF for Natural Gas Combustion (Lb/MMscf) for External Combustion Equipment (Boiler, Oven, Dryer, Furnace, Heater, Afterburner) from Appendix B of SCAQMD's AB 2588 Quadrennial Air Toxics Emissions Inventory Reporting Procedures. That comparison showed that the speciated annual average emissions for the most toxic carcinogenic VOCs with the highest emissions among all species (i.e., benzene and formaldehyde) estimated using profile 719 in the Draft EIR are substantially higher than those estimated using the EFs recommended in this comment. Therefore, the methodology used in the Draft EIR yielded more conservative estimates of the TAC emissions and health risks for the dryers, and no revision of the FEIR is required.

Response to Comment E4SS-28:

The comment states that there is a discrepancy concerning the heavy metals in GBFS and gypsum and the TACs analyzed in the EIR.

The comment is correct that Draft EIR Table 2-2 and Draft EIR Appendix B3 listed different heavy metals as being present in GBFS and gypsum. However, the comment's statement that Table 2-2 listed antimony, arsenic, barium, beryllium, cadmium,

chromium, cobalt, copper, lead, mercury, nickel, selenium, thallium, and vanadium as present in GBFS and gypsum is incorrect. Table 2-2 shows that arsenic, cadmium, cobalt, copper, lead, mercury, nickel, and thallium were not detected in the sample of Orcem's GBFS or in gypsum. The remaining elements were found in GBFS at concentrations far below the regulatory limits, and only barium and selenium were detected in gypsum.

The comment's statement, "Due to the nature of its production as a byproduct of iron and steel production, other metals such as zinc and aluminum are also expected to be present in blast furnace slag" is incorrect because GBFS is not a by-product of steel making (see Response to Comment E4SS-7).

The Draft EIR's HRA evaluated the toxic chemicals identified in the SDS and laboratory analysis for GBFS and gypsum. The calculated health risks for the offsite workers, residents, and other sensitive receptors due to exposure to fugitive dust from GBFS would be very low (i.e., negligible noncancer health effects only, and no contribution to cancer risk because GBFS and gypsum do not contain carcinogens; DEIR, Appendix B-3, Section 2.3 TAC Speciation, Table B3-2).

After the release of the Draft EIR and in response to the comment, LAHD conducted a sensitivity analysis of the HRA based on more recent laboratory analyses, provided by Orcem of the composition of GBFS, gypsum, and the GGBFS product. Those analyses indicated that in addition to the elements considered in the Draft EIR's HRA, the GBFS contained beryllium, chromium (as Cr^{+3}), fluoride, and vanadium. The sensitivity analysis used the updated speciation information shown in Table A of this response to comment. As shown in Table B of this response, the sensitivity analysis found negligible changes in the health risk results for exposure to fugitive dust from the GGBFS product. In particular, the analysis showed no change in cancer risk (because the materials do not contain carcinogens), marginal decreases in chronic hazard indices, and marginal increases in acute hazard indices. Because these tables do not present significant new information requiring further analysis and the conclusions of the Draft EIR with regard to health risks remain unchanged, no further revision or recirculation of the FEIR is required.

Table A. Comparison of TAC Speciation Used in the Draft EIR HRA and TAC Speciation Based on Updated Analytical Data

Toxic Air Contaminant	HARP TAC ID	Weight Fraction of Fugitive PM_{10} Used in HRA			Weight Fraction of Fugitive PM_{10} based on 2013 AWN Laboratory Results		
		Profile GBFS	Profile Gypsum	Profile GGBFS [a]	Profile GBFS	Profile Gypsum	Profile GGBFS [a]
Beryllium	7440417	0	0	0	0.0000069	0	0.0000066
Chlorine	7782505	0.0001	0.0000013	0.000096	0	0	0
Total Chromium	7440473	0	0	0	0.000017	0	0.000016
Fluoride	1101	0	0	0	0.000003	0	0.0000029
Manganese	7439965	0.002	0.00001	0.00192	0.0012	0.00001	0.0012
Selenium	7782492	0.006	0.0000013	0.00576	0.0000026	0.0000013	0.0000025
Silica quartz	14808607	0.0001	0.0000013	0.000096	0	0	0
Total Sulfate as S	9960	0	0.015	0.00636	0.000052	0.015	0.00065
Vanadium	1314621	0	0	0	0.000029	0	0.000028

Notes:

[a] The GGBFS product has a composition of 96% GBFS and 4% gypsum. The speciation for the mixture is used for speciating the fugitive dust emissions for GGBFS.

[b] The TACs listed in this Table were the detected constituents in the laboratory analysis for GBFS or gypsum materials.

Table B. Comparison of the Draft EIR HRA Results and the Results of the Sensitivity Analysis

Health Impact [a]	Receptor Type	Proposed Project – Draft EIR	Proposed Project - Sensitivity Analysis	Significance Threshold	Threshold Exceeded? [b]
Individual Cancer Risk	Residential	1.2×10^{-6} 1.2 in 1 million	1.2×10^{-6} 1.2 in 1 million	10×10^{-6} 10 in 1 million	No
	Sensitive	8.8×10^{-6} 8.8 in 1 million	8.8×10^{-6} 8.8 in 1 million		No
	Occupational	5.2×10^{-6} 5.2 in 1 million	5.2×10^{-6} 5.2 in 1 million		No
Chronic Hazard Index	Residential	0.0068	0.0056	1	No
	Sensitive	0.10	0.082		No
	Occupational	0.23	0.23		No
Acute Hazard Index	Residential	0.0034	0.0035	1	No
	Sensitive	0.019	0.026		No
	Occupational	0.17	0.17		No

Notes:

[a] The maximum health values shown in the table may not occur at the same receptor location. Each positive result shown in the table for cancer risk, chronic hazard index, and acute hazard index represents the receptor location with the maximum modeled health value. The health values at all other modeled receptors would be less than the values in the table.

[b] Exceedances of the thresholds are indicated in bold.

Response to Comment E4SS-29:

The comment observes that it is unclear whether the HRA analyzed operational emissions of paved and unpaved fugitive road dust.

The operational emissions from paved and unpaved road dust were included in the HRA. The speciation profiles presented in the SDS for GBFS and the laboratory analysis results for gypsum were used to identify and quantify the TACs to evaluate the onsite operational road dust emissions. The details of the speciation profiles for GBFS, gypsum, and the mixture (i.e., GGBFS) are provided in Table B3-2 in the Draft EIR. The offsite road dust emissions were not included in the HRA because they would not be composed of GBFS/gypsum (see additional discussions regarding the offsite road dust emissions in Response to Comment E4SS-25).

Response to Comment E4SS-30:

The comment argues that the HRA's disclosed health risk of 8.8 in 10 million is inaccurate.

As explained in Responses to Comments E4SS-23 through 28, above, and as more fully detailed in Responses to Comments CESPNC-3, CFASE-11, and CFASE-12, the method used in the HRA analysis is consistent with the recommendations of SCAQMD and CARB. In addition, as noted in Appendix B3, the non-residential sensitive receptors were conservatively evaluated using the default residential exposure assumptions assuming 30

years of continuous exposure, except for the two nearest non-residential sensitive receptors to the Project site – Banning's Landing Community Center and the University of Southern California (USC) Boathouse – where the health risks were evaluated based on facility-specific high-end exposure assumptions (see details in Section 4.2 in Appendix B3). This approach of assuming 30 years of continuous exposure is conservative and overestimates cancer risk for non-residential sensitive receptors.

Response to Comment E4SS-31:

The comment states that the HRA's reference exposure levels are not accurate.

The chronic and acute reference exposure levels (RELs) in Table B3-4 in the Appendix B3 text were typographical errors. The correct toxicity values for toluene were used in the HRA analysis in the risk calculation databases (provided to AQMD on October 12 2023). The revised Table B3-4 is included in the FEIR.

Response to Comment E4SS-32:

The comment argues that the EIR fails to analyze water demand or use.

The Proposed Project's water demand was addressed in the IS/NOP, a copy of which is included in Appendix A to the Draft EIR (DEIR, Appendix A, p. 65). As stated in that analysis, LADWP has indicated that it has sufficient capacity to meet the future needs of its service area, including the Project site. The IS/NOP explains that construction of the Project could result in a slight, but temporary increase in water demand as a result of worker consumption and dust control, but this would be temporary and negligible. Once in operation, the Project would increase demand for potable water use by virtue of the site's employees and some processed water used for cooling purposes, but not to an extent that would require LADWP to develop new water or supply facilities or expand existing facilities. Accordingly, the IS/NOP concluded that existing water supplies are available to serve the Proposed Project, therefore there would be no impact to water demand, and the issue of water supply and demand did not need to be considered further in the EIR. As the comment does not present any evidence to the contrary, no further response is necessary.

Response to Comment E4SS-33:

The comment contends the EIR fails to properly evaluate traffic impacts from increases in geometric hazards, based upon §2.4.2 of the City of Los Angeles Transportation Assessment Guideline (TAG) d in The TAG states "... if the answer is 'yes' to all of the following questions, further analysis will be required to assess whether the project would result in impacts due to queuing from a freeway off-ramp that could lead to unsafe differential travel speeds:

- Does the land use project involve a discretionary action that would be under review by the Department of City Planning?
    - o No. This Project does not require Department of City Planning review/approval.
- Would the land use project generate a net increase of 250 or more daily vehicle trips?
    - o Yes. This Project may generate a net increase of 250 or more daily vehicle trips.
- Would the land use project add 25 or more trips to any off ramp in either the morning or afternoon peak hour?
    - o No. This Project would not generate 25 or more off-ramp trips (see below).

Although only one of the three questions above was answered "yes", an assessment of geometric design hazards and roadway (including freeway ramps) traffic operations has been prepared by LAHD licensed traffic engineers. The Proposed Project would generate an estimated 263 one-way truck trips (inbound and outbound combined) per day under its maximum production, and not 563 as cited by the commenter. Thus, the project would generate a maximum of only about 32 trips (16 inbound/16 outbound) per hour. However, it is expected that most of the trucks would occur between 8 am and 4 pm, to avoid commute peak-hour traffic on adjacent freeways. Those peak-hour trips would arrive/depart via I-710 and I-110, given the locations of prospective concrete batch plants throughout the region. The expected routes and distribution to the I-110 and I-710 means that the number of truck trips added to adjacent roadways by the Proposed Project would be insubstantial, and less than the threshold of 25 peak-hour trips contained in the TAG. That number of trips would not affect traffic operating conditions on the adjacent roadway system, including the State Highway System (and its interchanges). For example, using data provided by Caltrans that is produced using the LAHD transportation model (DEIR, Section 3.8.6, p. 3.8-14), the south I-110 off-ramp at Harry Bridges Boulevard/Figueroa Street/Gibson Boulevard would not experience queues extending upstream on to the freeway under year 2023 or Year 2027 conditions. The same applies to the I-710 southbound off-ramp at Anaheim Street that would serve inbound traffic, where the off-ramp extends 430 feet to its signalized terminus, which has its own dedicated signal phase. Because of the traffic routing once the LAHD Berth 200 Roadway is completed (DEIR, Section 3.8.6, p. 3.8-17), there would not be any outbound project traffic using the on-ramp at the Harry Bridges Bl/I-110 interchange. Hence, there would be no freeway on/off-ramp impacts.

In addition, the informational LOS analyses summarized in Table 3.8-3 of the Draft EIR indicates that all of the adjacent intersections currently operate at an acceptable Level of Service (LOS) D or better except for Alameda Street/Anaheim Street during the afternoon peak hour. Moreover, with the City of Los Angeles, Bureau of Engineering's improvement project that is expected to start construction in late 2024, that particular intersection is projected to operate at an excellent level of service (LOS) A under morning and midday periods.

With regard to general geometric hazards, the Proposed Project's driveway would be designed to safely accommodate trucks (sight distances and turn radii). Moreover, all intersections in the vicinity of the Project site currently have adequate turning radii.

Response to Comment E4SS-34:

The comment contends that the EIR's analysis of cumulative impacts is defective because it fails to provide meaningful analyses of the Project's impacts on numerous resources, including air quality, marine biological resources, and noise and vibration.

The Draft EIR includes considerations of cumulative impacts related to the resource areas analyzed in the Draft EIR, namely: Air Quality, Biology, Energy, Geology and Soils, Greenhouse Gases, Land Use and Planning, Noise, Ground Transportation, and Tribal Cultural Resources (DEIR, Chapter 4). The comment that the Draft EIR does not find that the Proposed Project would have cumulative impacts on any resource is incorrect.

In particular, with respect to air quality, the Draft EIR identifies considerable contributions to significant cumulative impacts related to operational emissions, both in terms of exceedances of SCAQMD emission thresholds and exceedances of ambient concentrations, and to health risk (DEIR, Section 4.2.1). This determination was made even though the Proposed Project's project-level impacts would be less than significant.

The comment's example, taken from the Proposed Project's construction impact analysis, does not acknowledge the Draft EIR's citation to SCAQMD guidance, which states that projects that do not exceed project-level thresholds are generally not considered to be cumulatively considerable (DEIR, p. 4-14). Given that guidance, the Draft EIR's determination of a significant cumulative impact related to health risks is conservative, as the project-level impact would be less than significant.

With respect to impacts to biological resources, the comment makes two points. The first point is related to habitat loss and appears to disagree with the Draft EIR's determination that because marine biological resources in the harbor appear to be flourishing, a significant cumulative impact to special status species does not exist. The comment states that the Draft EIR provides no support for that determination, but the Draft EIR's cumulative analysis specifically references the description of biological studies in the Biological Resources section (DEIR, Section 3.2.2) that support that determination (DEIR, p. 4-22).

The second point relates to the Draft EIR's statement (p. 4-24) that a substantial increase in vessel traffic is not expected, which is one of the bases for the Draft EIR's determination that there is not a significant cumulative impact on marine mammals due to increases in underwater noise from vessel traffic (the Draft EIR does identify a significant cumulative impact to marine mammals from vessel strikes, however). The comment is correct that the Draft EIR does not provide quantitative data on vessel traffic trends in Los Angeles Harbor to support its statement that vessel numbers are expected to decline in the future. Accordingly, the FEIR has been revised to provide a summary of vessel call data over the past 25 years, which shows that annual vessel calls have declined steadily during that period despite substantially increased cargo volumes.

With respect to impacts related to unstable soils, the comment is correct that the Draft EIR did not present a threshold distance to apply to the significance determination. This is because LAHD is unaware of any such threshold, and instead, using its professional and technical judgment, decided to use the best available information and methodology to guide its analysis. The comment does not offer a threshold that would contradict that determination. In any case, the Draft EIR's determination was also based on the ground stabilization elements described in the Geology and Soils section (DEIR, Section 3.4.4.3, p. 3.4-7), which would "substantially reduce the risk of lateral spreading, subsidence, liquefaction and collapse." Accordingly, the Draft EIR presents substantial evidence to support its determination with respect to cumulative impacts.

Finally, the FEIR has been revised to include a consideration of cumulative impacts for resource areas that were not included in the Draft EIR because the IS/NOP concluded that impacts would be less than significant.

FuturePorts

Comment Letter

See Section 2.3.

Responses

Response to Comment FUT-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior

to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Harbor Association of Industry and Commerce

Comment Letter

See Section 2.3.

Responses

Response to Comment HAIC-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

International Brotherhood of Electrical Workers Local 11

Comment Letter

See Section 2.3.

Responses

Response to Comment IBEW-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

KONVEIO

Comment Letter

See Section 2.3.

Responses

Response to Comment Konveio-1:

The comment offers the LAHD a system for tagging comments.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Los Angeles Maritime Institute/Children's Maritime Institute

Comment Letter

See Section 2.3.

Responses

Response to Comment LAMI-1:

The comment asks that consideration be given to allowing the existing wooden boat facility to remain on the Project site or be relocated elsewhere in the Port Complex.

Thank you for your comment on the Draft EIR. Marine Preservation Trust (MPT) is not a tenant of the Harbor Department at Berth 193. Rolland Wayne Ettel, doing business as (dba) Boatswayne Ettel, is the tenant of the Harbor Department premises at Berth 193 under Revocable Permit 14-10. Please see Response to Comment ASM-1 for more information.

The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Los Angeles Unified School District (LAUSD)

Comment Letter

See Section 2.3.

Responses

Response to Comment LAUSD-1:

Thank you for your comments on the Draft EIR. The comment contends that the Draft EIR's air pollution analysis should include LAUSD students and school staff as sensitive receptors and asserts that the Draft EIR must evaluate whether the Project's potential air quality impacts would conflict with or obstruct implementation of the Wilmington, Carson, West Long Beach Community Emissions Reduction Plan (CERP).

Thank you for your comments on the Draft EIR. The Draft EIR analyzes the Proposed Project's consistency with the Community Emissions Reduction Program (CERP) for Wilmington, Carson, and West Long Beach. The assessment (DEIR, p. 3.1-44) summarizes the air quality priorities of the CERP, explains their applicability under Chapter 5c to the Proposed Project's activities, and concludes that the Proposed Project is consistent with the applicable provisions of the CERP.

Modeling for the Draft EIR's air quality analysis (AERMOD) also relied on meteorological data (e.g., background concentrations for NO_2) collected at the Wilmington Community Station, which is located at the Saints Peter and Paul School approximately 1.2 miles northwest of the Proposed Project site. With respect to the sensitive receptors, the Draft EIR's analysis included consideration of potential air quality impacts to nearby receptors, based on: a 50 by 50-meter (m) grid up to 500 meters from the facility fence line; a 100x100 meter grid from 500m–1km from the fence line; a 250x250m grid from 1–5km from the fence line; and a 500x500m grid from 5–10km from the fence line (DEIR, p. 3.1-10 [Fig. 3.1-1]; DEIR, Appendix. B2, pp. B2-13–B2-15 [Figs. B2-5, B2-6, B2-7]). In addition to gridded receptors, previously identified sensitive

receptors near the Berths 191-194 facility were also incorporated, and included residential communities, schools, child-care centers, hospitals, recreational facilities, parks, and elder care facilities (DEIR, p. 3.1-8; DEIR, Appendix. B2, p. B2-13); accordingly, students were considered as sensitive receptors.

As explained more fully in the Responses to Comments CESPNC-3 and CFASE-12, the Draft EIR and its HRA relied on CEQA's significance threshold for cancer risks, and found that the maximum cancer risk from the Proposed Project is predicted to be less than the 10-in-1 million significance threshold for all evaluated populations, including occupation, residential, and non-residential sensitive receptors such as schools and child-care centers (DEIR, p. 3.1-39). Please see Responses to Comments CESPNC-3 and CFASE-12 for a more detailed explanation of these conclusions.

Response to Comment LAUSD-2:

The comment contends that the Proposed Project has the potential to transport hazardous materials during construction and operation. The comment recommends adding language that addresses these potential impacts.

As more fully explained in the Initial Study/Notice of Preparation (IS/NOP; DEIR, Appendix A [IS/NOP], Section 6.9, pp. 43–44), construction activities associated with the Proposed Project were found not likely to involve the use of substantial quantities of hazardous materials. Nevertheless, the storage and use of those materials would be required to comply with state and federal regulations, as well as the State's General Permit for Storm Water Discharges Associated with Construction Activity, and a Project-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP requirements could include, but are not limited to: controls for vehicle and equipment fueling and maintenance; material delivery, storage and use; spill prevention and control; and solid and hazardous waste management. Implementing these standards would minimize the potential for an accidental release of petroleum products or hazardous materials during construction activities.

The IS/NOP also determined that hazardous materials may be used or transported at the Project site during operation and would include small amounts of refined petroleum products and chemicals used in on-site equipment and facility maintenance activities. The facility, however, would not handle radioactive or unstable materials, and only nominal quantities of corrosive or oxidizing materials. As such, the Project would not create a significant hazard to the public through the routine use, transport, or disposal of hazardous substances. Nor would the Project emit hazardous emissions or handle hazardous materials within 0.25 miles of an existing or proposed school (DEIR, Appendix A, p. 45).

Finally, all construction and operational truck activity at the Project site would be required to follow Caltrans-designated and Port-assigned truck routes (DEIR, pp. 2-17–2-18 [Section 2.5.3.4]). A detailed description of those routes can be found in Section 2.5.3.4 of the Draft EIR's Project Description Chapter (see pp. 2-17–2-18), and a map of those routes can be found in Project Description Figure 2-7 (DEIR, p. 2-19) and in the Transportation Section in Figure 3.8-4 (DEIR, p. 3.8-18). LAHD therefore appreciates LAUSD's suggestion, but notes that these routes as well as the permitting measures described above would accomplish the same outcome as that desired by LAUSD's proposed language. Accordingly, no further revision of the FEIR is required.

Response to Comment LAUSD-3:

The comment notes that LAUSD's Transportation Branch must be contacted regarding potential impacts to existing school bus routes and proposes language to be included in construction permits that would address the LAUSD's concerns.

As noted in Response to Comment LAUSD-2, truck traffic associated with the Proposed Project would be required to use the Caltrans-designated truck routes described in the Draft EIR (DEIR, Section 2.5.3.4 and Figure 2-7, pp. 2-17–2-19). Given the concern of LAUSD over the possibility that the bus routes are in the designated truck routes, Orcem's construction contractor will be required to communicate with LAUSD officials to ensure school bus routes are not adversely affected.

As to the comment's reference to "a net increase of 1,000 or more daily vehicle trips," the Draft EIR explains in Table 2-2 that, at full operation, the facility would generate 65,950 truck trips per year, or approximately 253 trips per day and 52 employee trips per day As the traffic impact analysis concludes (DEIR Section 3.8.6), that volume of traffic would not adversely affect area roadways and intersections and would be far less than the 1,000 daily trips suggested by the comment. For more information on the number of anticipated truck trips, please also refer to Response to Comments SCAQMD-1, CESPNC-4, CFASE-13, and CFASE-18.

The comment presents several requirements that it requests be included "in the recommended conditions for traffic impacts." This FEIR assumes that language refers to the construction permits that LAHD would issue. LAHD's construction permit would require the Project proponent (i.e., Orcem) or its construction contractor to prepare a construction traffic management plan that would include measures to maintain traffic safety on public roads. Accordingly, no revision of the FEIR is required.

Northwest San Pedro Neighborhood Council

Comment Letter

See Section 2.3.

Responses

Response to Comment NWSPNC-1:

Thank you for your comments on the Draft EIR. The comment states that the NWSPNC voted that the No Project Alternative is the only feasible alternative and that modifications to Alternatives 2 and 3 to include rail transport of the GBFS could be environmentally acceptable.

Thank you for your comments on the Draft EIR. Please see Response to Comment CESPNC-1.

Response to Comment NWSPNC-2:

The comment summarizes the GBFS import, processing, and transport activities that the Proposed Project contemplates. The comment contends that these activities will produce PM_{10} and $PM_{2.5}$ particles in levels that exceed SCAQMD thresholds and that these exceedances are sufficient to require a finding that the "No Project" alternative is the only feasible alternative.

Please see Response to Comment CESPNC-2.

Response to Comment NWSPNC-3:

The comment states that Figure 3.1-2 in the Draft EIR shows a risk outline that encompasses residences and marinas, and should be clarified regarding its finding that the Project does not exceed the CEQA impact thresholds. The commenter also contends that the DEIR ignores "considerable data available that shows various important pulmonary impacts, especially on workers and children, such as COPD and asthma."

Please see Response to Comment CESPNC-3.

Response to Comment NWSPNC-4:

The comment expresses concern about potential truck traffic impacts and contends that the Proposed Project's anticipated truck trips should be analyzed according to Vehicle Miles Traveled (VMT), as opposed to the Level of Service (LOS) analysis that was provided for informational purposes only.

Please see Response to Comments CESPNC-4 and COSPNC-3.

Response to Comment NWSPNC-5:

The comment offers links to news articles about the port project in Vallejo in which Ecocem was involved and urges that the comments in those links related to toxic chemicals be considered.

Please see Responses to Comments CESPNC-5 and CFASE-3.

Response to Comment NWSPNC-6:

The comment proposes a modification of Alternatives 2 and 3 that would transport the GBFS by rail to "a remote site" where GGBFS would be produced and distributed. The alternative would use the existing Vopak rail spur for access the Project site.

Please see Response to Comment CESPNC-6

Rotary Club of Wilmington

Comment Letter

See Section 2.3.

Responses

Response to Comment RCW-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

San Pedro Chamber of Commerce

Comment Letter

See Section 2.3.

Responses

Response to Comment SPCC-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

South Bay Association of Chambers of Commerce

Comment Letter

See Section 2.3.

Responses

Response to Comment SBACC-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Wilmington Chamber of Commerce

Comment Letter

See Section 2.3.

Responses

Response to Comment WCC-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Wilmington Neighborhood Council

Comment Letter

See Section 2.3.

Responses

Response to Comment WNC-1:

The comment contends that the Proposed Project's operational activities do not require use of the site's waterfront properties. The comment cites the Port's use of a street sweeper on Port roads due to the former coal facility at Kaiser Point. The comment therefore suggests that, if the Project's processing activities proceed as proposed, they

should be done indoors and in covered structures with air scrubbers on all ventilation systems.

Thank you for your comments on the Draft EIR. As explained in Chapter 2 of the Draft EIR, the Proposed Project would import the primary raw material, granulated blast furnace slag (GBFS), needed to manufacture the product. The GBFS would arrive by oceangoing vessel from overseas sources; accordingly, waterfront access is required for those oceangoing vessels, and the Proposed Project would be infeasible without that access. The analysis of alternatives (DEIR Chapter 5) explains why locating the processing facility at some inland location would merely relocate, not avoid, the impacts of the Proposed Project and could have more severe impacts from double-handling the GBFS and adding locomotive emissions to the region's air. As described more fully in Response to Comment CESPNC-6, the analysis concludes that an inland processing location would be infeasible.

The comment appears to equate the Proposed Project with the Kaiser and LAXT coal export facilities in terms of releases of particulate matter. LAHD notes that the two materials – GBFS and coal --have different physical properties and would be handled very differently. The Draft EIR (Section 2.5) describes the materials that would be handled at the Proposed Project and the dust and erosion control measures that would be employed at the stockpiles, in the processing facility, and at the truck loading facility. As described in the Draft EIR, the grinding and mixing processes, conveyance of the fine-grained product, and loading the product into trucks would occur in fully enclosed structures equipped with filtration systems (DEIR, Section 2.5.3.5). Therefore, the Proposed Project is water dependent and would not result in fugitive particulates.

Response to Comment WNC-2:

The comment states that the Proposed Project would have substantial negative air quality impacts from particulate matter released from the storage piles, transfer points, processing equipment, and trucks, and recommends that transfer and manufacturing points should be enclosed.

Please see Response to Comment WNC-1.

Response to Comment WNC-3:

The commenter points to the NOP's statement that the Project forecasts 35,000 truck trips per year, but the Draft EIR now states that the Project will result in 65,950 one-way trips per year. The commenter states that the previous estimates were miscalculated, such that the 70,000 truck trips per year will not be 131,900 one-way trips per year. The commenter also quotes the NOP's statement that heavy duty trucks are not included in the transportation's VMT analysis; but advises that such an analysis should be performed given the community's ongoing concerns about truck emissions and public health impacts.

As to the forecasted number of truck trips, please see Response to Comments SCAQMD-1, CFASE-13, and CFASE-18.

The commenter is correct that the NOP did not include heavy-duty trucks in its transportation analysis. However, in response to comments on the NOP, the Draft EIR (Section 3.8.6) does include an analysis of truck traffic impacts on local intersections. Because CEQA does not require an analysis of intersection impacts, the analysis is presented as informational but is, nevertheless, a consideration of the Proposed Project's effects on local roadways, as requested by the comment. For a more detailed explanation on this analysis, please refer to Response to Comment CESPNC-4.

As to the potential air quality and human health impacts of the heavy-duty trucks that would serve the Proposed Project, please refer to Responses to Comments CESPNC-3, CFASE-11, and CFASE-12.

Response to Comment WNC-4:

The comment notes that the Proposed Project will be close to the Wilmington Waterfront Project, such that inclement weather with high winds could blow large amounts of slag from the facility over the new park. The comment asks whether the Port or Orcem will provide emergency safety showers, eye wash stations, or other protective measures, in the even the public is exposed. The comment also asks whether signage will be provided at the park to advise of possible exposure to blown slag and whether the public should seek medical attention in the event they experience symptoms.

The comment expresses concern that the Proposed Project's storage piles would be a source of toxic particulate matter that would adversely affect public health and the environment. That could only happen if the GBFS were friable (i.e., easily crumbled into fine particles) and contained substantial quantities of toxic substances. GBFS is not friable but is rather, as described in the Draft EIR (p. 2-9), a wet, coarse-grained, sand-like material. When stockpiled, the material forms a natural crust that resists erosion by wind and rain, and it does not break up into fine particles unless crushed by heavy equipment. Furthermore, as described in the Draft EIR, the stockpile would be watered regularly to further reduce the potential for dust to escape. Finally, producing, handling, and processing the final GGBFS product would occur indoors to minimize the potential for dispersion of particulate matter. As a result, there is no evidence that the public would be exposed to "large amounts of slag." Furthermore, the health risk assessment (DEIR, Section 3.1.5.1, Impact AQ-4) determined that human health risks, which would include effects of toxic substances in dust, would not exceed the thresholds established by the Office of Environmental Health Hazards Assessment, and therefore would not result in a significant impact. Accordingly, the notification and protective measures mentioned in the comment would not be necessary.

Response to Comment WNC-5:

The comment contends that the Proposed Project would openly store GGBFS, despite the Project site's proximity to the new Wilmington Waterfront Development, thereby resulting in an increased risk that the GGBFS will blow into the open air and nearby oceans.

As explained more fully in Section 2.5.3.5 of the Draft EIR's Project Description chapter, GGBFS would not be stored in open piles, but instead would be produced, handled, and stored in an enclosed system designed to minimize the escape of particulate matter (DEIR, pp. 2-11 and 2-21). Therefore, the measures described in the provided Safety Data Sheet are not relevant to the public's exposure. With respect to the toxicity and friability of GBFS (the raw material) and whether it would be blown into the open air and impact the nearby Wilmington Waterfront Park, please see Responses to Comments WNC-4 and CESPNC-5.

Response to Comment WNC-6:

The comment notes that WNC had previously suggested that the Port consider an alternative that included construction of a railroad "industrial side-track" to the site, which would allow for closed hopper rail cars to transport the product from the terminal to other distribution points. The commenter represents that this one change would

drastically reduce, or potentially eliminate, the number of truck trips required to service the Project, and states that this alternative was not explored.

Based on comments that the Port received on the IS/NOP, the Draft EIR considered providing rail as a potential Project alternative (DEIR, Section 5.4.2), but found that it would be infeasible due both to the inability to provide rail access to the Ecocem facility and due to the lack of rail access at inland cement plants, which would be the recipients of the final product. For a more detailed explanation on why a rail-based alternative was considered, but ultimately rejected as infeasible, please see Response to Comments CESPNC-1 and CESPNC-6.

Response to Comment WNC-7:

The comment contends that the No Project Alternative remains the best alternative. The commenter also disagrees that the Project site should be changed from a liquid bulk area to a dry bulk area as liquid bulk comes in containers at a higher degree than dry bulk, thereby protecting people and the environment. The comment reiterates that the only mitigation option would be a railroad track to the site with the gypsum stored in closed containers to be moved from the site.

For a detailed explanation on the Draft EIR's consideration of the No Project Alternative, please see Response to Comments CESPNC-1 and CESPNC-2.

The comment that the LAHD should not change the land use designation of the Project site from liquid bulk to dry bulk is noted. The issue was evaluated in the Draft EIR (Section 3.6), which concluded that the re-designation would not have significant impacts related to land use. The statement that "the gypsum [be] stored in containers to be moved from the site" misrepresents the Proposed Project and is infeasible, as the gypsum would be delivered to the site for use in the manufacturing process.

Regarding the feasibility of providing rail access to the Project site, please see Response to Comments CESPNC-1, CESPNC-6, and WNC-6.

Response to Comment WNC-8:

The comment questions why the Port intends to allow "a project of such toxicity and danger to be adjacent to" the new Wilmington Waterfront project, despite the Port's investment into that project and the Wilmington community.

The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. As to the Project's proximity to the Wilmington Waterfront Project, the Project site is approximately 0.2 miles from the Banning's Landing Community Center and separated from it by the Vopak leasehold.

The comment is otherwise general in nature and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment WNC-9:

The comment contends that the Project's contemplated manufacturing/milling of product is not water dependent and recommends that the Port's guideline that waterfront properties should be reserved for water-dependent activities should be upheld.

For a more detailed explanation on how the Proposed Project's operations constitute a waterfront use, please see Response to Comment WNC-1.

Response to Comment WNC-10:

The comment summarizes the Council's positions regarding the No Project Alternative (Alternative 1), a rail-based alternative to the Proposed Project, and the water-dependent status of the Proposed Project.

Please see Responses to Comments WNC-6 and WNC-7.

Response to Comment WNC-11:

The comment presents information regarding regional air pollution and health concerns, and states that the Port should not approve non-water-dependent projects and projects that would degrade the environment.

The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is otherwise general in nature and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment WNC-12:

The comment points out that the Proposed Project would result in exceedances of regulatory thresholds for ambient concentrations of particulate matter.

Please see Responses to Comments WNC-2 and WNC-5. LAHD notes that the concentration values in Table 3.1-13 do include ambient levels.

Response to Comment WNC-13:

The comment notes that the health risk contours presented in the DEIR include residential areas in Wilmington and asks for clarification of the DEIR's determination that the Proposed Project "does not exceed the CEQA impact requirements."

Please see Responses to Comments WNC-3, WNC-4, CESPNC-3, and CFASE-11.

Response to Comment WNC-14:

The comment questions why the DEIR did not address the impacts of the Proposed Project's truck traffic.

Please see Response to Comment WNC-3.

Response to Comment WNC-15:

The comment suggests that news articles related to the Vallejo project be considered.

Please see Responses to Comments WNC-7 and CFASE-6.

Response to Comment WNC-16:

The comment discusses a rail-based alternative to the Proposed Project.

Please see Response to Comment WNC-6.

Response to Comment WNC-17:

The comment states the Council's preference for the No Project Alternative (Alternative 1) and re-states its belief that the Proposed Project is not water dependent and that the rail-based alternative should have been explored in greater depth.

Please see Responses to Comments WNC-1, WNC-6, and WNC-7.

Wilmington YMCA

Comment Letter

See Section 2.3.

Responses

Response to Comment WYMCA-1:

The comment expresses its support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR, and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

2.2.3 Individuals

Dennis Casey

Comment Letter

See Section 2.3.

Responses

Response to Comment CASEY-1:

The comment asks that another location be found for the Proposed Project in order to maintain the current location of the Marine Preservation Trust facility, and that other nearby uses be recognized.

Thank you for your comment on the Draft EIR. Marine Preservation Trust (MPT) is not a tenant of the Harbor Department at Berth 193. Rolland Wayne Ettel doing business as (dba) Boatswayne Ettel is the tenant of the Harbor Department premises at Berth 193 under the Revocable Permit 14-10. Please see Response to Comment ASM-1.

The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Paul Cole

Comment Letter

See Section 2.3.

Responses

Response to Comment COLE-1:

The comment states that the Port should prevent the Proposed Project from negatively affecting Wayne Ettel's boatyard.

Thank you for your comment on the Draft EIR. Please see Response to Comment CASEY-1 and ASM-1. The comment is noted and is hereby part of the Final EIR and is

therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Wayne Ettel (Boatswayne Ettel)

Comment Letter

See Section 2.3.

Responses

Response to Comment ETTEL-1:

The comment contends that the Proposed Project is not water dependent and suggests that another location be found for the Proposed Project in order to maintain the current location of the Marine Preservation Trust facility and other tenants on the site.

Thank you for your comments on the Draft EIR. Please refer to Response to Comment ALLIED-1, which discusses the water dependency of the Proposed Project; Response to Comment CASEY-1, which discusses the issue of the tenants along the waterfront; and Response to Comment CESPNC-6, which discusses an inland processing facility.

Response to Comment ETTEL-2:

The comment summarizes the proposed Vopak cement terminal project and expresses concern over the presence of two cement terminals and their truck traffic in the vicinity of several non-industrial uses.

Please refer to Response to Comment ALLIED-1, which discusses the cumulative impact analysis as it pertains to the neighboring Vopak project.

Response to Comment ETTEL-3:

The comment contends that "waste slag" is highly friable material that could contain trace amounts of manganese and cadmium, and that it should not be handled in open conveyors. The comment further contends that there are no control measures for dust.

The comment's characterization of the GBFS raw material as highly friable waste slag "notorious for producing high volumes of dust" is not accurate. The GBFS is not friable but is rather, as described in the Draft EIR (p. 2-9), a wet, coarse-grained, sand-like material. When stockpiled, the material forms a natural crust that resists erosion by wind and rain, and it does not normally break up into fine particles. Furthermore, as described in the Draft EIR, the stockpile would be watered regularly to further reduce the potential for dust to escape. The comment claims that the material "may contain trace amounts of manganese and cadmium" and crystalline silica, but provides no evidence to support that statement as it relates to the material that Orcem would import.

The commenter is correct that gypsum is friable and can break up into fine particles, as the Draft EIR notes (DEIR, Section 2.5.1, p. 2-10). However, the Draft EIR points out that the gypsum pile, too, would be watered in accordance with the protocols specified in the SCAQMD permit to control dust, which would reflect the requirements of SCAQMD Rule 403 regarding fugitive dust (DEIR, p. 2-10). Accordingly, there is no reason to believe that appreciable quantities of gypsum particles would escape to affect workers or visitors to nearby facilities.

The comment's assertion that "there are no plans to stop the dust…from blowing into the water of the harbor and onto adjacent properties" is incorrect. The Draft EIR describes the dust control measures that would be employed for vessel unloading, raw material transfer, and stockpile management, including covered conveyors and frequent watering (DEIR, Section 2.5.3.5).

Finally, the Draft EIR conducted a health risk assessment of the Proposed Project that accounted for the properties of potential air emissions, including particulates, and concluded that impacts would be less than significant.

Response to Comment ETTEL-4:

The comment notes the potential for increased truck traffic on Avalon Boulevard as a result of the Proposed Project and related projects and terminal activity nearby.

Please see Response to Comment ALLIED-1, which addresses the cumulative impacts of truck traffic. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Samuel Hernandez

Comment Letter

See Section 2.3.

Responses

Response to Comment HERNANDEZ-1:

The comment asks if an environmental justice analysis was conducted for the Proposed Project.

Thank you for your comments on the Draft EIR. Please see Response to Comment CFASE-8 and Response to Comment CFASE-11, which explain that a separate environmental justice analysis was not performed because it is not required by CEQA. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment HERNANDEZ-2:

The comment asks what type of air monitoring was conducted to support the safety of the Proposed Project.

The Draft EIR (pp. 3.1-5 through 3.1-10 and Table 3.1-2) describes the air monitoring data that supports the air quality and health risk assessments. For air quality and meteorological data, the Draft EIR's analysis relied primarily on the LAHD's Wilmington Community Station at Saints Peter and Paul School in Wilmington. LAHD upgraded the air monitoring equipment at that station in 2022-2023, and filter-based PM_{10} monitoring equipment at the station was offline from May 2021 to May 2022 and resumed in June 2022. All other monitoring equipment at the Wilmington monitoring station was functional during the analysis period.

Jonathan Lennard

Comment Letter

See Section 2.3.

Responses

Response to Comment LENNARD-1:

The comment suggests that the Port should prevent the Proposed Project from negatively affecting the Maritime Preservation Trust facility.

Thank you for your comment on the Draft EIR. Please refer to Responses to Comment ASM-1 and CASEY-1. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Mallissa Morris

Comment Letter

See Section 2.3.

Responses

Response to Comment MORRIS-1:

The comment requests that a job fair be opened for employment at the Proposed Project once the project is underway.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Tim Murray

Comment Letter

See Section 2.3.

Responses

Response to Comment MURRAY-1:

The comment suggests that the Port should prevent the Proposed Project from negatively affecting the Maritime Preservation Trust facility.

Thank you for your comment on the Draft EIR. Please see Responses to Comment ASM–1 and CASEY-1. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Timothy O'Brien

Comment Letter

See Section 2.3.

Responses

Response to Comment O'BRIEN-1:

The comment states that the Port should prevent the Proposed Project from negatively affecting the Boatswayne Ettel shipyard.

Thank you for your comment on the Draft EIR. Please see Response to Comment ASM-1. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Sam Rade

Comment Letter

See Section 2.3.

Responses

Response to Comment RADE-1:

The comment asks for clarification on the use of Berth 191 between Vopak and Orcem.

Thank you for your comment on the Draft EIR. As described in the Draft EIR (p. 2-17), the use of Berth 191 would be shared by Orcem and the cement importing operation at the Vopak terminal, if both projects are implemented. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Enrique Sanchez

Comment Letter

See Section 2.3.

Responses

Response to Comment SANCHEZ-1:

The comment asks why the LAHD would approve the Proposed Project given its significant and unavoidable impacts.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Ryan Saxton (Petsworth Consulting Group)

Comment Letter

See Section 2.3.

Responses

Response to Comment SAXTON-1:

The comment provides background on the Vallejo project in which Orcem was involved and asks why the Proposed Project is different.

Thank you for your comments on the Draft EIR. Please refer to Response to Comment CFASE-6. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

The Project's Los Angeles site at the Port is fundamentally different from the Vallejo site, in that the Project site is located in an active industrial area that is not in close proximity to residential and sensitive uses. In addition, the wind patterns and topography at the two sites are different, meaning that the results of analyses of the Vallejo project cannot be applied to the Proposed Project. The Vallejo site is a brownfields site (meaning that it is an abandoned former industrial site that may contain certain pollutants or hazardous substances, thus requiring particular consideration and analysis during any proposed development) that is next to residential areas. Specifically, the nearest residential area to the Project site is approximately 3,000 feet away, whereas the nearest residential area to the Vallejo Orcem site is approximately 500 feet away. Other potentially sensitive receptors near the Proposed Project (i.e., the USC boathouse) would not be exposed to toxic air contaminants at levels that would result in significant health risks.

Response to Comment SAXTON-2:

The comment asks how the Proposed Project is compatible with the Clean Air Action Plan given its emissions of greenhouse gases.

LAHD acknowledges in the Draft EIR that the GHG emissions to be significant. The Proposed Project would be consistent with the CAAP's targets by incorporating lease measures that go beyond regulatory requirements, such as LM AQ-3: At-Berth Vessel Emissions Control Pilot Study to evaluate the feasibility of implementing an at-berth vessel emissions control system, and LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment, which requires Orcem to replace cementitious material handling equipment used for operation with the cleanest available material handling equipment to reduce other emissions benefits with co-benefits towards GHG emissions. The Clean Air Action Plan (CAAP) provides strategies and emission reduction targets to cut emissions from sources operating in and around the Ports. It was not the intention for the CAAP to be used to determine project thresholds. Accordingly, no revision of the FEIR is needed.

Response to Comment SAXTON-3:

The comment states that the Proposed Project's operational emissions of nitrogen oxides and particulate matter would exceed significance criteria, points out that particulate

matter in air can have detrimental effects on the human respiratory system, and questions why the Port thinks this is acceptable.

The Draft EIR acknowledges that emissions of nitrogen oxides would exceed significance criteria, but LAHD notes that emissions of particulate matter would not exceed the SCAQMD regional threshold (DEIR, Table 3.1-11). However, the dispersion modeling analysis showed that offsite NO_2 concentrations would not exceed SCAQMD thresholds (DEIR, Table 3.1-12), indicating no adverse health effects from that pollutant. Furthermore, the Draft EIR's Health Risk Assessment determined that the health impacts of emissions of air pollutants from the Proposed Project would be less than significant (DEIR, Table 3.1-14, p. 3.1-38).

As the Draft EIR discloses, maximum offsite concentrations of particulate matter would exceed SCAQMD thresholds (DEIR, Table 3.1-13). However, those concentrations would occur at the boundary of the Project site; concentrations would be much lower at the actual residential and sensitive population receptors because of dispersion by air movement over the intervening distance (over 3,000 feet to the nearest residential receptors in Wilmington). For more detail, please see Response to Comment CESPNC-2.

The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

Response to Comment SAXTON-4:

The comment notes that the Proposed Project's operational emissions of nitrogen oxides exceed significance criteria, points out that nitrogen oxides in air can have detrimental effects on the human respiratory system, and requests, "an explanation of how that is a safe working environment for anyone in close proximity to this proposed project."

Please see Response to Comment SAXTON-3, which points out that offsite concentrations of nitrogen oxides, which is what people near the site would be exposed to, would not exceed SCAQMD significance thresholds, indicating no adverse health effects from that pollutant.

The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

James C. Smith

Comment Letter

See Section 2.3.

Responses

Response to Comment SMITH-1:

The comment states opposition to the Proposed Project on the basis that it would displace the Marine Preservation Trust boatyard.

Thank you for your comment on the Draft EIR. Please refer to Response to Comment ASM-1 and CASEY-1.

Wayne Widner

Comment Letter

See Section 2.3.

Responses

Response to Comment WIDNER-1:

The comment expresses support for the Proposed Project but suggests the Port require the tenant to restore the site to better-than-present condition upon vacating the site.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

2.2.4 Public Hearing

See Section 2.3.

Bruce Heyman (San Pedro Chamber of Commerce/Los Angeles Maritime Institute)

Response to Comment PH-1

The comment expresses support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Pat Nave

Response to Comment PH-2a

The comment suggests that the GBFS imported via oceangoing vessels should be loaded onto trains and conveyed to an inland processing facility rather than being processed on site.

Please see Response to Comment WNC-1

Response to Comment PH-2b

The statement that the Proposed Project's material is "more deleterious [than coke and coal]" is unsupported by evidence either in the Draft EIR or provided by the commenter.

The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the

Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Response to Comment PH-2c

The comment suggests modifying Alternative 3 to provide rail access to the Proposed Project.

Please see the responses to comments CESPNC-6 and WNC-1.

Response to Comment PH-2d

The comment suggests that the Draft EIR include the destinations of the on-road trucks that would service the Proposed Project.

The Draft EIR (Section 2.2.2) describes the destination of the third-party trucks that would serve the Proposed Project as being "concrete production facilities throughout the [Southern California] region." A more precise description is not possible, given the number of potential customers and their geographic dispersion. The Draft EIR makes a reasonable assumption regarding average trip length; additional detail is neither possible nor necessary for an analysis of impacts compliant with CEQA.

Response to Comment PH-2e

The comment refers to the common practice in traffic analysis of equating a heavy-duty truck with a corresponding number of passenger cars, known as Passenger Car Equivalents (PCEs). The comment suggests using 2.5 passenger cars to evaluate the effects of heavy-duty trucks on roadway congestion.

As explained in the Draft EIR (Section 3.8.6), the type of analysis suggested by the comment is not required by CEQA and is not appropriate for the Proposed Project. Further, Section 3.8.6 of the Draft EIR includes an informational analysis of the Level of Service (LOS) for intersections in the area (DEIR, Section 3.8.6). That LOS analysis takes into consideration the operational characteristics of the heavy-duty trucks compared to passenger cars and shows that intersections in the area are operating at acceptable levels and that the Proposed Project's truck trips would not substantially alter intersection operations much, given its light traffic burden (approximately 260 truck trips per day).

Response to Comment PH-2f

The comment states that a rail-based alternative is "the most reasonable feasible option."

Please see the responses to comments CESPNC-6 and WNC-1.

Marcia Garcia Diaz (Wilmington Chamber of Commerce)

Response to Comment PH-3

The comment expresses support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Tommy Faavae (International Brotherhood of Electrical Workers)

Response to Comment PH-4

The comment expresses support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Henry Rogers (Harbor Association of Industry and Commerce)

Response to Comment PH-5

The comment expresses support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Yolanda dela Torre (Wilmington YMCA)

Response to Comment PH-6

The comment expresses support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Ryan Saxton (Petworth Consulting Group)

Response to Comment PH-7a

The comment refers to the Vallejo port project of which Ecocem was a component and asks why a project in Los Angeles is different.

Thank you for your comment on the Draft EIR. Please see Responses to Comments CESPNC-5 and SAXTON-1.

Response to Comment PH-7b

The comment questions the Proposed Project's compatibility with the Port's Clean Air Action Plan.

Please see Response to Comment SAXTON-2.

Response to Comment PH-7c

The comment notes the SCAQMD significance thresholds for priority pollutants and the health effects of airborne particulate matter.

The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the

Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

Response to Comment PH-7d

The comment notes the projected operational emissions of nitrogen oxides and requests an explanation of how that is a safe environment for nearby persons.

As disclosed in the Draft EIR (Section 3.1), the health risk assessment conducted for the Proposed Project found that health risks, including non-cancer risks, would be below significance thresholds. Accordingly, the Proposed Project's impacts on public health would be less than significant. For additional detail, please see Responses to Comments SAXTON-3 and SAXTON-4.

Carlos Rodarte (International Brotherhood of Electrical Workers)

Response to Comment PH-8

The comment expresses support for the Proposed Project.

Thank you for your comment on the Draft EIR. The comment is noted and is hereby part of the Final EIR and is therefore before the decision-makers for their consideration prior to taking any action on the Proposed Project. The comment is general and does not identify any specific deficiencies of the Draft EIR, therefore no further response is required (Public Resources Code §21091(d); CEQA Guidelines §15204(a)).

2.3 Comment Letters

Comment letters are presented in the order in which the responses are presented in Section 2.2.

From:	Hart, Leslie@Wildlife
To:	Sanchez Zelaya, Celia
Cc:	state.clearinghouse@opr.ca.gov
Subject:	CDFW Comment Letter on the Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project
Date:	Monday, December 11, 2023 2:49:28 PM
Attachments:	CDFW_CommentLtr_Berth191-194 (Ecocem) Low-Carbon Cement Processing Facility Project_DEIR_231211.pdf

Dear Ms. Celia Sanchaz Zelaya,

Please find attached the Department of Fish and Wildlife's comment letter on the Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project's Environmental Impact Report SCH# 2022030294.

Sincerely,
Leslie

Leslie Hart
Environmental Scientist
California Department of Fish and Wildlife
Marine Region - Environmental Review and Water Quality Project
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www.wildlife.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 11, 2023

Celia Sanchez Zelaya
Planning Assistant - CEQA
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731
CSanchezZelaya@portla.org

BERTH 191-194 (ECOCEM) LOW-CARBON CEMENT PROCESSING FACILITY PROJECT
ENVIRONMENTAL IMPACT REPORT
SCH #2022030294

Dear Ms. Celia Sanchez Zelaya:

The California Department of Fish and Wildlife (Department) received a Draft Environmental Impact Report (DEIR) from the City of Los Angeles Harbor Department (City) for the Berth 191-194 (Ecocem) Low-Carbon Processing Facility Project (Project), pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish and Game Code, Section 711.7, subd. [a] & 1802; Public Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. [a]). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

(Id., Section 1802). Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California and ensuring fisheries are sustainably managed under the Marine Life Management Act. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Orcem Americas, Inc.
Objective: The primary objective of the proposed Project is to supply the Southern California construction industry with the lowest-carbon binder, which is an alternative to the higher carbon cement products used in Portland Cement. Ecocem's technologies will help the State of California meet its net-zero emissions target for the cement industry by 2045. The proposed Project will involve the construction and operation of a new dry bulk processing facility at Berth 191 and on the backlands adjacent to Berth 192-194 in the East Basin of the Port of Los Angeles that would improve marine shipping and commerce.

Most of the Project construction would be land-based. In-water work would be required at Berth 191 to remove 11 damaged timber pilings and replace them with new pilings to bring the wharf into serviceable condition, install approximately 41 new timber piles as part of the required wharf repairs, install 47 pilings along the wharf's edge to support an upgraded fendering system, and conduct minor post-construction clean-up dredging to remove up to 1,500 cubic yards of sediment from the berthing area. The DEIR assumes that some pile removal and driving would be accomplished using water-borne equipment such as a derrick barge, tugboat, and supporting small craft to be conservative. Primary Project activities include:

- Site preparation (including site clearance), ground improvements, and paving;
- Repairs to the wharf at Berth 191, including repairing surfaces and replacing pilings and bracing elements;
- Development of the enclosed processing plant, including construction of plant buildings, storage facilities such as silos and open stockyard, and installation of conveyance systems and processing equipment;
- Construction of ancillary buildings;
- Improvement of site infrastructure, utilities, and supporting facilities.

Location: The Project is located at 100 Yacht Street, Wilmington, Port of Los Angeles, Los Angeles County, California.
Timeframe: The Project would be constructed over a period of approximately 18 months, starting in 2024.

BIOLOGICAL SIGNIFICANCE

Discussion and Comment: The Los Angeles Harbor (Harbor) waters support many resident and migratory fish and special status wildlife such as seabirds, marine mammals, and sea turtles. Important marine plants such as eelgrass (*Zostera marina*) support those fish and wildlife species and are common throughout shallow areas and along shorelines of the Harbor. Eelgrass is important as fish nursery habitat throughout the Harbor and supports juvenile and adult fish. Harbor waters also support commercially and recreationally important fish and invertebrate species such as California halibut (*Paralichthys californicus*), California spiny lobster (*Panulirus interruptus*), and the important forage fish Northern anchovy (*Engraulis mordax*).

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources.

I. Project Level Impacts and Other Considerations

Pile Driving and Sound Criteria

Comments: Underwater noise associated with pile driving and pulling activities may cause temporary or permanent impacts to fish and invertebrates, such as temporary movement out of the Project area, barotrauma injury, or mortality. The Department relies on guidance from the Fisheries Hydroacoustic Working Group to set safe sound pressure level (SPL) criteria for pile driving and pulling activities (Fisheries Hydroacoustic Working Group 2008). The SPL dual criteria include a peak level of 206 dB and a cumulative sound exposure (SEL) level of 187 dB for fish 2 grams and heavier or a cumulative SEL of 183 dB for fish less than 2 grams. Additionally, if hydraulic jetting or an impact hammer is used for pile driving, this may impact water quality, releasing contaminants from sediments into the water and/or creating turbidity that could harm fish.

CDFW-1

Recommendations: The DEIR states that the installation of the new and replacement piles would be accomplished using impact hammers. The Department recommends using a vibratory hammer for pile driving to the greatest extent feasible, or an alternative technology that produces the least amount of noise. If an impact hammer must be used (e.g., due to pile material, refusal at bedrock), multiple minimization measures are needed to reduce sound levels. The Department recommends the following be included as mitigation measures in the Final EIR:

- A sound attenuation and monitoring plan should be submitted to the resource agencies for review prior to initiating pile driving activities.
- A wood, or similar material, cushion block should be used between the pile and hammer during all pile driving using an impact hammer.

- To further reduce hydroacoustic impacts to fish and marine mammals, a bubble curtain should be used during all impact pile driving to reduce sound below levels that have been shown to cause injury and/or mortality.
- Underwater sound level monitoring should be conducted during pile driving and pulling. If SPLs and SELs exceed agreed upon levels as per the Interim Criteria for Injury to Fish, work should cease and additional steps should be taken to reduce the underwater noise to acceptable levels.

The Department recommends that the City uses a silt curtain when possible to control turbidity during high turbidity generating activities caused by an impact hammer. Additionally, high turbidity generating activities should be conducted when there are no strong outgoing tides since this could exacerbate turbid conditions and negatively impact marine life.

CDFW-1 cont'd

Water and Sediment Contamination

Comments: Incomplete removal of old creosote treated timber piles may result in broken piles and pile stub at or above the mud line. A creosote timber pile stub that is left at the mudline may potentially continue to leach contaminants into the Harbor waters and benthic sediments. The DEIR states that some damaged creosote timber piles may end up being broken at the mudline instead of being pulled, but does not specify the depth that the creosote timber piles must be cut below the mud line, which is at least 2 feet.

Additionally, the DEIR specifies the replacement or repair of timber piles within the Harbor. Fish and Game Code (FGC) states that it is unlawful to deposit into, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, or bird life (FGC Section 5650(6)). The Department considers any wood treated with Ammoniacal Copper Zinc Arsenate (ACZA), Chromated Copper Arsenate (CCA), Alkaline Copper Quaternary (ACQ) to be deleterious materials.

CDFW-2

Recommendations: To reduce creosote contaminant exposure to Harbor waters and sediments, the DEIR should include cutting creosote timber piles at least 2 feet below the mud line if they break off or cannot be directly pulled.

The Department recommends avoiding the use of treated wood piles in the Harbor waters. The City should consider the use of piles made of alternative materials such as plastic, concrete, or steel to the maximum extent feasible. If use of plastic, concrete, or steel piles is not feasible, all wood piles should be wrapped with a benign material, such as plastic wrap or a polyurea coating, to prevent Harbor waters from direct contact with the treated wood. Additionally, all wrapped wood piles that may be subject to contact with docks, floating debris and/or boats, should be inspected on a yearly basis to confirm the integrity of the wrap and to repair any damaged areas.

Marine Mammal and Sea Turtle Monitoring

Comments: Harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), other species of marine mammals, and sea turtles may be present or occur within the Project area. Project activities, particularly noise from pile driving, could impact these animals if they are present.

Recommendations: The Department appreciates Mitigation Measure MM BIO-1 included in the DEIR to protect marine mammals during the construction of the Project, however, the preparation and implementation of a marine mammal and sea turtle monitoring plan should be added to this mitigation measure. The Department recommends that the City prepare and implement a marine mammal and sea turtle monitoring plan that includes, but is not limited to: CDFW-3

- Establishment of an underwater exclusion zone.
- Preconstruction monitoring to update the animals' occurrence and use of the area.
- Monitoring of marine mammals and sea turtles by an experienced observer immediately prior to and during all pile driving activities.
- Pile driving should not occur while marine mammals or sea turtles are present within the exclusion zone.

The Department recommends that the City consult with the National Marine Fisheries Service and U.S. Fish and Wildlife Service regarding the above recommendation and any other necessary avoidance and mitigation measures to reduce impacts to marine mammals and sea turtles.

Invasive Species Impacts

Comments: Disturbance of the bottom sediments from potential pile construction or anchoring may redistribute non-native species that compete with native species. This could cause widespread adverse impacts to eelgrass and the marine ecology. The invasive alga *Caulerpa taxifolia* is listed as a federal noxious weed under the U.S. Plant Protection Act and while deemed eradicated in 2006 is monitored for potential future emergence. Another invasive alga species found recently in Newport Bay and San Diego Bay is *Caulerpa prolifera*, which is also a potential threat to growth and expansion of native eelgrass beds and other native algae. CDFW-4

Recommendations: The Department appreciates that a pre-construction *Caulerpa Spp.* survey will be conducted to identify potential existence of invasive *Caulerpa Spp.* as described in the Caulerpa Control Protocol https://media.fisheries.noaa.gov/2021-12/caulerpa-control-protocol-v5.pdf (October 2021). Any sightings of *Caulerpa Spp.* should be reported within 24 hours to the Department (Caulerpa@wildlife.ca.gov), and NMFS at 562-980-4037 (nmfs.wcr.caulerpa@noaa.gov).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. CDFW-5

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.) CDFW-6

CONCLUSION

The Department appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Leslie Hart, Environmental Scientist at R7CEQA@wildlife.ca.gov.

Sincerely,

Craig Shuman, D. Env
Marine Regional Manager

ec: Office of Planning and Research, State Clearinghouse
state.clearinghouse@opr.ca.gov

REFERENCES

NMFS. 2014. California Eelgrass Mitigation Policy, National Marine Fisheries Service,https://archive.fisheries.noaa.gov/wcr/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf.

Fisheries Hydroacoustic Working Group. 2008. Interim Criteria for Injury of Fish Exposed to Pile Driving Operations: Memorandum. Washington: Federal Highway Administration.

From:	CEQAReview
To:	Sanchez Zelaya, Celia; Office of Planning and Research - State Clearinghouse
Cc:	Kereazis, Dave@DTSC; Wiley, Scott@DTSC; Aghakiant, Narine@DTSC
Subject:	DTSC Comments to the Berth 191-194 Ecocem Low-Carbon Cement Processing Facility Project
Date:	Friday, December 8, 2023 2:58:16 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image007.png DTSC Comment Letter-Berth 191-194 Ecocem Low-Carbon Cement Processing Facility Project.pdf

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Good Afternoon Celia,

Thank you for the opportunity for the Department of Toxic Substances Control to review and comment on the Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project. Attached you will find DTSC's comments for consideration. If you have any questions or comments, please reply to this email for guidance.

Thank you,

Tamara Purvis
Associate Environmental Planner
CEQA Unit-Permitting/HWMP
916-255-3857
Tamara.Purvis@dtsc.ca.gov
Department of Toxic Substances Control
California Environmental Protection Agency

DTSC Department of Toxic Substances Control
CalEPA California Environmental Protection Agency

Yana Garcia
Secretary for
Environmental Protection

Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 8, 2023

Celia Sanchez Zelaya
Planning Assistant – CEQA
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731
CSanchezZelaya@portla.org

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE BERTH 191-194 (ECOCEM) LOW-CARBON CEMENT PROCESSING PROJECT DATED OCTOBER 12, 2023 STATE CLEARINGHOUSE # 2022030294

Dear Celia Sanchez Zelaya:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Berths 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project (Project). The proposed Project is located at 100 Yacht Street, Wilmington, CA 90744. The proposed Project involves the construction and operation of a new processing facility on the backlands adjacent to Berths 192-194 that would import raw materials by ship and truck, temporarily store and process them to produce a low-carbon binder (an alternative to Portland cement) and load third-party trucks that would transport the product to local consumers. The proposed Project would receive one of the raw materials from overseas by dry bulk cargo vessels operating at Berth 191. Based on our Project review, DTSC requests consideration of the

following comments.

1. Based on the figures included in the DEIR, the proposed Project may affect and in turn may be affected by the historical contamination by the Gibson Environmental and Wilmington Liquid Bulk Terminal The Gibson Environmental Inc. (Gibson) operation is an area within the Wilmington Bulk Liquid Terminals, located in Wilmington, CA. Gibson operated a liquid waste recycling facility from 1990 to 1994. The facility is undergoing RCRA closure. The project is in the closure certification review process now.

   Further information on the Gibson Environmental and Wilmington Liquid Bulk Terminal site can be found on EnviroStor. The Site's potential contaminants of concern (COCs) are Total Petroleum Hydrocarbons (TPH) -Jet Fuel, Motor Oil., Stoddard Solvent, Diesel, and Gas.

   The Project has a Corrective Action Consent Agreement (Consent Agreement) and you must follow all orders and restrictions of the consent agreement.

   DTSC-1

2. The Project and future CEQA documents should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated.

   DTSC-2

3. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material

   DTSC-3

meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.

DTSC-3 cont'd

DTSC appreciates the opportunity to comment on the Berth 191-194 (Ecocem) Low-Carbon Cement Processing Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Associate Environmental Planner
CEQA Unit – HWMP
Department of Toxic Substances Control
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Narine Aghakiant
Environmental Scientist
Site Mitigation and Restoration Program
Department of Toxic Substances Control
Narine.Aghakiant@dtsc.ca.gov

From:	Albert Lew
To:	Sanchez Zelaya, Celia
Subject:	CEQA letter completed: Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project - NOA of dEIR
Date:	Tuesday, November 14, 2023 11:26:55 AM
Attachments:	10302023_Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project - NOA of dEIR.pdf

Please find attached the official response. Contact us if you have any questions.

Regards,

Albert C. Lew, P.E., C.S.P.
Wastewater Engineering Services Division (WESD)
Bureau of Sanitation
Department of Public Works
City of Los Angeles
Phone: 323.342.6207
Fax: 323.342.6210


FORM GEN. 160 (Rev. 8-12)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

DATE: October 30, 2023

TO: Lisa Wunder, Interim Director
Environmental Management Division.

Attn: Celia Sanchez Zelaya, Planner
Environmental Management Division.

FROM: Rowena Lau, Division Manager
Wastewater Engineering Services Division
LA Sanitation and Environment

SUBJECT: **BERTH 191-194 (ECOCEM) LOW-CARBON CEMENT PROCESSING FACILITY PROJECT - NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT**

This is in response to your October 12, 2023 Notice of Availability of a Draft Environmental Impact Report for the proposed project located at 100 Yacht Street, Wilmington, CA 90744. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review it has been determined that the project is unrelated to sewers and does not require any hydraulic analysis. Please notify our office in the instance that additional environmental review is necessary for this project. LASE-1

If you have any questions, please call Than Win at (323) 342-6268 or email at than.win@lacity.org.

RL/TW: sa

c: Julie Allen, LASAN
Michael Scaduto, LASAN
Spencer Yu, LASAN
Than Win, LASAN

File Location: CEQA Review\FINAL CEQA Response LTRs\FINAL DRAFT\Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project - NOA of dEIR.docx

From:	Danica Nguyen
To:	Sanchez Zelaya, Celia; Ceqacomments
Cc:	Sam Wang
Subject:	South Coast AQMD staff's comments on the Draft EIR for the Proposed Berth 191-194 (ECOCEM) Low-Carbon Cement Processing Facility Project
Date:	Friday, December 8, 2023 10:32:27 AM
Attachments:	LAC231012-01 DEIR Berth 191-194 (ECOCEM) Low-Carbon Cement Processing Facility Project .pdf

Dear Celia Zelaya,

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed Berth 191-194 (ECOCEM) Low-Carbon Cement Processing Facility Project (SCH No. 2022030294) (South Coast AQMD Control Number: LAC231012-01). Please contact me if you have any questions regarding these comments.

Regards,

Danica Nguyen
Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL: December 8, 2023

ceqacomments@portla.org
csanchezzelaya@portla.org
Celia Sanchez Zelaya, Planning Assistant
Port of Los Angeles - Environmental Management Division
425 South Palos Verdes Street
San Pedro, California 90731

Draft Environmental Impact Report (Draft EIR) for the Proposed Berth 191-194 (ECOCEM) Low-Carbon Cement Processing Facility Project (Proposed Project) (SCH Number: 2022030294)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The Port of Los Angeles is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project includes constructing and operating low-carbon cement processing facilities on the backland behind Berth 192-194 and repairs to the wharf at Berth 191,[1] on an approximately 6.1-acre site.[2] Process buildings and conveyors, an administration and maintenance building, material storage silos and piles, and truck-loading facilities would occupy the Proposed Project site.[3] The granulated blast furnace slag (GBFS) material would arrive by ship, and the gypsum material would arrive by truck[4] at the facility to produce the final product ground granulated blast furnace slag (GGBFS).[5] The Proposed Project is located at 100 Yatch Street, Wilmington.[6] Based on the aerial photographs, the nearest sensitive receptors (e.g., residential uses) are approximately 3,935 ft northwest of the Proposed Project site. The construction is expected to last 18 months,[7] as analyzed in 2024 and 2025.[8]

[1] Draft EIR. Page 2-7.
[2] *Ibid*. Page 2-4.
[3] *Ibid*. Page 2-7.
[4] *Ibid*. Page 2-11.
[5] *Ibid*. Page 2-9.
[6] *Ibid*. Page 2-4.
[7] *Ibid*. Page 2-14
[8] *Ibid*. Page 3.1-14.

South Coast AQMD Staff's Comments on the Draft EIR

Inconsistent on the Truck Trips throughout the CEQA Documents

The number of truck trips generated from the Proposed Project is summarized in Table 3.1-3[9] in Section 3.1 – Air Quality and Meteorology, Table 3.8-4[10] in Section 3.8 – Ground Transportation in the Draft EIR and in Table B1-4[11] in Appendix B1 – Air Quality Regulations/Methodology and Air Quality and GHG Emissions/Energy. However, the numbers in these documents are inconsistent, as shown in Tables A, B, and C below.

Table A – Proposed Project Truck Trips Generation (Draft EIR Section 3.1)

	Year	Table 3.1-3
Total Trucks (one-way trips/year)	2025	32,975
	2027	65,950
	2049	65,950

Table B – Proposed Project Truck Trips Generation (Draft EIR Section 3.8)

	Table 3.8-4
Annual One-way Truck Trips	66,000
Daily One-way Truck Trips	263

SCAQMD-1

Table C – Proposed Project Truck Trips Generation (Appendix B1)

	Year	Table B1-4
Total Annual Round Trips	2025	16,488
	2027	32,975
	2049	32,975
Total Daily Round Trips	2025	66
	2027	132
	2049	132

The information regarding the number of daily truck trips associated with the Proposed Project's operation should be consistent throughout the Draft EIR and its appendices. It does not only serve compatible purposes but also accuracy in terms of emissions from mobile sources (trucks). Based on the truck trips in Tables A, B, and C above, it is essential that the Lead Agency provides an explanation for the discrepancy among the CEQA documents for the Proposed Project and provides a revision to correct the truck trip information in the final document.

[9] *Ibid*. Page 3.1-17.
[10] *Ibid*. Page 3.8-15.
[11] *Ibid*. Appendix B1 - Air Quality Regulations/Methodology and Air Quality and GHG Emissions/Energy. Page B1-29.

Information Regarding the Ocean-Going Vessels at Berth Regulations

According to the California Air Resources Board (CARB), the United States Environmental Protection Agency (U.S. EPA) granted CARB's authorization request for the 2020 At Berth Regulation. The Ocean-Going Vessels At Berth Regulation aims to reduce nitrogen oxides (NOx) and diesel particulate matter (DPM). CARB issued an Enforcement Notice on October 24, 2023, to confirm that at the beginning of November 20, 2023, all regulated entities must follow and comply with the requirements set forth in the 2020 Regulation.[12] The impact of the Proposed Project's operational emissions would be significant for NOx, and the majority of emissions are generated from ocean-going vessels. The Lead Agency is recommended to review the 2020 At Berth Regulation and ensure following the requirements. For more information about the Regulation, the Lead Agency can visit CARB's webpage at https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation and Federal Register's webpage at https://www.federalregister.gov/documents/2023/10/20/2023-23261/california-state-nonroad-engine-pollution-control-standards-ocean-going-vessels-at-berth-notice-of. SCAQMD-2

Additional Air Quality Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR.

As the Proposed Project would include the use of ocean-going vessels (OGV) and potentially heavy-duty trucks, it is recommended that the Lead Agency should consider mitigation measures that address cleaner vessels, like maximizing calls from IMO Tier 3 ships (3.4 g/kW) and retrofitting with OGV emissions reduction technologies for the anticipated bulk vessel calls, and limiting truck idling, respectively. SCAQMD-3

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Final CEQA document may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule[13] and the Heavy-duty Low NOx Omnibus Regulation,[14] ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability

[12] California Air Resources Board. Ocean-Going Vessels at Berth Regulation. Access at: https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation
[13] California Air Resources Board. Advance Clean Truck. Access at: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks.
[14] California Air Resources Board. Heavy-duty Low NOx Omnibus Regulation. Access at: https://ww2.arb.ca.gov/our-work/programs/heavy-duty-low-nox.

of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. All heavy-duty haul trucks should meet CARB's lowest optional low-NOx standard starting in 2022. Where appropriate, include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.

SCAQMD-3 cont'd

South Coast AQMD Rules, Permits, and Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, etc., air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

SCAQMD-4

The Final EIR should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at http://www.aqmd.gov/home/permits.

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter.

Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA-IGR
Planning, Rule Development & Implementation

CN:SW:DN
LAC231012-01
Control Number

From: Bruce Falk
To: Ceqacomments
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project
Date: Thursday, December 7, 2023 2:13:43 PM

Good afternoon,

We are contacting you on behalf of, Boatswayne. We have been doing business with Wayne Ettel from Boatswayne since 2009. Mr. Ettel has played a huge role in helping many boat owners repair their old boats in the Los Angeles Harbor. The Port of LA, will be at a great loss without Wayne Ettel's business location. He is one of the few remaining experts in his field. ASM-1

Please consider the economic ramifications.

Thank you!
Kind regards.
Bruce Falk
Action Sales & Metal Co., Inc.
310-549-5666
bruce@actionsalesmetal.com
www.actionsalesmetal.com

From: Steven Regis
To: Ceqacomments
Subject: Berth 191 EcoCem Slag Mill Proposal Comments
Date: Monday, December 11, 2023 11:36:15 AM
Attachments: image002.png
Allied letter re EcoCem_Berth 191.pdf

Mr. Cannon,

I have attached CalPortland Company's comments describing our concerns with the proposed slag mill on Berth 191.

Steven Regis

CALPORTLAND
Steven A. Regis
Chief Operating Officer
CalPortland Co.
10655 W. Park Run Dr. Suite 275
Las Vegas, NV 89144
626-852-6219

ALLIED CEMENT COMPANY

December 11, 2023

Via Email <ceqacomments@portla.org>

Christopher Cannon, Director
Los Angeles Harbor Department
Environmental Management Division
425 Palos Verdes Street
San Pedro, CA 90731

RE: COMMENTS ON THE BERTH 191-194 (ECOCEM) LOW-CARBON CEMENT PROCESSING FACILITY PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Mr. Cannon,

Allied Cement Company ("Allied") has reviewed the Draft Environmental Impact Report ("DEIR") for the Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project ("Project") and respectfully submits the following comments.

Allied operates a cement terminal at Berth 191 in the Port of Los Angeles ("Port") under a Terminal Services Agreement ("TSA") with Vopak Terminal Los Angeles Inc. ("Vopak"). Allied does not necessarily oppose the Project but wants to ensure that the Port and the DEIR have given proper consideration to the co-utilization of Berth 191 by Allied and Orcem. Allied raised this concern in its comments on the Project's Notice of Preparation/Initial Study; however, as discussed below, the DEIR failed to adequately analyze the cumulative impacts associated with the co-located operations. Allied is also concerned that the DEIR does not accurately describe the Project's vessel operations, which could result in a conflict between Allied and Orcem's operations. We discuss each of our concerns in more detail below.

1. **The DEIR fails to properly analyze the Project's cumulative impacts with the reasonably foreseeable impacts associated with Allied's continued operations at Berth 191.**

An EIR's discussion of cumulative impacts must provide a summary of the cumulative environmental effects that are expected and a reasonable analysis of the cumulative impacts of the relevant projects. (14 Cal. Code Regs., § 15130(b)(4)-(5).) The discussion of cumulative impacts should be guided by standards of practicality and reasonableness. (*Id.* at § 15130(b).) An EIR should include a detailed analysis of cumulative impacts when data is reasonably available or can reasonably be produced by further study when such analysis is necessary to ensure that the cumulative effect is identified and disclosed. An EIR is not required, however, to speculate about cumulative impacts that *might* occur. (*Kings County Farm Bureau v. City of Hanford* (1990) 21 Cal.App.3d 692, 729; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 277.) In *City of Long Beach v. City of Los Angeles* (2020) 19 Cal.5th 465, for example, the court held that an EIR for a railyard expansion project was deficient in its analysis of cumulative impacts

Allied-1

because it failed to provide "meaningful information" about another railyard project for an adjacent site. (*Id.* at 490.)

Here, the DEIR acknowledges the relative importance of The Berth 187-191 [Vopak] Liquid Bulk Terminal Wharf Improvements and Cement Terminal Project ("Vopak Project") in its discussion of cumulative impacts:

> One project of particular note in this cumulative analysis is Project #31, the Berths 187-191 (Vopak) Liquid Bulk Terminal Wharf Improvements and Cement Terminal Project, as it is located immediately adjacent to the Proposed Project. Furthermore, that project would, if approved, be constructed at approximately the same time as the Proposed Project and its vessels would use the same berth (Berth 191) as the Proposed Project during operations.

(DEIR, p. 4-3.)

Despite acknowledging its importance to the cumulative impact analysis, the DEIR fails to provide meaningful information about the Vopak Project that would allow an analysis of the two projects' cumulative impacts. Rather, the DEIR's simply includes a generalized discussion of the Vopak project. (See, e.g., DEIR, pp. 4-8, 4-14, 4-15, 4-17.)

Specifically, the DEIR fails to state the annual number of the vessel calls at Berth 191 that will result from the Vopak Project, proposed total bulk cement import, and other key data that is reasonable to discuss and analyze in the DEIR. Moreover, this data is readily available to the Port, as it is currently preparing an EIR for the Vopak Project. Accordingly, the DEIR should be revised and recirculated to properly analyze the Project's cumulative impacts with the co-located Vopak Project.

Allied-1 cont'd

2. The DEIR does not accurately describe the Project's vessel operations which could conflict with Allied's continued use of Berth 191.

The DEIR's description of vessel operations is internally inconsistent and does not provide justification for the anticipated time that each vessel will unload at Berth 191. Without consistent and complete information, Allied is concerned that there will be a conflict among Orcem and Allied concerning the equitable use of Berth 191.

Allied-2

The DEIR provides that, at full operation, the Project would import approximately 800,000 metric tons of granulated blast furnace slag ("GBFS"), requiring twenty-four vessel calls per year. (DEIR, p. 2-16.) Orcem would import GBFS to the Port using 45,000-56,000-ton Supramax vessels with lengths ranging from 500 to 625 feet. (DEIR, p. 2-17.) This information is internally inconsistent. Twenty-four Supramax vessels could actually import between 1.08 and 1.34 million tons of GBFS annually, a significantly higher figure than the 800,000 tons analyzed in the DEIR. This discrepancy needs to be addressed. If the higher import figure is the correct one, the DEIR needs to be revised and recirculated to analyze the impacts of the higher import levels.

The DEIR further provides that unloading each vessel would take five days. (DEIR, p. 2-17.) Unloading operations would include the use of onboard deck cranes discharging GBFS into portable hoppers, which then discharge GBFS to portable conveyors at the wharf. (DEIR, p. 2-10.)

The Berth 187-191 [Vopak] Liquid Bulk Terminal Wharf Improvements and Cement Terminal Project's Notice of Preparation/Initial Study ("Vopak NOP/IS"), in contrast, provides that Berth 191 could handle a maximum of 500,000 tons of dry bulk cement import annually, requiring fifteen vessel calls per year at Berth 191. (Vopak NOP/IS, p. 2-28.) Each vessel, therefore, could hold approximately 35,000 tons of material.

Allied's vessels would be unloaded using two pneumatic Kovako machines, rather than onboard cranes, which vacuum cementitious materials from the vessel's hold. The Vopak NOP/IS states that vessels would take approximately 6 days to unload. (Vopak NOP/IS, p. 2-28.)

It is unclear why the Port assumes that Orcem can unload a Supramax vessel with a carrying capacity between 45,000 and 56,000 tons using an onboard deck crane in just five days, when the Port has stated that it will take Allied a minimum of six days to unload a significantly smaller vessel, using two Kovako pneumatic unloaders, each with a capacity of 250 tons per hour—a rate similar to unloading with onboard cranes. Based on this data, Allied is concerned that the DEIR underestimates the length of time Orcem's vessels will unload at Berth 191. Moreover, the DEIR fails to account for the delays that port congestion causes in delivering goods, which have only increased following the COVID-19 pandemic. Accordingly, the DEIR should be revised and recirculated to properly analyze the unloading time for Orcem's vessels and, should the Port approve the Project, condition approval upon the equitable use of Berth 191 with Allied's operation.

Allied-2 cont'd

We appreciate your consideration of our comments on the DEIR and we look forward to working with the Port and Orcem to address these concerns.

Sincerely,
ALLIED CEMENT COMPANY

Steve Regis

From:	Kristina Smith
To:	Ceqacomments
Cc:	Commissioners; Tim McOsker-Councilmember CD15; Christian Guzman-CD15
Subject:	Letter from Central San Pedro Neighborhood Council containing comments on Ecocem project
Date:	Monday, December 11, 2023 8:49:34 PM
Attachments:	ecochem letter CESPNC 12-11-23.pdf

Attached please find a letter containing comments from the Central San Pedro Neighborhood Council.

Please acknowledge receipt of this email and the attachment.

Thank you.

Kristina Smith
Neighborhood Council Services
310-918-8650 cell

Dillon Clark, President
LaMar Lyons, Vice President
Matthew Garland, Secretary
Eugenia Bulanova, Treasurer
Barbara St. John, Communications Officer

Central SAN PEDRO NEIGHBORHOOD COUNCIL

A City of Los Angeles Neighborhood Council Certified 2002

www.centralsanpedronc.org • 1840 S. Gaffey Street, #212, San Pedro, CA 90731 • 310-918-8650 • info@centralsanpedronc.org

December 11, 2023

Ms. Lisa Wunder
Interim Director
Environmental Division
Port of Los Angeles

Via: cegacomments@portla.org

Dear Ms. Wunder,

Thank you for the opportunity to comment on the Ecocem project DEIR.

As outlined herein, the Central San Pedro Neighborhood Council voted that the "no project" alternative is the only feasible alternative due to the air quality, health risks, and traffic impacts. At the same time, we voted that a modification of Alternatives 2 and 3 to provide for import and throughput of the raw granulated blast furnace slag via rail car addresses those impacts and could be environmentally acceptable. CESPNC-1

THE "NO PROJECT" ALTERNATIVE

Granulated blast furnace slag [GBFS] is similar to sand. Ecocem proposes to grind the product into a very fine dust material similar to the cement used in concrete, and loading it onto trucks for distribution throughout southern California.

The import, grinding, storage, truck loading and truck transport of the very fine product produces considerable PM 10's [particles smaller than 10 microns in size] and PM 2.5's [smaller than 2.5 microns in size]. Particles that small can lodge in the lungs and can even pass cell walls in the lungs and lodge in the brain. CESPNC-2

Table 3.1-13 in the DEIR shows the levels of the particle emissions for the years 2025, 2027, and 2049, and compares them with the AQMD threshold limits. **These are the predicted emissions after all feasible mitigations are applied and are for the project itself without including any ambient levels.** The predictions are based on what the levels would be at the property line. Predictions for what they would be in the surrounding area, from trucks and product dust for example, are not computed.

Table 3.1-13: Maximum Localized Off-site Ambient PM_{10} and $PM_{2.5}$ Concentrations — Proposed Project Operation

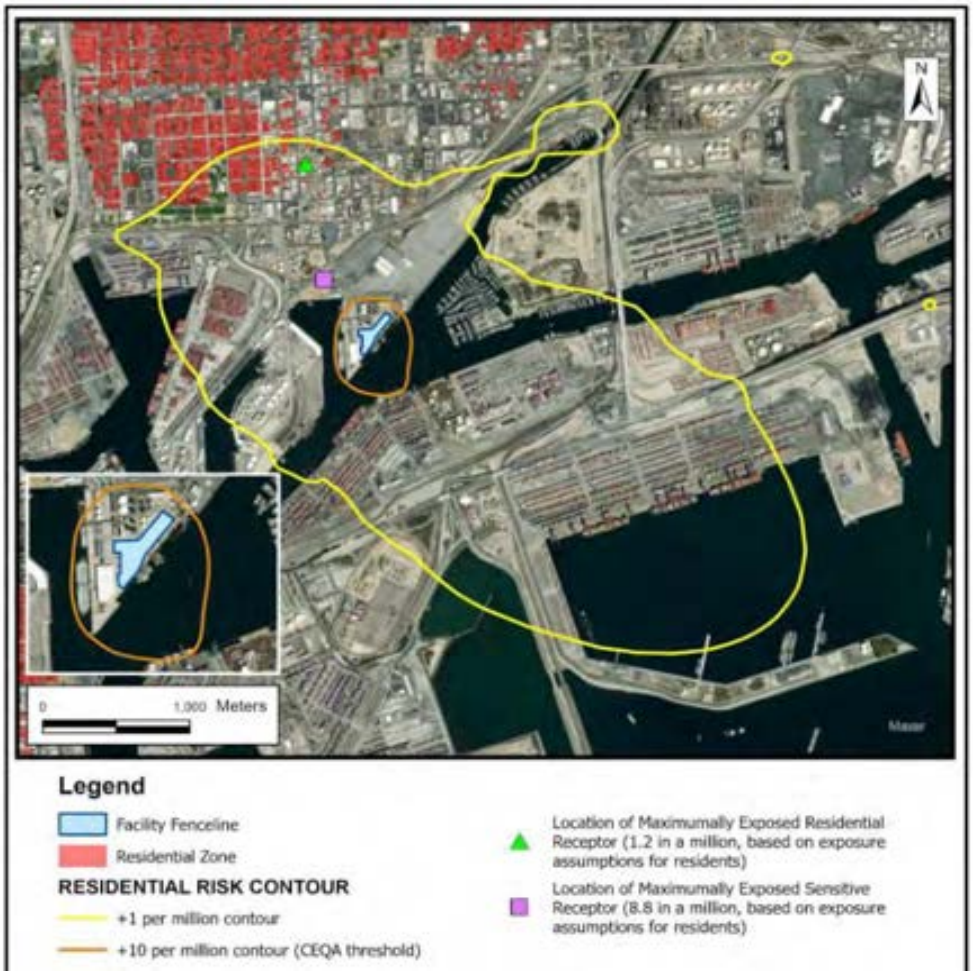
Pollutant	Averaging Time	Analysis Years	Ground-Level Concentration (µg/m³) [a,d]	SCAQMD Threshold (µg/m³)[b]	Concentration above Threshold?
PM_{10}	24-hour	2025	**10.9**	2.5	**Yes**
		2027	**21.6**	2.5	**Yes**
		2049	**21.5**	2.5	**Yes**
	Annual	2025[c]	**1.6**	1	**Yes**
		2027	**7.0**	1	**Yes**
		2049	**7.0**	1	**Yes**
$PM_{2.5}$	24-hour	2025	**3.3**	2.5	**Yes**
		2027	**6.6**	2.5	**Yes**
		2049	**6.6**	2.5	**Yes**

Notes:
[a] Exceedances of the thresholds are indicated in **bold**.
[b] Because the thresholds for PM_{10} and $PM_{2.5}$ are incremental thresholds, background concentrations are not added to the Maximum Modeled Project Concentration.
[c] 2025 annual average concentrations include construction impacts from January 2025 through July 2025 and operational impacts from August 2025 through December 2025.
[d] 24-hr concentrations were evaluated for off-site locations where persons may be exposed to the emissions from project activities, based on SCAQMD's Final Localized Significance Threshold Methodology (SCAQMD 2008). Commercial and industrial land uses were conservatively included for all averaging times.

CESPNC-2 cont'd

These emissions exceed the threshold standards by 60% up to 864%. This alone is sufficient to require a finding that the "no project" alternative is the only feasible alternative. There are a few others.

Figure 3.1-2: Isopleths of 30-Year Residential Cancer Risk – Proposed Project



CESPNC-3

Health risks are also a concern. CEGA does not require evaluating health risks unless they exceed more than 10 per million cancer cases. The DEIR found no cancer risk requiring an assessment. However, Figure 3.1–2 in the DEIR shows two risk outlines, one encompassing the project site as well as the adjacent Vopak terminal and another encompassing numerous residences in Wilmington, at least four terminals in the Port, plus the adjacent marinas. Given the claim that the project does not exceed the CEQA impact requirement, this should be clarified. The DEIR also ignores the considerable data available that shows various important pulmonary impacts, especially on workers and children, such as COPD and asthma.

CESPNC-3 cont'd

The identified air quality impacts alone are more than enough to indicate the "no project' alternative should be selected as the only feasible alternative because, as the DEIR indicates, they cannot be mitigated to a level of insignificance.

There is also the impact of truck traffic. Large hopper trucks will be used to import gypsum to the site for use in the crushing process, and to transport finished products from the site to various locations, apparently mostly in Southern California. There will be approximately 66,000 truck trips per year, averaging 73 miles each trip, or about the distance from the site in Wilmington to San Bernardino.

Ecocem believes that CEQA does not require analysis of the environmental impact of these truck trips. They believe that analyzing the vehicle trips of their 26 employees is all that is are required, and included those trips, averaging 10miles each, in their DEIR.

CESPNC-4

They do address the truck transport issue but declare that it is for informational purposes only. See Section 3.8.6, starting at page 3.8-14. In doing so however, they counted each truck as if it were a regular vehicle and only calculated the impact of the level of service at intersections in and around Wilmington. This is called a "Level of Service" [LOS] analysis and they use it rather than the "Vehicle Miles Traveled" [VMT] method. The average one-way truck trip is estimated to be 73 miles, or 4,818,000 miles per year. Since they assert that VMT only applies to cars, not trucks, they don't analyze the VMT for trucks.

Each truck is 72 feet long, length occupied by 2 1/2 cars. If the trucks are counted as if they were 2 1/2 cars each, it would impact on numerous intersections in around the area, degrading them to a level of service requiring modification of those intersections. Further, the informational limitation ignores things like impact on the neighborhood of the 263 hopper trucks rolling through the neighborhoods each day, ignores the impact on the condition of the roadways of the very heavy trucks on the pavement, does not discuss the impact on the new Wilmington Waterfront Park currently under construction, the increase in accidents, and the like.

These are the impacts and omissions that indicate the "no project" alternative should be the preferred alternative. As a note, Ecocem points out that it was unable to secure a site in Long Beach or Port Hueneme, and we know from previous news reports that they were turned down in Vallejo as well. We strongly suggest that the comments in the following links, particularly those related to toxic chemicals in the GBFS product, be taken into consideration.

CESPNC-5

https://web.archive.org/web/20220625160749/https://www.voicesofvallejo.com/not-so-harmless,

https://www.voicesofvallejo.com/fugitive-dust

We do believe that a modification of Alternatives 2 and 3 might result in an environmentally acceptable project.

CESPNC-6

Alternative 2 is for a reduced product alternative and Alternative 3 is for a finished product import terminal.

Alternative 2 lowers the volume of the project, reducing the ship calls from 24 per year to 23 per year, but retains the on-site crushing and processing operation and still would distribute the finished product by truck. This does not materially reduce the air quality and truck transport impacts.

Alternative 3 is a product import terminal, where the slag would be processed before import, off-loaded and distributed it from the site. It does not really reduce much of the air quality impact and would have all the truck transport issues.

There is a combination/modification of Alternatives 2 and 3 that eliminates most if not all of the air quality impacts and truck transport impacts. That alternative would have the site used as an import terminal for the granulated blast furnace slag [GBFS] and transporting it out of the terminal area by rail car to a remote site where the GBFS could be processed and distributed as Ground Granulated Blast Furnace Slag [GGBFS].

CESPNC-6 cont'd

Ecocem understands that raw product import and export via rail eliminates the truck transport and air quality issues, but says it is not feasible because it would require permits from others.
Interestedly, they say that 20 rail cars per day would equal the 263 trucks per day that they hope to use.

Next door to the site is the Vopak terminal. Vopak has a rail line into the terminal as well as a fully enclosed and well-ventilated product storage barn, now unused but currently rented to Portland Cement Company.

Ecocem says that a rail line to its site would require extending the track that now runs through Vopak, would require road crossing agreements a double track would be needed to accommodate the 20 rail cars per day. This ignores the fact that the Port owns all the track in the Port, that the streets are not dedicated public streets, and the Pacific Harbor Lines is owned by the Port as well. The Port could easily construct an industrial sidetrack down Canal Street to the proposed terminal.

Under this proposed modification of Alternatives 2 and 3, the raw product would be imported through the site, loaded onto rail cars and transported to a more acceptable, non-waterfront grinding mill, then distributed throughout Southern California.

In summary, the Council believes that the no project alternative is the only reasonable and feasible option that meets the project objectives in the least environmentally impactful way and is the one that should be selected, as required by Cal. Code Regs. Title 14 Sec. 15126.6, Cal. PRC Secs. 21002, 21081. We also note that the project to manufacture GGBFS in the manner proposed by Ecocem requires use of waterfront property for a non-waterfront dependent use. The Port has traditionally rejected uses that are not waterfront dependent. Perhaps that is why this project was rejected by the Port of Long Beach, Vallejo and Port Hueneme.

We believe the Port should explore the rail transport option in greater depth. We propose, and are willing to participate in, a study group with Port staff and PHL staff to explore this option. Thank you for your consideration.

Sincerely,

Dillon Clark, President
On behalf of the Central San Pedro Neighborhood Council
(Passed by the CeSPNC Board on December 11, 2023)
cc: Board of Harbor Commissioners
Council 15 Office

From:	Jesse Marquez
To:	Ceqacomments
Cc:	Jesse Marquez; Jesse Marquez
Subject:	Public Comments Submission - Berth 191-194 Ecocem Processing Facility Project DIER
Date:	Tuesday, December 12, 2023 12:00:42 AM
Attachments:	CFASE et al Public Comments - Opposing POLA Ecocem Processing Facility Project Draft EIR - 12-11-2023.pdf BAAQMD - 20190403 Vallejo Orcem DFEIR pdf.pdf Bay Crossings - Orcem Four Hijack Vallejo City Council.docx Bay Crossings - Three Vallejo Councilmembers Must Recuse From VMT - Orcem Vote.docx DOJ Orcem comment-vallejo-marine-terminal-eir - 11-7-2018 - 53 pgs..pdf North Bay Business Journal - Vallejo cement plant proposal hits area home values- opponent.docx San Francisco Chronical - Green' cement mill - Vallejo's savior or environmental disaster.docx Times Harold - City Attorney Claudia Quintana - Evidence before council opinion on Orcem.docx CFASE Commercial Status Availability of Zero Emissions Transportation Vehicles - CHE - Construction Equipment 9-1-2023.pdf

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Director of Environmental Management
Lisa Wunder, Acting Director
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731
310-732-3615
ceqacomments@portla.org

Su: Draft Environmental Impact Report (DEIR)
Berth 191-194 Ecocem Processing Facility Project
APP # 180628-109
SCH # 2022030294

Re: Public Comments Opposing the Berth 191-194 Ecocem Processing Facility Project & DRAFT EIR Non-Compliance to CEQA

The Coalition For A Safe Environment (CFASE) and et all undersigned community organizations submit the following public comments Opposing the Berth 191-194 ECOCEM Processing Facility Project and the DRAFT EIRs Non-Compliance to CEQA Requirements.

See Attachments

Jesse N Marquez
Coalition For A Safe Environment

Coalition For A Safe Environment
Community Dreams
EMERGE
Wilmington Improvement Network
Organización de Servicios Comunitarios Familiares
Citizens For A Better Wilmington
San Pedro Peninsula Homeowners United
NAACP San Pedro-Wilmington-Palos Verde Branch # 1069
West Long Beach Association
Latinos In Action
Friends of the Air, Earth and Water
California Kids IAQ
California Communities Against Toxics
St. Philomena Church Social Justice Committee
Del Amo Action Committee
California Safe Schools
Action Now

December 11, 2023

Director of Environmental Management
Lisa Wunder, Acting Director
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731
310-732-3615
ceqacomments@portla.org

Su: Draft Environmental Impact Report (DEIR)
Berth 191-194 Ecocem Processing Facility Project
APP # 180628-109
SCH # 2022030294

Re: Public Comments Opposing the Berth 191-194 Ecocem Processing Facility Project & DRAFT EIR Non-Compliance to CEQA

The Coalition For A Safe Environment (CFASE) and et all undersigned community organizations submit the following public comments Opposing the Berth 191-194 ECOCEM Processing Facility Project and the DRAFT EIRs Non-Compliance to CEQA Requirements.

ECOCEM Processing Facility Project will be located in the City of Los Angeles community of Wilmington. Wilmington has been identified by the California Environmental Protection Agency (CALEPA) and Cal EPA Office of Environmental Health Hazard Assessment (OEHHA) as a Disadvantaged Community (DAC) and an Environmental Justice Community (EJC). The ECOCEM Processing Facility Project will also negatively impact Disadvantaged Communities and Environmental Justice Communities in San Pedro, Harbor Gateway, Carson and West Long Beach who border or are near the Port of Los Angeles, Port Freight Transportation Corridors and CFASE-1

Warehouse/Distribution Centers.

Disadvantaged & Environmental Justice Communities Definitions & Rquirements

California Code, Government Code - GOV § 65040.12

(4)(e)(1) For purposes of this section, “environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(2) “Environmental justice” includes, but is not limited to, all of the following:

(A) The availability of a healthy environment for all people.

(B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.

(D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

CFASE-2

California Code, Health and Safety Code - HSC § 39711

(a) The California Environmental Protection Agency shall identify disadvantaged communities for investment opportunities related to this chapter. These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:

(1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.

(2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.

CFASE-3

We Oppose the Berth 191-194 Ecocem Processing Facility Project and Draft EIR for the following listed reasons, information, and violations of California Environmental Quality Act (CEQA):

1. We request that the Port of Los Angeles grant another public comment extension for 30 additional days. We have numerous times in the past in numerous Project EIR’s public comments asked the Port not to have more than one project public comment deadline on the same day and to have the public comments a minimum of 30 days apart to allow the public sufficient time to properly research, consult, prepare and submit written public comments.

CFASE-4

The Port of Los Angeles and City of Los Angeles have violated California Code, Government Code - GOV § 65040.12 (d)(4)(e)(1) and (e)(2). CFASE-4 cont'd

2. The Port of Los Angeles is not complying with NEPA for the Berth 191-194 Ecocem Processing Facility Project because it requires the preparation of a Draft Environmental Impact Statement (DEIS) and a Final Environmental Impact Statement (FEIS). The project involves demolition and construction in coastal waters, and has significant environmental impacts on air quality, greenhouse gas emissions, biological habitats and public health. CFASE-5

3. The Port of Los Angeles executive management, legal counsel and environmental management has once again failed in their fiduciary responsibility to conduct "due diligence," in investigating Ecocem, Ecocem's corporate related companies and Ecocems associated business partner's past history.

a. The Ecocem, its subsidairy Orecem Americas and business partner Vallejo Marine Terminal submitted an application to the city of Vallejo to build a cement mill in Vallejo, San Francisco Bay, California. The project was terminated by the city and rejected by the city Planning Commission due to the project's significant environmental impacts and the failure of Vallejo Marine Terminal to respond to requests for information and status of its Appeal. Ococem wanted to build its mill on the Vallejo Marine Terminal owned site.

b. The Bay Crossings newspaper reported:

"A proposal to demolish historic structures and construct a private marine terminal serving large cargo vessels and a cement plant at the mouth of the Napa River has been a source of controversy in Vallejo for the past six years. Three councilmembers are conflicted and should recuse themselves from upcoming votes on the project." CFASE-6

"Vallejo City Councilmembers Rozzana Verder-Aliga—and two fellow council members running for reelection—Jesus "Jess" Malgapo and Pippin Dew-Costa have demonstrated a well-documented improper level of bias prior to environmental review and approval of the project sufficient to undermine the intent and purpose of the California Environmental Quality Act (CEQA). There are no tripwires or bright lines to cross that indicate when such a level of unacceptable bias prior to environmental review occurs. Instead, it must be assessed based on the totality of the circumstances."

"In this case, the circumstances strongly indicate that these councilmem-bers should recuse themselves. They colluded in secret with special interest representatives and the applicants, using the Vallejo Marine Terminal (VMT) andOrcem Americas project to advance a private development initiative that undercuts the city's public planning process."

"The participants in this clandestine, well-organized effort left written records of their activity, subsequently revealed through public records requests. These communications reflect an early enthusiastic commitment by members of the city council to the VMT/Orcem project in the absence of any information regarding the potential negative environmental impacts."

"A majority of the Vallejo City Council went far beyond simply having a favorable opinion of the project prior to any impact analysis, but instead committed to the project at multiple levels in an organized effort hidden from public view. Their abandonment of objectivity is captured in the extraordinary documented measures taken to incorporate

the VMT/Orcem project as an integral part of their private development plan for Vallejo's waterfront without regard for environmental consequences."

"The willingness of councilmembers to ignore city policy, commandeer public resources in support of a private initiative, repeatedly violate the noninterference clause in the City Charter, and betray the public trust in the open and participatory function of local government all serve to indicate an extreme and unacceptable level of bias. Three of these participants—Malgapo, Dew-Costa and Verder-Aliga—continue to serve on the Vallejo City Council, with Malgapo and Dew-Costa up for reelection in November."

"VMT/Orcem made significant campaign contributions to the MISEDC councilmembers along with the county building trades-affiliated PAC, Jumpstart Vallejo. The latter group brings in members wearing safety vests to pack the chambers each time an action related to the VMT/Orcem project comes before the council. Their members would benefit from the temporary construction jobs created in developing the heavy industry infrastructure."

c. The Times~Harold newspaper reported that Vallejo Marine Terminal (VMT): CFASE-6 cont'd

"VMT is owned by Alan Varela and William Gilmartin, who both plead guilty in May to conspiring to obtain city contracts through former San Francisco head of public works Mohammed Nuru. The pair were arrested by the FBI for bribing Nuru with a $40,000, air-conditioned tractor, as well as thousands of dollars in extravagant meals.

"Vallejo's Sperry Mill site, owned by Vallejo Marine Terminal, appears to be operating industrial uses there without permits, a Times-Herald investigation shows. VMT has been doing so since the City of Vallejo sent a cease and desist notice to it two years ago."

4. The Bay Area Air Quality Management District (BAAQMD) submitted a letter to the City of Vallejo which stated the following in summer:

"The City of Vallejo was recently identified as a priority community that experiences high exposure to air pollution under the Air District's Community Health Protection Program (per AB 617). In addition, the Air District's Community Air Risk Evaluation (CARE) program identified Vallejo as a disproportionally impacted community approximately ten years ago due to the higher exposure and health burden within the community. Vallejo residents are exposed to higher levels of air pollution than other communities in the Bay Area. The intent of the Community Health Protection Program and CARE programs are to identify communities with higher air pollution levels and greater vulnerability, and to develop strategies to reduce the public's exposure to local sources of air pollution. The Project as proposed will increase air pollution in an already overburdened community and increase the health burden placed on the community from toxic air contaminants including diesel particulate matter, a known carcinogen."

"The Air District has received a partial permit application for the Orcem segment of the Project; however, an application for the Vallejo Marine Terminal has not been received. For permitting purposes, the Air District will consider emissions associated with each portion of the overall Project when determining the Project's consistency with meeting new source review permitting requirements".

"The Air District conducted a health risk assessment (HRA) for the stationary sources proposed for the Orcem portion of the Project. Based on the information provided to

date, it appears that the project could not be permitted by the Air District unless additional pollution control equipment and/or process modifications were included. The potential increase in cancer risk from the stationary sources would require Orcem to install Best Available Control Technology for Toxics (TBACT) on all sources of significant risk. As currently. proposed without TBACT or the VMT application. The Air District would not be able to permit this Project."

"The DFEIR also identified significant safety impacts to pedestrians and bicyclists due to the substantial increase in daily truck trips generated by the Project (over 500 trnck trips daily) that use local streets that will serve this Project (Lemon and Sonoma Boulevard). This substantial increase in heavy-duty truck traffic will discourage community members, including children and students of nearby schools, from using alternative modes of transportation, such as walking and cycling, due to safety concerns and exposure to diesel particulate matter. More can and should be done to protect pedestrians and cyclists from traffic hazards and exposure to diesel particulate matter. Walking and cycling are key components to healthy communities and are goals in the Air District's 2017 Clean Air Plan. As proposed, the Project will discourage these alternative modes of transportation."

5. The State of California Department of Justice (DOJ) submitted a letter to the City of Vallejo which stated the following in summary: CFASE-6 cont'd

"The California Attorney General's Office has reviewed the draft final Environmental Impact Report ("DFEIR"[1]), Environmental Justice Analysis ("EJA"), and the Air Quality Evaluation and Health Risk Assessment for the Revised Operations Alternative of the Project ("Revised Air Analysis") for the Vallejo Marine Terminal and Orcem Cement Plant Project ("Project") and respectfully submits the following comments.

"The Attorney General has an interest in safeguarding the state's environment and public health, and in ensuring that all citizens of the state—including low-income communities and communities of color—are treated fairly in the implementation of environmental laws that impact them.[2] The environmental documents for the Project fail to provide adequate legal support for the City of Vallejo ("the City") to approve the Project because: 1) the DFEIR fails to adequately disclose, analyze, and mitigate the significant environmental impacts of the Project; and 2) the EJA improperly concludes that the Project would not disproportionately impact low- income communities of color, and thus misleads decision makers and the public by minimizing the Project's significant environmental justice concerns. We urge the City conduct further environmental analysis prior to project approval to ensure that the DFEIR and EJA's inadequacies are corrected and the Project's environmental impacts are understood, disclosed, and mitigated to the maximum feasible extent.

"The California Environmental Protection Agency ("CalEPA") has designated the area as a "disadvantaged community," using a tool called CalEnviroScreen that considers environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score.[3] CalEnviroScreen places the communities adjacent to the Project in the 83rd percentile for overall pollution burden and vulnerability. The area ranks high for the number of sites contaminated with harmful chemicals (96th percentile), leaking underground storage tanks that contain hazardous chemicals (99th percentile), impaired water bodies (91st percentile), and hazardous waste facilities (89th percentile). The communities have an extraordinarily high rate of asthma (99th percentile) and cardiovascular

disease (96th percentile), both conditions that are caused and exacerbated by air pollution. Babies born from this area are more likely than 83 percent of babies in the state to be born with a low birth weight (less than five and a half pounds). Mothers who are exposed to pollution are more likely to bear low birth weight babies, and low weight babies are more likely to die as infants or develop asthma and other chronic diseases than babies who weigh more.

CFASE-6 cont'd

II. **Comments**

A. The DFEIR Violates CEQA

a. The DFEIR Fails to Adequately Consider the Project's Environmental Setting and Cumulative Impacts

b. The Revised Air Quality Analysis is Flawed and Underestimates the Project's Air Quality Impacts

c. The DFEIR's Mitigation Measures for Other Project Impacts are Inadequate, Unlawfully Deferred, and Unenforceable

d. The DFEIR Fails to Analyze the Potentially Significant Impacts of Coal Transport

CFASE-7

B. The Environmental Justice Analysis is Flawed and Misleading

a. The EJA's Demographic Analysis is Misleading

b. The EJA Fails to Acknowledge the Already-Existing Pollution Burden

CFASE-8

C. The DFEIR Fails to Consider the Potential Risks Due the Project Site Being Situated in a Sea-Level Rise Inundation Zone

CFASE-9

III **Conclusion**

"In conclusion, the DFEIR should be revised and, if necessary, recirculated, to remedy the CEQA inadequacies identified above, and to ensure the Project's environmental and community impacts are fully understood, disclosed, and mitigated to the maximum feasible extent. We appreciate your consideration of our comments and hope that you will require a full consideration of the Project's true impacts prior to certifying the environmental document and reviewing the Project for approval."

CFASE-10

6. The Project should not be approved because:

a. The projects significant Criteria Pollutant and Toxic Pollutant Emissions and inadequate proposed mitigation will impact protected Disadvantaged Communities and Environmental Justice Communities disproportionately more than any other community.

There are Zero Emission Technologies and Emissions Capture & Treatment Technologies currently available for over 90% of ECOCEMS vehicle and equipment need requirements. See Attachment: CFASE Zero Emission Transportation Vehicles, Cargo Handling Equipment, Construction Equipment & Ship/Boat

CFASE-11

Commercial Availability Survey.

b. The projects significant Greenhouse Gas Emissions and inadequate proposed mitigation will impact protected Disadvantaged Communities and Environmental Justice Communities disproportionately more than any other community.

   There are Zero Emission Technologies and Emissions Capture & Treatment Technologies currently available for over 90% of ECOCEMS vehicle and equipment need requirements. See Attachment: CFASE Zero Emission Transportation Vehicles, Cargo Handling Equipment, Construction Equipment & Ship/Boat Commercial Availability Survey.

c. The projects significant Cumulative Impacts and inadequate proposed mitigation will impact protected Disadvantaged Communities and Environmental Justice Communities disproportionately more than any other community.

   There are Zero Emission Technologies and Emissions Capture & Treatment Technologies currently available for over 90% of ECOCEMS vehicle and equipment need requirements. See Attachment: CFASE Zero Emission Transportation Vehicles, Cargo Handling Equipment, Construction Equipment & Ship/Boat Commercial Availability Survey.

CFASE-11 cont'd

d. The projects significant Public Health Impacts and inadequate proposed mitigation will impact protected Disadvantaged Communities and Environmental Justice Communities disproportionately more than any other community.

   - There are Zero Emission Technologies and Emissions Capture & Treatment Technologies currently available for over 90% of ECOCEMS vehicle and equipment need requirements. See Attachment: CFASE Zero Emission Transportation Vehicles, Cargo Handling Equipment, Construction Equipment & Ship/Boat Commercial Availability Survey.
   - Air Purification Systems can be installed in all sensitive receptor homes, condos and apartments.
   - Air Purification Systems can be installed in all sensitive receptor child care centers.
   - Air Purification Systems can be installed in all sensitive receptor public schools, park gyms, recreational centers and senior citizen centers.
   - Noise suppression, dampening and canceling technologies such as soundproof glass, doors, wall panels, enclosures, curtains, paint etc. exist to mitigate all nose impacts to all categories of sensitive receptors.

e. The projects Health Risk Assessment is under-evaluated because it did not include the underestimated Criteria Pollutants Emissions, Toxic Pollutant Emissions and Greenhouse Gas Emissions on Public Health that we have identified.

CFASE-12

7. Truck Criteria Pollutants, Toxic Pollutants & Greenhouse Gas Emissions

CFASE Public Comments, Request for Information & Inclusion in EIR:

CFASE-13

The total Criteria Pollutant, Toxic Pollutants & Greenhouse Gas Emissions calculations

for Gypsum truck trips are significantly underestimated because the emissions were based on only a one-way truck trip not the total number of trip destinations and truck VMT for delivery to ECOCEM.

The total Criteria Pollutant, Toxic Pollutants & Greenhouse Gas Emissions calculations for Gypsum truck trips are significantly underestimated also because port cargo trains and empty containers entering and leaving will take a minimum of 20-30 minutes. The ECOCEM Gypsum truck delivery and GGBKS shipments will also be delivered.

The emissions are underestimated by a factor of 2 to 3.

Table 2-2 referenced numbers for Gypsum truck trips, one-way trips/yr., GGBFS truck trips, one-way trips/yr. and Total trucks one-way trips/yr. and should be increased by at least 2.5x-3x.

CEQA requires that both Direct and Indirect Effects be assessed and mitigated.

I. Gypson Truck Trips

a. The Draft EIR failed to identify, acknowledge, assess and mitigate the Gypsum Heavy-Duty Trucks/Trailers/Tractors leaving their place of origin the Gypson manufacturer or distributer with a sealed dry-bulk pneumatic tanker trailer to deliver to ECOCEM and then return home.

b. The Draft EIR failed to identify, acknowledge, assess and mitigate the Gypsum Heavy-Duty Trucks/Trailers/Tractors leaving their place of origin the Gypson manufacturer or distributer to pick-up a sealed dry-bulk pneumatic tanker trailer in another location and returning to the Gypson manufacturer or distributer in order to pick up the Gypsum, deliver Gypson to ECOCEM and then return home.

c. The Draft EIR failed to identify, acknowledge, assess and mitigate the Gypsum Heavy-Duty Trucks/Trailers/Tractors leaving their place of origin a large truck company parking lot, traveling to get a sealed dry-bulk pneumatic tanker trailer in another location and returning to the Gypson manufacturer or distributer in order to pick up the Gypsum, deliver Gypson to ECOCEM and then return home .

d. The Draft EIR failed to identify, acknowledge, assess and mitigate the Gypsum Heavy-Duty Trucks/Trailers/Tractors leaving their place of origin an Independent Owner/Operator ‘s house, traveling to pick-up a sealed dry-bulk pneumatic Tanker Trailer in another location and returning to the Gypson manufacturer or Distributer in order to pick up the Gypsum, deliver Gypson to ECOCEM and then return home.

CFASE-13 cont'd

II. GGBKSBKS Truck Trips

ECOCEM does not own any Heavy-Duty Trucks/Trailers/Tractors or Sealed Dry-Bulk Pneumatic Tanker Trailers.

a. The Draft EIR failed to identify, acknowledge, assess and mitigate the Gypsum Heavy-Duty Trucks/Trailers/Tractors leaving their place of origin a large truck company parking lot, traveling to pick-up a sealed dry-bulk pneumatic tanker trailer in another location, then travel to ECOCEM to pick up a GGBKS load,

CFASE-14

deliver the GGBKS to the customer and then return home.

b. The Draft EIR failed to identify, acknowledge, assess and mitigate the Gypsum Heavy-Duty Trucks/Trailers/Tractors leaving their place of origin an Independent Owner/Operator ‘s home, traveling to pick-up a sealed dry-bulk pneumatic tanker trailer in another location, then travel to ECOCEM to pick-up a GGBKS load, deliver the GGBKS to customer and then return home.

CFASE-14 cont'd

III. Truck Idling

a. The Draft EIR states that the trucks will not idle for more than 5 minutes which is impossible and underestimated. The Draft EIR also states,” Truck loading would be carried out within a building located below the product dispatch silos. Each truck loading event would take approximately 6 to 10 minutes.”

   This means that Truck Idling would be equal or more than a truck loading a minimum 6-10 minutes. In reality trucks would arrive at different times early and get in que to wait their turn resulting on more idling emissions.

b. The Draft EIR failed to include port train delay impacts on truck arrivals and departures. We estimate that on the average there are 10-15 train cars leaving and entering the Port of Los Angeles daily that will cause a significant increase in emissions. The Draft EIR needs to include Idling emissions caused by port train passing delays

c. The emissions are underestimated by a factor of 2 to 3.

CFASE-15

8. Cumulative Impacts

CFASE Public Comments, Request for Information & Inclusion in EIR:

The Draft EIR Emissions Cumulative Impacts are significantly underestimated and need to be revised to include Truck Criteria Pollutants, Toxic Pollutants & Greenhouse Gas Emissions that we have identified in these public comments.

The Draft EIR Emissions Cumulative Impact assessments are underestimated by a factor of 2 to 3.

CFASE-16

9. Truck Driver Availability and TWIC Requirements

a. The Draft EIR did not address and assess the impacts of the Transportation Security Administration issued Transportation Worker Identification Credential (TWIC Card) requirements for Truck Drivers to enter the port.

b. There is currently a Truck Driver shortage, the ports in the past have had Truck Driver shortages and there is a high company turnover of Truck Drivers.

c. ECOCEM has provided no information that their Gypsum supplier(s) have sufficient Truck Drivers and dry-bulk pneumatic tanker trailers to meet ECOCEMS delivery needs.

d. ECOCEM has provided no information, letters of Intent or signed agreements from Trucking Companies to pick-up GGBFS at their facility.

CFASE-17

e. ECOCEM has provided no information, assurances, letters of Intent or signed agreement with Trucking Companies that they will not change drivers after the leave the port. TWIC Card Truck Drivers are the only public assurance that the Truck Driver is a legal and safe driver. Non-TWIC drivers typically will own older semi-trucks which are higher air polluting, have more accidents, have more frequent breakdowns on highways, freeways and public streets.

CFASE-17 cont'd

10. Truck Traffic & Congestion

The Draft EIR failed to conduct an assessment of local street, freeway and highway capacity for ECOCEM's 95,995 Trucks per year, 263 Trucks per day and 11 Trucks per hour which is highly underestimated and is closer to 526 per day and 22 Trucks per hour.

CFASE-18

11. Ship Emissions Mitigation

a. The Draft EIR states that ECOCEM," plans to use a control technology based on a barge-mounted scrubber system that captures and treats auxiliary engine exhaust emissions from vessels while at-berth."
b. There are two companies that would be able to service ECOCEM ships and ECOCEM can meet with them now to get a letter of intent or signed agreement for a barge-mounted scrubber system that captures and treats auxiliary engine exhaust emissions service when ECOCEMs terminal is complete.

CFASE-19

12. CEQA References Applicable to our Public Comments:

Section 15064 - Determining the Significance of the Environmental Effects Caused by a Project

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process.

(1) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR.

(2) When a final EIR identifies one or more significant effects, the lead agency and each responsible agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project.

CFASE-20

(b)

(1) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

(2) Thresholds of significance, as defined in Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When

using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant.

(c) In determining whether an effect will be adverse or beneficial, the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the lead agency must still determine whether environmental change itself might be substantial.

(d) In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

CFASE-20 cont'd

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

Section 15126.2 - Consideration and Discussion of Significant Environmental Impacts

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. 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. The EIR shall also analyze any significant

environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans, addressing such hazards areas.

CEQA Guidelines, § 15378, subd. (a)

The project under CEQA, is defined to include, “the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.”

Emissions sources include but may not limited to:

Construction Emissions

- Construction equipment on site
- Trucks hauling materials to and from the site
- Worker commute trips

Operational Emissions

- Vehicle trips (mobile sources)
- Natural gas consumption (on-site)
- Electricity consumption (on-site)
- Water consumption and generation of wastewater
- Solid waste disposal
- Landscape maintenance activity (area sources)

CFASE-20 cont'd

CEQA Guidelines § 15126.2, subd. (a).

An analysis of a project must give “due consideration to both the short-term and long-term effects”

CEQA Guidelines, § 15064.4, subd. (a)

(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Quantify greenhouse gas emissions resulting from a project; and/or

(2) Rely on a qualitative analysis or performance-based standards.

(b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should

consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:

(1) The extent to which the project may increase or reduce greenhouse gas emissions as
compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency
determines applies to the project.

(3) The extent to which the project complies with regulations or requirements adopted to
implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

CFASE-20 cont'd

Section 15126.4 - Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the

type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence

CFASE-20 cont'd

(c) Mitigation Measures Related to Greenhouse Gas Emissions.
Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:

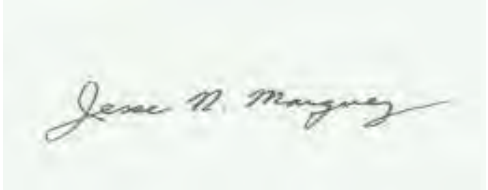
(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;**(2)** Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;**(3)** Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;

The Coalition For A Safe Environment et al co-signature organizations respectfully file these Public Comments on behalf of our members, organization affiliations, the public and request that all issues identified and requests be accepted and included in our request for a Project Denial and revised Draft Environmental Impact Report.

Please see attachments for information sources stated in these public comments.

Jesse N. Marquez is the designated contact person for all co-signatory organizations for all future correspondence, information, questions, hearings and meetings. All co-signatories and individuals reserve their rights to participate in all future meetings, discussion, actions, mediation and negotiations.

Respectfully Submitted,



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Wilmington Improvement Network
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Valerie Contreras
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Citizens For A Better Wilmington

Joe R. Gatlin
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NAACP
San Pedro-Wilmington Branch # 1069

Modesta Pulido
Chairperson
St. Philomena Social Justice Ministry

Robina Suwol
Executive Director
California Safe Schools

Jane Williams
Executive Director
California Communities Against Toxics

Cynthia Babich
Executive Director
Del Amo Action Committee

Mitzi Shpak
Executive Director
Action Now

Chuck Hart
President
San Pedro Peninsula Homeowners United

Rosalie Preston
President
Friends of the Air, Earth and Water

Theral Golden
Treasurer
West Long Beach Association

From: Dean Pentcheff
To: Ceqacomments
Cc: Bezmalinovich, Augie
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project
Date: Monday, November 27, 2023 6:08:05 PM
Attachments: Ecocem comments — Coastal SPNC.pdf

Please find attached formal comments on the Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project from the Coastal San Pedro Neighborhood Council.

Thank you.

-Dean
--
Dean Pentcheff
pentcheff@gmail.com
pentcheff@nhm.org
https://research.nhm.org/disco


The following motion was passed unanimously at the Board meeting of the Coastal San Pedro Neighborhood Council on 20 November 2023:

The Coastal San Pedro Neighborhood Council submits the attached comments on the Draft Environmental Impact Report for Berth 191-194 (ECOCEM) Low-Carbon Cement Processing Facility, addressing concerns on Air Quality and Meteorology, Greenhouse Gases, Local Traffic Circulation, and the Rail Based Product Distribution Alternative.

November 20, 2023
Lisa Wunder, Interim Director
City of Los Angeles Harbor Department Environmental Management Division 425 Palos Verdes Street
San Pedro, CA 90731

Subject: Comments Submittal for the Draft EIR for Berth 191-194 (ECOCEM) Low-Carbon Cement Processing Facility

Reference: Coastal San Pedro Neighborhood Council Comments Submittal RE Subject Project, dated April 20, 2022

To whom it may concern,

We appreciate consideration and response to our Comments defined in the reference letter and request response to the following as related to the Draft EIR for the Proposed Project applicable for the sections listed.

Section 3.1 Air Quality and Meteorology

As impacts would remain significant and unavoidable for NOx in all operational years and would remain significant and unavoidable for operation-related ambient pollutant concentrations in all years for annual and 24-hr PM10 and 24-hr PM2.5, we recommend that this project be used as an incentive by the Port to significantly accelerate emissions control programs on ocean going vessel at-berth and in-transit emissions to such an extent that the significant and unavoidable impacts of NOx and PM will be reduced or mitigated to a level of compliance. COSPNC-1

Section 3.5 Greenhouse Gases

GHG emissions of the project will be significant and unavoidable for all analyzed years. However, we recognize that the specialized cement production of the project is expected to save approximately 666,500 metric tons of carbon release per year, relative to the same production of ordinary Portland cement. This savings for the planet greatly exceeds the 12,000 – 21,000 metric tons of CO_2e (GHG) emitted by plant operation. Therefore we support this project as a net gain for GHG emission control. COSPNC-2

3.8.6 Local Traffic Circulation

We appreciate the LAHD assessment of potential impacts from Project-related truck traffic on local intersections and arterial road segments and the improvement plans defined in Table 3.8-4 and depicted in Figures 3.8-1 through 3.8-3. We further request regularly scheduled (e.g., monthly) monitoring of traffic impacts resulting from Project operations and continuing improvements and roadway or operational modifications determined necessary to mitigate or reduce traffic impacts on the adjacent communities and the impacts on roadways from heavy duty truck traffic. COSPNC-3

5.4.2 Rail Based Product Distribution Alternative

We request futher analysis to include consideration and input from the Harbor area neighborhood councils in the immediate vicinity (including Wilmington and Northwest San Pedro Neighborhood Councils) regarding the three primary issues explained in the DEIR that render the alternative infeasible. COSPNC-4

We will appreciate your consideration and response. Sincerely,

Doug Epperhart, President

On behalf of the Coastal San Pedro Neighborhood Council Board

From: Howard Berman
To: Ceqacomments
Subject: Project title "Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date: Monday, December 11, 2023 10:38:40 AM
Attachments: E4 Comment Letter to POLA.docx

Attached please find my comments on the subject referenced item.
Thank you for this opportunity to comment on this matter.
HB

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December 11, 2023

Via Email: ceqacomments@portla.org

Port of Los Angeles
Los Angeles Harbor Department
425 Palos Verdes Street
San Pedro, CA 90731

Re: **Berths 191-194 Low-Carbon Cement Processing Facility Project**
Comments on Draft Environmental Impact Report

E4 Strategic Solutions appreciates the opportunity to comment on the Draft Environmental Impact Report ("EIR") for the "Berths 191-194 Low-Carbon Cement Processing Facility Project" (the "Project").

We begin with a brief overview of the Project, followed by our comments.

PROJECT OVERVIEW

According to the EIR, the Project is the construction and operation of a low-carbon binder import and processing facility on 6.1 acres located at the Port of Los Angeles ("POLA"). The Project also includes repairs and upgrades to Berth 191 to receive imports of granulated blast furnace slag[1] ("GBFS") from ports of origin in Asia or Mexico. GBFS is described as "a by-product of the production of molten iron in a blast furnace, as the molten slag from the blast furnace is quenched in water." (EIR, pp. 2-2, 2-9.)

GBFS would be imported to the Project site by ocean-going vessels ("OGVs") between 500 and 625 feet in length, with cargo capacities up to 56,000 tons. (EIR, p. 2-17.) A new processing facility adjacent to Berths 192-194 would grind and process incoming GBFS (together with gypsum imported by truck) into a low-carbon cement binder. (EIR, p. 2-2.) The resulting product, known as ground granulated blast furnace slag ("GGBFS"), would be stored in onsite silos, from which third-party trucks would be loaded to transport the GGBFS to concrete production facilities throughout the region. (EIR, p. 2-3.) E4SS-1

The EIR characterizes GGBFS as an environmentally beneficial alternative to traditional portland cement. The EIR describes GGBFS as a low carbon "binder" that serves as "a partial substitute to traditional portland cement and portland limestone cement in concrete." (EIR, p. 2-1.) The EIR states that GGBFS requires 14 percent less energy to produce than portland

[1] GBFS is "a by-product of the production of molten iron in a blast furnace, as the molten slag from the blast furnace is quenched in water." (EIR, pp. 2-2, 2-9.)

cement and would "help the State of California meet its net-zero emissions target for the cement industry." (EIR, pp. 2-1, 2-2.)

The Project is projected to achieve full operations by 2027, at which time the site would annually receive 800,000 metric tons ("MT") of imported GBFS, which would in turn allow the production of 775,000 MT of GGBFS. (EIR, p. 2-16.) At that level of operation, the Project would receive 24 vessel calls per year, and generate approximately 65,950 truck trips to import gypsum and distribute GGBFS throughout the Los Angeles region. (EIR, p. 2-16.) E4SS-1

The POLA has prepared a draft EIR to analyze the Project's potential environmental impacts. After review, it is clear that the EIR contains several significant defects, outlined below, which render the document inadequate.

COMMENTS

1. **The Project Description fails to disclose the full scope of the Project with respect to overseas transportation.**

The EIR's Project Description omits important elements. The Project plainly requires the transportation of material by OGVs to the POLA from ports of origin in Asia or Mexico. This is an integral part of the activity that would be approved. Yet, the Project Description fails to treat the entire voyage from those overseas ports to the Project site as part of the Project. The EIR instead assumes that the Project includes only that segment of the voyage between the Project site and the state's overwater boundary, 178 nautical miles from the coast. (EIR, p. 3.5-14.) As follows, the EIR's failure to describe the entire voyage as part of the Project renders the Project Description inadequate. E4SS-2

Here, according to the Project Description, the Project includes the operation of facility that would annually receive up to 800,000 MT of GBFS by OGVs from ports in Asia or Mexico, through an estimated 24 OGV calls per year. (EIR, pp. 2-16, 2-17.) Plainly, the Project requires the overseas transport of GBFS to operate. Overseas transport of GBFS is an integral part of the facility's operation. Thus, the full voyage, from the ports of origin to the Project site, is part of the "the whole of an action" that may cause direct or reasonably foreseeable indirect physical changes in the environment, such as air pollutants and GHG emissions (as described below).

By omitting this integral component of the Project from the Project Description, the EIR is fundamentally inadequate and misleading. The EIR must be revised to fully describe the Project.

2. **CEQA's exemption for out-of-state emissions is inapplicable.**

The EIR explains the decision not to fully analyze the GHG emissions generated by OGVs by asserting that CEQA applies only to OGV emissions "within California's boundaries." (EIR, p. 3.5-14.) The EIR thereby asserts that Project-related GHG emissions generated outside of the state's boundaries are beyond the scope of CEQA. It is reasonable to assume (though the EIR is silent) that the EIR makes this assertion based on CEQA's exemption for certain projects located outside of California. (Pub. Resources Code, § 21080(b)(14); Code of Regs., tit. 14, § 15277.) E4SS-3

By its terms, however, this exemption does not apply here and it would be an error to invoke it. The Project is not located in another state nor is subject to NEPA. Further, the exemption is inapplicable to emissions that would have a significant effect on the environment in this state, which plainly includes GHG emissions because of their global impact. It is axiomatic that emissions with a global impact have a local impact in California. GHG emissions in the middle of the Pacific Ocean are therefore equally impactful in California as if they occurred in the POLA itself. Thus, significant GHG emissions by a project under POLA's authority, have, by definition, a significant effect on the environment in this state, no matter where the point of emission occurs. E4SS-3

For this additional reason, the EIR and its Project Description must be revised to accurately describe the Project and analyze the impacts posed by Project-related OGVs operating beyond the state's overwater boundaries.

3. The EIR fails to fully analyze GHG emissions generated by OGVs.

Lead agencies are obligated by CEQA to make a good-faith effort to calculate and disclose the GHG emissions generated by a project.

Here, the EIR analyzed only a fraction of the GHG emissions associated with the transportation of GBFS from overseas ports to the Project site. Rather than calculating emissions generated over the course of the entire voyage, the EIR only calculated GHG emissions from the state's "overwater boundary, approximately 178 nautical miles from the [POLA]." (EIR, p. 3.5-14.) The EIR calculated that such near-shore GHG emissions from OGVs would be 2,423 metric tons ("MT") annually by 2027. (EIR, p. 3.5-21.) Even by this partial measure, GHG emissions are prominent, totaling 11 percent of the GHGs generated by the entire Project annually during the operational phase. (EIR, pp. 3.5-21-22.) Standing alone, these OGV emissions comprise 24 percent of the 10,000 MT threshold of significance. E4SS-4

The failure to analyze GHG emissions generated by OGVs farther out than 178 nautical miles resulted in a massive underestimate of the actual GHGs generated by the Project. While the EIR neglected to specify any potential ports of origin for OGVs arriving from Asia or Mexico, public data indicates that China is the largest worldwide producer of GBFS[2], making China a probable source for Asian imports. An OGV trip from Beijing to the POLA is approximately 7,500 miles. For OGVs originating in Mexico, the nearest major port is Manzanillo, which is approximately 1,400 miles from the POLA. Thus, it can be reasonably assumed that the Project analyzed only approximately 2.4 percent (178/7,500) of GHG emissions generated by OGVs originating from China, and 12.7 (178/1,400) percent of GHG emissions for OGVs originating in Mexico. It is clear from this that GHG emissions generated by voyages from either point of origin would, standing alone, exceed the 10,000 MT threshold of significance.

The EIR attempts to excuse the lack of analysis by suggesting that any effort to calculate emissions generated beyond California's overwater boundary would be speculative. The EIR states:

[2] See https://www.chemanalyst.com/industry-report/granulated-ground-blast-furnace-slag-ggbfs-market," accessed Nov. 26, 2023.

> This document acknowledges that Project-related GHG emissions would extend beyond state borders. However, origin and destination data for out-of-state emissions over the life of the proposed Project or an alternative do not exist and would be speculative on a project-specific level. Therefore, estimation of out-of-state GHG emissions is not required under CEQA.

(EIR, p. 3.5-17.)

It is well within POLA's ability, however, to make a reasonable estimate of the GHG emissions generated by OGVs from ports of origin, without engaging in pure speculation. The EIR states that imports will originate from Asia or Mexico. That information alone allows a conservative estimate of the trip distances from possible ports of origin to POLA, which in turn allows for an estimate of GHG emissions generated by OGVs over the course of those trips. The EIR makes no effort to make this calculation or explain why such estimates are not possible. A good-faith estimate, even if imprecise, is far more in line with CEQA than arbitrarily assuming that OGVs materialize at the state's overwater boundary. E4SS-4

By all appearances, offshore OGV's transporting GBFS to the Project site will generate very significant GHG emissions, well in excess of the adopted threshold of significance. The EIR must make a "good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" those emissions. (Code of Regs., tit. 14, § 15064.4.) The EIR fails to do so and therefore must be revised to include this analysis.

4. The EIR is misleading by asserting that the Project will reduce GHG emissions.

The purpose of an EIR is to inform the public and responsible officials of the environmental consequences of their decisions. Key to this function is that the EIR does not mislead the public or decisionmakers with inaccurate information.

The EIR's failure to disclose the full extent of the GHG impacts is striking because the EIR characterizes the Project as one that will reduce GHG emissions. The EIR introduces the Project by reciting that the combustion of carbon-based fuels for cement production is responsible for approximately eight percent of worldwide carbon dioxide emissions and two percent of California's emissions. (EIR, p. 3.5-3.) The EIR goes on to say that, by importing 800,000 tons of GBFS annually over a 30-year period, the Project will replace up to 12 percent of the cement produced annually in Southern California and reduce GHG emissions associated with cement consumption in the state. (EIR, p. 3.5-3, 20.) E4SS-5

Indeed, the stated purpose of the Project, according to the EIR, is "to help the State of California meet its net-zero emissions target for the cement industry" and "further the principles and goals of [regional policies] related to GHG emissions." (EIR, pp. 2-2, 3.5-11; see also p. 3.15-23.)

These statements are misleading in the absence of a complete inventory of all GHG emissions. It is simply not possible for the EIR to conclude that the Project will reduce GHG emissions without evidence of the Project's complete impact. By touting the environmental benefits of the Project without disclosing all of the facts – and indeed, on a record that leaves

open the possibility that importing GBFS will significantly increase GHG emissions – the EIR is misleading. E4SS-5

5. Alternative 3 is not a valid Project alternative.

One Project alternative, Alternative 3, describes a portland cement import and distribution facility. This is not a legal Project alternative because it does not meet any Project objectives and describes an entirely different project than the one proposed. The EIR must be revised to delete Alternative 3.

A project description must identify a project's "objectives," which in turn guide the selection of project alternatives. (Code of Regs., tit. 14, § 15124(b).) The alternatives selected in the EIR must "feasibly attain most of the basic objectives of the project." (Code of Regs., tit. 14, § 15126.6(a).)

Here, the Project's purpose is to supply an alternative to traditional portland cement. The Project would produce a low-carbon "binder" that is "a partial substitute" to portland cement that requires 14 percent less energy to make and would help California to meet its net-zero emissions target for the cement industry. (EIR, pp. 2-1, 2-2.) In line with this purpose, the EIR identifies the following "Project Objectives":

- Provide necessary raw material import capacity for an environmentally sustainable product;
- Establish a processing facility to produce the binder at a deep-water berth in Southern California, with permanent local manufacturing jobs, that is:
  - Capable of adapting to changes in raw material sources in order to maintain a steady supply of product;
  - Capable of providing storage capacity for the rapid unloading of bulk ships delivering raw materials and for loading product on bulk tanker trucks; and
  - Located near the center of the Southern California market to reduce the traffic burden, road wear, and energy requirements associated with truck transport of product.
- Facilitate the future development of improved low-carbon, high-performance binders

E4SS-6

(EIR, p. 2-3.)

Alternative 3 does not advance **<u>any</u>** of these objectives. Alternative 3 essentially would construct an import and distribution facility for 775,000 MT per year of portland cement that is produced overseas and imported to the Project site. (EIR, p. 2-24.) By doing so, the EIR is frank that the environmental benefits of the Project would not be realized. (EIR, pp. 2-24, 2-

25, 5-3.) While the EIR states that some imports may include low-carbon binders, the EIR is similarly frank that traditional portland cement would be the dominant import:

> The most profitable operating scenario for a cementitious import terminal owned by a business not operating a cement plant in California would be to import Portland cement, not GGBFS, fly ash, or natural pozzolan.

(EIR, p. 2-24.)

Because Alternative 3 fails to meet any of the Project Objectives, it does not meet the criteria under CEQA for consideration as an alternative, which require that an alternative "feasibly attain most of the basic objectives of the project." (Code of Regs., tit. 14, § 15126.6(a).) Indeed, the EIR indicates that Alternative 3 would actually impede and frustrate achievement of the Project Objectives because it would help shift GHG production to overseas locations where it might avoid CEQA review. As such, Alternative 3 is incompatible with the Project's fundamental purpose and would change the basic nature of the project from one that is assertedly environmentally beneficial to one that simply maintains the status quo. E4SS-6

Properly viewed, Alternative 3 is not a legal Project alternative, but describes a different project altogether that has fundamentally different characteristics and would achieve different purposes. Accordingly, the EIR must be revised to delete Alternative 3 and to reconsider a reasonable range of alternatives.

6. The EIR fails to analyze the Project's potential water quality impacts.

The EIR fails to include any discussion of water quality impacts. Such a discussion is expected and customary for an industrial project that includes handling fine particulate matter in immediate proximity to a sensitive waterway with attendant water quality risks, particularly in a case such as this involving potentially hazardous materials. The EIR must be revised to include this analysis.

An EIR must identify and describe a proposed project's potentially significant effects on the environment. (Pub. Resources Code, § 21100, subd. (b).; Code of Regs., tit. 14, § 15126.2(a).) A significant effect is a "substantial, or potentially substantial, adverse change in the environment." (Pub. Resources Code, § 21068.) The "environment" consists of the physical conditions "which exist within the area which will be affected by a proposed project," including the "water." (Pub. Resources Code, § 21060.5.) E4SS-7

To guide the analysis of water impacts, Appendix G to the CEQA Guidelines contains an environmental checklist which (under the heading of "Hydrology and Water Quality") instructs lead agencies to analyze whether a project may, among other things, "[v]iolate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality."

The EIR did not include such an assessment. The EIR instead determined that no analysis of water quality was necessary, apparently because the Notice of Preparation ("NOP") prepared for the Project did not generate any public comments requesting such an analysis.

(EIR, p. ES-8.) As a result, the EIR concludes that the Project has no potential for an adverse change to water quality that warrants consideration.

This conclusion overlooks key facts.

At the outset, the Greater Los Angeles and Long Beach Harbor ("Harbor") is considered especially sensitive to water pollution, and regulatory agencies have adopted measures to protect water quality and protect beneficial uses. Specifically:

- The L.A. Regional Water Quality Control Board ("LARWQCB") has adopted a Basin Plan which designates the existing and potential beneficial uses of the Harbor to include: Commercial/Sport Fishing; Marine Habitat; Rare, Threatened, or Endangered Species; and Shellfish Harvesting. (Basin Plan, Table 2-3, p. 2-29.)

- The LARWQCB has designated the Harbor as "impaired" under Section 303(d) of the Clean Water Act (see 33 U.S.C., § 1313(d)) for Copper, Dichlorodiphenyltrichloroethane (DDT), Polychlorinated Biphenyls (PCBs), Toxicity, Zinc, Benthic Community Effects, Benzo(a)pyrene, and Chrysene (C1-C4). (See 2020–2022 Integrated 303(d) List of Impaired Water Bodies.)

- To address this impairment, the Basin Plan incorporates Total Maximum Daily Loads ("TMDLs") for the Harbor to, among other things, a "remediat[e] contaminated sediment and contro[l] the sediment loading and accumulation of contaminated sediment in the Harbor." (See Resolution No. R11-008 (May 5, 2011), Att. A, at p. 2.)

- The Basin Plan and California Toxics Rule ("CTR") (see 40 C.F.R. 131.38) set forth water quality standards for storm water discharges containing pollutants not addressed by the TMDL, including: arsenic, beryllium, cadmium, hexavalent chromium, nickel, and mercury. (See 65 FR 31681, 31712 (May 18, 2000); 40 C.F.R. § 131.2; see also Basin Plan, at p. 3-38).

E4SS-7

Against this backdrop, GBFS (and likely GGBFS) presents water-quality risks that threaten the Harbor. The Project Description describes a single laboratory sample of GBFS and the heavy metals found in the sample. (EIR, p. 2-9.) The results showed elevated concentrations of antimony, barium, beryllium, chromium, selenium, and vanadium. (EIR, p. 2-10.) Such metals are potentially toxic, which would be conveyed from OGVs over the Harbor and placed in open stockpiles in close proximity to the waterway. In light of the TMDL, and the fact that the Harbor is already impaired for toxicity, the EIR should have included an analysis of the water-quality risk posed by this material.

Further, the laboratory sample described in the EIR represents a single data point of unknown origin. The EIR states that the applicant "procured" the data, without identifying the source of the GBFS tested, and the EIR offers no assurance that the sample is representative of GBFS to be imported to the Project. To the contrary, the EIR acknowledges that "the chemical composition of GBFS varies somewhat between sources and between shipments." (EIR, p. 2-9.) This data gap leaves the public and decisionmakers with no way of knowing whether the GBFS tested is representative of Project-related imports.

Also of concern is that the metals concentrations reported in the EIR's sample are far lower than the metals concentrations in GBFS tested in another publicly available study.[3] That study reported that GBFS was elevated in zinc (1,084 mg/kg) and had higher concentrations of most metals. The zinc data is especially striking because the EIR did not present data on zinc concentrations in GBFS, and the Harbor is "impaired" for zinc. The TMDL for the Harbor, also a "sediment target" for zinc in marine sediment, is 150 mg/kg. The zinc concentrations in the GBFS data noted above far exceed that target. These facts indicate that GBFS poses a specific risk of contamination to the Harbor by zinc and other metals which the EIR has not studied.

In a roundabout way, the EIR appears to recognize the risks to water presented by GBFS by including what are functionally mitigation measures, although they are not addressed as such or studied in any detail for their efficacy:

- The EIR states that conveyors will be covered to minimize the escape of fugitive particulates that could enter stormwater, and that the facility will water the raw material intake hoppers and equipment operating areas to reduce particulate matter escape. (EIR, pp. 2-20 – 2-21.)

- The EIR states that truck loading equipment will be designed to minimize the escape of particulates that could enter stormwater, and material that does enter the stormwater system will be captured and treated. (EIR, p. 2-21.)

- The EIR states that, to minimize impacts to surface water from increased runoff and/or contaminants, permanent stormwater control systems would be developed and constructed in accordance with the National Pollutant Discharge Elimination System (NPDES) Industrial General Permit (IGP). (EIR, p. 2-14.)

- The EIR states that the majority of the site, including stockpiles, material handling areas, areas under the conveyors, and the mill, silo and truck loading areas will be "covered by the IGP, "a comprehensive stormwater management approach would be implemented," and that "captured stormwater would be conveyed to a treatment system that would be designed to meet the specific discharge requirements outlined by the IGP." (EIR, p. 2-14.)

- The EIR states that stockpiles would be watered several times a day and areas near the stockpiles would be graded to collect and convey industrial and stormwater runoff into the storm drainage systems. (EIR, p. 2-20.)

- The EIR states that, due to its relatively soft and friable nature, gypsum can be broken into smaller particle sizes (i.e., dust) when handled with heavy equipment, which will be needed to be controlled by watering several times per day. (EIR, p. 2-10.)

A list of protective measures, however, cannot compensate for the absence of a stepwise environmental review.

E4SS-7

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[3] See, e.g., Sas, Gluchowski, et al., *Environmental and Geotechnical Assessment of the Steel Slags as a Material for Road Structure*, Nat. Library of Medicine 2015, accessed online on 11/28/23 at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5455508.)

In sum, the EIR failed to include any analysis of the risks posed by GBFS to Harbor water quality, in the face of data indicating that GBFS can have serious effects on water quality and potentially worsen the Harbor's existing impairment. The EIR also improperly attempts to rely on mitigation to protect water quality when the EIR has failed in the first place to properly evaluate the water-quality impacts. To the extent that the EIR attempts to defer the analysis to future permitting, this would improperly defer the CEQA review. The EIR must be revised to include a proper water quality analysis. E4SS-7

7. The EIR fails to consider the risks posed by known hazardous materials that will be excavated during construction.

Appendix G to the CEQA Guidelines instructs lead agencies to consider whether a project will "create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment." Applying this standard, the POLA has, for past projects, included in EIRs an analysis of "hazards and hazardous materials" if the project in question involved the excavation of soils contaminated by hazardous materials. (See, e.g., Al Larson Boat Shop Improvement Project Draft EIR, SCH # 2010091041 (Jan. 2012).)

Here, the EIR similarly discloses that the Project site has contaminated soil, and that construction will involve the excavation of such contaminated soil that presents potential risks to human health; so much so, in fact, that the Project requires certain contingency planning. In this regard, the EIR states that "soil and groundwater are known to be contaminated by heavy metals, petroleum hydrocarbons and volatile organic compounds," and "will be encountered during the course of construction." (EIR, pp. 2-13 – 2-14, 2-7.) To counter this risk, a "soil management plan" would be prepared to protect people working in proximity to contaminated soils, and to provide for the testing and, if needed, appropriate containment and disposal, of excavated soils. (EIR, p. 2-13 – 2-14.) E4SS-8

The EIR does not reveal what types of contaminants are present at the Project site, or their concentrations, or their potential threat to human health of the environment. This information is normally contained in an EIR's "hazards" discussion, which is not included in the EIR. What is known is that some amount of contaminated soil exists which warrants a soil management plan to protect human health and/or the environment. On this record, it is not possible for the EIR to conclude that there is no potentially significant impact to study. The EIR should include a "hazards" section to analyze the hazardous materials risks.

8. The air quality analysis omits critical data and employs flawed methods.

As stated previously, an EIR must disclose a project's potentially significant direct and indirect environmental impacts. (Pub. Resources Code, § 21065.) Here, the EIR contains an air quality analysis which appears to have significantly underestimated the air quality impacts of the Project. Of particular concern, our expert review indicates that the EIR omits air emissions calculations from the technical appendices that would customarily be included and which are necessary for reviewers to understand and verify results reached in the EIR. The EIR and appendices must be revised in order to provide the public and decision makers with a clear picture of the Project's true air emissions and resulting health impacts. E4SS-9

According to the EIR and technical appendices, the Project would have significant and unavoidable air quality impacts due to the emissions of nitrogen oxides (NO_X) generated mainly by OGVs. (EIR, p. 3.1-29-31.) The Project's emissions also exceed the South Coast Air Quality Management District's threshold for GHG emissions. (EIR, 3.5-18-19.) Of perhaps the greatest concern, however, is that the Project comes very close to exceeding the threshold of significance for individual cancer risk from toxic air contaminants. The EIR calculated the individual cancer risk for the Project at 8.8 out of one million, which is just below the threshold of significance of 10 out of one million. (EIR, p. 3.1-38.)

It is highly likely, however, that the Project emissions are significantly greater than disclosed in the EIR. The EIR's air quality analysis suffers from numerous significant flaws that serve to underestimate the Project's emissions. The defects arise in three main areas:

- **The EIR and its appendices omit critical data that reviewers need to verify the assumptions made**. The omissions include emissions data for toxic air contaminants; emissions calculations for certain stationary emission units; VOC emissions for grinding aids; emissions data for harbor craft; supporting data for plume rise assumptions; vehicle emission contributions for toxic air contaminants; support for an exclusion of fugitive dust from the health risk assessment. Without this information, it is impossible to validity or accuracy of the EIR's analysis.

- **The EIR relies on inconsistent and flawed methodologies**. The EIR: relies on incorrect emissions factors to calculate electricity use; uses flawed methods to evaluate particulate emissions; uses incorrect emissions factors to assess paved and unpaved road travel; uses unsupported emission factors for the dryer that likely underreports NO_X and CO; fails to follow federal standards to assess $PM_{2.5}$ emissions; inaccurately characterizes haul road emissions; fails to use accurate meteorological data; and fails to follow EPA guidance to evaluate background pollutant concentrations.

- **Material discrepancies and inconsistencies exist among the Project Description, the EIR's air quality discussion, and EIR appendices**. These include: discrepancies in the emissions calculations for harbor craft and OGVs, which may result in underreporting of NO_X emissions; use of erroneous heat limits for the dryer; inconsistent gas usage for the dryer; discrepancies in the analysis of road dust from vehicle travel; inconsistencies in the level of stockpile activity; inconsistencies between the amount of fuel used and the hours of equipment use; inconsistencies in the release temperature for the grinding dryer/mill exhaust; inconsistencies between the Project Description and the temporal distribution of emissions; inconsistency between the heavy metals listed for GBFS and gypsum; inaccuracy in the reference exposure levels in the appendices.

These are material omissions and errors in the EIR's methodology. Once the underreporting of emissions is corrected, the individual cancer risk appears likely to exceed the threshold of significance.

These defects are discussed in further detail in the following subsections, A - V.

E4SS-9

A. There is a discrepancy between the source of GWPs identified in the EIR and Appendix B.

EIR Chapter 3.5 provides an overview of greenhouse gas (GHG) emissions from construction and operation of the Proposed Project and discusses the impacts and associated mitigation measures to reduce said impacts. Chapter 3.5 discusses the various GHG regulations and plans (federal, state, and local) that apply to the Proposed Project as well as the methodologies used to calculate GHG emissions from the various sources. Specific data used in the GHG calculations are provided in Appendix B1. As discussed below, the EIR contains discrepancies or inconsistencies with its supporting technical analyses and uses incorrect data that underreport the Proposed Project's GHG impacts and prevent the public from verifying the conclusions of the EIR.

E4SS-10

EIR Section 3.5.3 lists the global warming potentials (GWPs) for CH_4 and N_2O as 27 and 273, respectively, citing the Intergovernmental Panel on Climate Change (IPCC). EIR Section 3.5.6.1 references the same IPCC document but does not list what GWPs were used. The emission calculations provided in Appendix B1 do not provide the GWPs used, with the exception of the dryer (on page B1-110). Additionally, according to Section 5.5.1 of Appendix B1, the GWPs provided for CH_4 and N_2O from the dryer are from SCAQMD's 400-CEQA Greenhouse Gas Combustion Emission Estimator (25 and 298, respectively), which does not align with EIR Section 3.5.3.

In summary, there is a discrepancy between the source of GWPs identified in the EIR and Appendix B1. This discrepancy, combined with Appendix B1's failure to provide the GWPs used, except for the dryer, make it impossible for the public to verify the data and conclusions contained in the EIR.

B. The EIR uses inaccurate emission factors that underreport GHG emissions.

EIR Section 3.5.5 states that GHG emissions from electricity consumption were estimated using average emission factors for power generated in California as provided by the USEPA eGRID database. These emission factors are an average of all the electricity utility providers within California and not for the Los Angeles Department of Water and Power (LADWP) specifically. The CalEEMod User Guide, Appendix G, Table G-3 provides CO2, CH4, and N2O emission factors by utility by year, and these emission factors are considerably higher than the values provided through eGRID. [4] Additionally, based on LADWP's Power Content Labels submitted to CEC for 2020[5] and 2021, [6] LADWP's GHG emissions intensity is higher than the California average utility.

E4SS-11

[4] https://www.caleemod.com/user-guide, Accessed November 27, 2023.

[5] https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure/power-content-label/annual-power-content-1, Accessed November 27, 2023.

[6] https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure/power-content-label/annual-power-content-2, Accessed November 27, 2023.

In summary, the EIR's selection of GHG emission factors from statewide electricity consumption rather than more localized LADWP electricity consumption is inaccurate and underreports the Proposed Project's GHG emissions, as use of the LADWP's emission factors would result in higher GHG emissions. E4SS-11

C. The EIR fails to disclose ATCs from construction and operation of the Project.

Appendix B1 provides the technical backup for the analysis in EIR Chapters 3.1 and 3.5. As discussed below, the EIR contains discrepancies or inconsistencies with the supporting analysis, uses incorrect or unsubstantiated data, and fails to properly disclose emissions that both underreport the Proposed Project's Air Quality and GHG impacts and prevent the public from verifying the conclusion of the EIR.

Appendix B1 describes the regulatory background, methods, and results of the criteria pollutant and greenhouse gas emissions associated with the construction and operation of the Proposed Project. TAC emissions are only calculated for the dryer (see Page B1-110); per Appendix B3, Section 2.0 it is noted that TAC emissions are expected from numerous emission sources including bulk vessels, tugboats, off-road equipment, heavy duty trucks, dryer combustion, fugitive dust from material handling, etc. E4SS-12

In summary, Appendix B1 fails to disclose emissions of TACs from construction and operation of the Proposed Project. The failure to include this data makes it impossible for the public to verify whether the input values to the HRA are accurate or whether they underreport human health risk.

D. The EIR uses inconsistent and flawed methodologies to determine emission factors for harbor craft emissions.

Section 4.1 and Section 5.2 cite CARB's 2021 update to the Commercial Harbor Craft Emissions Inventory as the basis for commercial harbor craft (CHC) emission factors. Page B1-60 of Appendix B1 uses a conversion factor of 89% to convert PM10 emissions into PM2.5 emissions, citing SCAQMD's Final Methodology to Calculate PM2.5 and PM2.5 Significances Thresholds (2006).[7] Page B1-105 of Appendix B1 uses a conversion factor of 92% to convert DPM/PM10 emissions into PM2.5 emissions, citing CARB's OFFROAD model. However, the 2021 Commercial Harbor Craft Emissions Inventory states that a conversion factor of 95.6% is appropriate based upon the latest CARB speciation profile data.[8] E4SS-13

[7] https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-(pm)-2.5-significance-thresholds-and-calculation-methodology/final_pm2_5methodology.pdf, Accessed November 27, 2023.

[8] https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/chc2021/apph.pdf, Accessed November 27, 2023.

Section 4.1 also states that the CHC engine characteristics were chosen based upon the Port of Los Angeles (POLA) 2021 emissions inventory. [9] The HC Characteristics table (average MY, average HP, and load factor), and Correction Factors and Load Factors tables (for criteria pollutants from diesel combustion and engine load) on Page B1-60 of Appendix B1 do not align with the POLA 2021 emissions inventory[10] (Table 4.1 and Table 4.2) or methodology report (Table 3.4 and Table 3.1), respectively. [11]

Section 5.2 also states that the CHC engine characteristics were chosen based upon the POLA 2021 emissions inventory. The Correction Factors table (for criteria pollutants from diesel combustion) and characteristics table (average MY, average HP, and load factor) on Page B1-106 of Appendix B1 do not align with the POLA 2021 emissions inventory methodology report.

In summary, Appendix B1 uses inconsistent and flawed methodologies to determine emission factors for harbor craft PM2.5 emissions. There is also a discrepancy between the POLA 2021 emissions inventory and methodology report and actual data inputs for CHC engine characteristics. The inconsistent and flawed methodologies and data discrepancies make it impossible for the public to verify the data and conclusions contained in the EIR.

E4SS-13

E. The EIR uses incorrect emission factors for road travel.

The emission factor calculation for onsite paved and unpaved road travel at the project site uses a mean vehicle weight of 13.8 tons (Page B1-56) for construction phase emissions. It is noted that this is "…estimated by the number of trips on site for the different vehicles classes … and their approximate weight." This value should be a weighted average of vehicle weight and distance traveled; however, given that the majority of the trips consist of LDA (2.1 tons weight) and LDT1 (3 tons weight), the value utilized is not representative.

AP-42 Chapter 13.2.1, Section 13.2.1.3 implies that the equation used to calculate the emission factor for paved roadway travel should be a weighted average. The EIR did not do this, and thus used the incorrect emission factor calculation for onsite paved and unpaved road travel.

E4SS-14

F. There is a discrepancy between the EIR and the 2021 POLA Emissions Inventory.

E4SS-15

[9] https://kentico.portoflosangeles.org/getmedia/f26839cd-54cd-4da9-92b7-a34094ee75a8/2021_air_emissions_inventory, Accessed November 27, 2023.

[10] Ibid.

[11] The Port of LA 2021 Emissions Inventory is located here: https://kentico.portoflosangeles.org/getmedia/ad5ec383-8dc6-4652-aeod-81b6ea4c7819/SPBP_Emissions_Inventory_Methodology_v3a, Accessed November 27, 2023.

The EIR references the POLA 2021 Emissions Inventory[12] for various assumptions used in harbor craft emissions calculations and vessel characteristics of bulk OGVs under the Product Import Terminal Alternative (Alternative 3). Under Section 5.1.1 of Appendix B1 and in Chapter 3.1.5.1, the EIR notes the distribution of bulk OGVs vessels by engine tier is expected to be 50% Tier 2 and 50% Tier 3 for the Proposed and Reduced Project, which is based on information provided by Orcem's vessel fleet provider.[13] However, Table 3.10: 2021 Percent of OGV Activity by Main Engine Tier and Vessel Type, in the Port of Los Angeles 2021 Emissions Inventory states that bulk OGVs were 42% Tier 1 engines and 59% Tier 2 engines (0% Tier 3 engines). Under the Product Import Terminal Alternative (Alternative 3), the EIR assumes the distribution of vessels by tier is that of the bulk vessel fleet from the 2021 Emissions Inventory (42% Tier 1 and 59% Tier 2). The NOx emission factor decreases by 79% between Tier 3 and Tier 1 engines for slow speed diesel OGV main engines (see page B1-88 of Appendix B1). E4SS-15

The EIR does not provide evidence to support the claim that OGV engines would be 50% Tier 2 and 50% Tier 3 beyond the statement that it based on information provided by Orcem's vessel fleet provider.

In summary, there is a discrepancy between the 2021 POLA Emissions Inventory and the EIR's selection of OGV engine tier under the Proposed and Reduced Project. The EIR may significantly underreport NOx emissions by relying on unsupported and not yet achieved assumptions concerning the tiers of OGV engines that call at the Port. The use of the POLA 2021 Emissions Inventory would result in significant NOx increases attributed to the Proposed Project.

G. The EIR omits emission calculation results from numerous emission unit tables.

Emission calculation results are omitted from a number of emission unit tables (i.e., Emissions from Storage and Loading Silos – Summary [page B1-109], Emissions From Fuel Combustion at the Dryer [page B1-110], Emissions from Grinding Mill [page B1-111], Emissions from Material Handling of GBFS and Gypsum – Summary [page B1-112]). E4SS-16

The failure to provide emission calculation results makes it impossible for the public to verify the accuracy of the analysis and conclusions in the EIR.

H. The EIR may underreport NO_x and CO emissions.

Chapter 3.1.3 and Section 2.4 of Appendix B reference that the dryer is subject to SCAQMD Rule 1147.1, which requires that subject dryers achieve concentration limits of 30 ppmv NOx at 3% oxygen, dry and 1,000 ppmv CO at 3% oxygen, dry. E4SS-17

Page B1-110 of Appendix B1 presents the emissions calculations for the dryer. The calculations assume a NOx emission factor of 0.020 lb/MMBtu (21 lb/MMscf) citing phone

[12] See footnote 10.

[13] Further, in Chapter 3.1.5.1, Page 3.1-32, Orcem states they "…cannot affect or control the Tier level of the third-party vessel fleet that would call at Berth 191. Based on this, there is no current feasible mitigation for these sources for which the Proposed Project can claim additional reduction credits".

correspondence with Ecocem, Coen, Thyssenkrupp, and Bay City Boilers on October 4, 2022. The calculations assume a CO emission factor of 35 lb/MMscf based on SCAQMD default emission factors for natural gas/other equipment. The NOx and CO emission factors of 21 lb/MMscf and 35 lb/MMscf equate to approximately 16.5 ppmv NOx at 3% oxygen, dry and 44.5 ppmv CO at 3% oxygen, dry. A recent Best Available Control Technology (BACT) determination for a similar aggregate dryer unit[14] established BACT as 33 ppmv NOx at 3% oxygen, dry and showed source test results with an average of approximately 29 ppmv NOx and 659 ppmv CO. This recent BACT determination demonstrates results nearly 2x higher for NOx and 15x higher for CO than the emission factors used in NOx and CO combustion emissions for the dryer.

E4SS-17

The emission factors used in the Proposed Project are also substantially lower than the Rule 1147.1[15] limits of 30 ppmv NOx and 1,000 ppmv CO. SCAQMD's draft staff report for Rule 1147.1, which provides background on the rule development and pollution control technologies, references that a burner manufacturer cited achieving 25 ppmv NOx and 400 ppmv CO with ultra-low NOx burners without selective catalytic reduction would be achievable. These reference values are also substantially higher than those used in the EIR.

In summary, the EIR may significantly underreport the Proposed Project's NOx and CO emissions by using unsupported emissions factors based solely on either the manufacturers verbal representations or default emission factors.

I. The EIR uses erroneous and inconsistent dryer emissions.

Emission factors from fuel combustion emissions from the dyer (lb/MMBtu) are included in Page B1-110 of Appendix B1 as well as the hourly maximum rated heat input capacity (36 MMBtu/hr), the monthly proposed heat limit (11,000 MMBtu/month), and the maximum proposed annual heat limit (195,000 MMBtu/year) once fully operational in calendar year 2027. The proposed fuel consumption for the dryer in calendar years 2025 (97,500 MMBtu/year) and 2027/2049 (195,000 MMBtu/year) is also provided in Table 3.1-3 of Chapter 3.1. However, Table 3.3-4 in Chapter 3.3 shows the dryer using 93,668,400 Btu in calendar year 2027. Pages B1-125 through B1-140 contain the summary of the emissions calculation results used in the air dispersion modeling.

E4SS-18

The monthly proposed heat input limit of 11,000 MMBtu/month is erroneous since the dryer cannot comply with this limit and reach the proposed annual heat input limit of 195,000 MMBtu/hr.

[14] The referenced September 2, 2022 BACT Determination guidance document is located here: http://www.aqmd.gov/docs/default-source/bact/bact-guidelines/bact-guidelines-2022/part-b---granite-construction_584656_rotarydryer.pdf?sfvrsn=8

[15] SCAQMD Draft 1147.1 staff report is located here: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/pr-1147.1/pr_1147_1_dsr_final_clean.pdf?sfvrsn=6

The dryer natural gas usage shown in Table 3.1-3 and Table 3.3-4 is also inconsistent. The lower value shown in Table 3.3-4 does not align with the operational assumptions of the Proposed Project.

As shown on Page B1-134 of Appendix B1, annual dryer combustion emissions from the Proposed Project for calendar years 2025, 2027, and 2049 incorrectly use natural gas usage values in Table 3.3-4 as the basis for the calculation and input to dispersion modeling.[16] E4SS-18

The erroneous inputs, discrepancies, and inconsistencies in Appendix B1 related to dryer fuel combustion emissions likely results in underreporting of all Proposed Project annual criteria pollutant and TAC emissions.

J. The EIR does not address VOC emissions from the use of grinding aids.

Section 5.2.2 of Appendix B and Chapter 3.1.5.1 describe the generation of PM10 and PM2.5 emissions from the electric grinding mill. According to Chapter 2.5.1, GBFS and gypsum from the stockpiles would be metered onto a common belt and conveyed to the mill to be ground together into the final GGBFS product. Grinding aids, which typically include organic compounds, are also typically used at the mill to increase grinding efficiency and reduce energy consumption. E4SS-19

The Proposed Project does not address or take into account VOC emissions from the use of grinding aid that will likely be used at the mill, resulting in a potential underreporting of air quality impacts.

K. The EIR underreports entrained road dust emissions.

Sections 4.2 and 4.3 of Appendix B describe the methodology to estimate entrained road dust construction emissions from paved roads involving heavy-duty diesel trucks for hauling and delivering materials/ equipment to the constructions site and worker vehicles. Sections 5.3 and 5.4 of Appendix B describe the methodology to estimate entrained road dust emissions from paved roads during the operation of the Proposed Project involving delivery/customer heavy duty trucks and worker vehicles. Entrained road dust emissions from paved roads are calculated as a function of a constant parameter, road surface silt loading, average weight of the vehicles traveling the road, time in the averaging period (one year), and number of precipitation days in the year. E4SS-20

There is a discrepancy in the EIR's methodology for estimating entrained road dust construction emissions compared to estimating the entrained road dust operation emissions. The EIR's failure to consider the road surface silt loading specific to LA & Orange County, fewer

[16] For example, the CO emission factor for dryer combustion is currently presented as 0.033 lb/MMBtu on Page B1-110. Using the annual heat input of 195,000 MMBtu from Appendix B1 and Chapter 3.1, annual CO emissions are estimated at 6,435 lbs/yr or 3.22 tons/yr. Using a heat input of 93,668 MMBtu from Table 3.3-4, annual CO emissions for calendar years 2027/2049 are estimated at 3,091 lbs/yr or 1.55 tons/yr. Meanwhile, the annual ton/yr CO result presented on Page B1-134 for Proposed Project calendar year 2027/2049 is 1.56 tons/yr, which aligns with using the incorrect natural gas usage value of 93,668 MMBtu/year. Emissions in calendar year 2025 appear to be half of those in calendar years 2027 and 2049.

rainfall days per day, and heavier average vehicle weight for onsite vehicles traveling the road from the delivery/customer heavy duty trucks, like it did for construction emissions, underreports the Proposed Project's onsite entrained road dust emissions during Project operations.

E4SS-20

L. The EIR underreports stockpile emissions.

Sections 4.5 and 5.5.6 of Appendix B1 describe Orcem's methodology for calculating PM10 and PM2.5 emissions from storage piles due to wind erosion. The sections and corresponding calculations use the methodology described in AP-42, Chapter 13.2.5[17] along with actual wind speed data from nearby meteorology stations and projected storage pile dimensions. Based on the guidance provided by AP-42, Chapter 13.2.5, this methodology applies to (1) "nonhomogeneous surfaces impregnated with nonerodable elements (particles larger than approximately 1 centimeter in diameter)" (i.e., "surfaces characterized by finite availability of erodible material") and (2) storage piles with intermittent disturbance events. GBFS is characterized as having a size and structure similar to sand (per Chapter 2.5.1 of the EIR); as such, GBFS does not meet criterion (1) outlined in the referenced AP-42 section. Sand-sized materials are characterized by the Western Regional Air Partnership (WRAP) as "an unlimited reservoir of erodible material". [18] Additionally, per the operating schedule on Page B1-37 of the EIR, the stockpiles would be disturbed on average of 7,560 hours per year (aligning with mill intake). As such, it is not representative to call the operation of these stockpiles "intermittent" and the stockpiles do not meet criterion (2) outlined in AP-42 Chapter 13.2.5. Finally, the calculations on page B1-114 imply that there are two stockpile disturbances each month, which under-represent emissions given that front end loaders will be used to continuously transport GBFS and gypsum from storage piles to process hoppers.

E4SS-21

There is a discrepancy between the EIR's project description, which indicates that continuous stockpile management activities (use of front end loaders and an excavator) is required, compared to the twice monthly assumption, and associated stockpile emissions, in Appendix B1. Because of the described nature of the Proposed Project's operations, the emissions methodology selected for analysis is inaccurate and likely underreports the Proposed Project's actual stockpile emissions.

M. The EIR underreports front end loader and excavator emissions.

Chapter 3.1.4.2 mentions that front end loaders and excavators will be used to transport materials between storage piles and the process hoppers. Appendix B1, Table B1-5 provides the average front end loader and excavator operating hours. Based on data from these two tables, the front end loader and excavator would aggregately operate 9,100

E4SS-22

[17] https://www.epa.gov/sites/default/files/2020-10/documents/13.2.5_industrial_wind_erosion.pdf, accessed November 28, 2023.

[18] Chapter 9, https://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf, accessed November 28, 2023.

hours/yr.[19] Table 3.3-4 from Chapter 3.3 estimates a total of 8,001 gallons of diesel fuel would be consumed per year by the offroad equipment, which includes the front end loader and the excavator. While Table 3.3-4 states that energy calculations are available in Section 6 of Appendix B1, calculation details for diesel consumption were not provided. Assuming 8,001 gallons of diesel fuel are consumed per year, the fuel consumption rate for the offroad equipment would be less than one gallon per hour, which seems extremely low for industrial offroad equipment.

E4SS-22

In summary, there is an inconsistency between the amount of fuel used and the hours of equipment use, which likely leads to the EIR underreporting the Proposed Project's criteria pollutant and TAC emissions. The EIR also fails to provide calculations demonstrating that the identified amount of fuel is sufficient for the hours needed to work, making it impossible for the public to verify the data and conclusions contained in the EIR.

N. The EIR contains numerous assumptions or conclusions that are deficient.

Appendix B2 of the EIR describes the regulatory background, methods, and results of the air dispersion modeling analysis of specific criteria pollutants associated with the proposed project and project alternatives. The air dispersion modeling analysis for the EIR was conducted for pollutants whose maximum daily on-site emissions were greater than the localized significance threshold (LST) for a 5-acre project within Source Receptor Area (SRA) 4 including a 25-meter boundary distance. NO_2, PM_{10}, and $PM_{2.5}$ exceeded their respective LSTs and were modeled. CO was not modeled as it was below its LST and no other pollutants were considered in the analysis (e.g., SO_2). Modeling was conducted for the following averaging periods:

- 1-hr and Annual NO2
  - 1-hr NO2 was modeled against both the California AAQS and the federal NAAQS.
- 24-hr and Annual PM10
  - PM10 was only modeled against the state standards and as discussed below exceeded the significance thresholds for both averaging periods.
  - A federal NAAQS exists for 24-hr PM10.
- 24-hr PM2.5
  - PM2.5 was only modeled against the state standard and as discussed below exceeded the significance thresholds.
  - Federal NAAQS exists for 24-hr and annual PM2.5.
    - Annual and 24-hr PM2.5 impacts were not considered against the Federal NAAQS in this analysis.

E4SS-23

Below is a summary of notable assumptions or conclusions in the EIR that are deficient.

i. The EIR fails to justify harbor craft emission assumptions.

Per Section 1.0, page B2-1 of Appendix B2: "For this analysis, only 10 percent of HC emissions were categorized as onsite emissions as the rest were assumed to take place during transit away from site."

[19] Assumes the front end loader operates 7,644 hours per year and the excavator operates 1,456 hours per year.

It is unclear the basis for this assumption. The maximum air quality impacts occur in the general vicinity of the site boundary and therefore a conservative assumption would be to include more Harbor Craft (HC) emissions on-site.

The EIR fails to provide any justification for the assumption that only 10 percent of HC emissions occur on-site. Without sufficient justification for this assumption, it is impossible for the public to verify the accuracy of the data and conclusions contained in the EIR.

ii. The EIR fails to address federal NAAQS standards.

Per Section 1.0, page B2-2 of Appendix B2:

> NO2, PM10, and PM2.5 were modeled for the Proposed Project, Reduced Project Alternative (Alternative 2), and Product Import Terminal Project Alternative (Alternative 3) scenarios. The predicted ground-level concentrations were compared to the relevant SCAQMD air quality significance thresholds to determine localized ambient air quality impacts.

The predicted ground-level concentrations are shown in Tables B2-7 through B2-12 for the proposed project and alternatives. All of these Tables show that the project and alternatives will exceed the significance threshold for PM10 and PM2.5, except for 24-hr PM2.5, 2025 impacts from the reduced project alternative (Alternative 2). As stated, only significance modeling was conducted for PM10 and PM2.5 and comparison to the federal standards was not evaluated. Accordingly, the EIR failed to address the federal NAAQS standards for annual $PM_{2.5}$ emissions.

E4SS-23

iii. The EIR failed to analyze light duty vehicle impacts.

Per Section 2.2, page B2-4 of Appendix B2: "Since there are only 20 facility workers during operation and are likely to be working in shifts, worker gasoline light duty vehicles were considered de minimis sources and were not modeled with the operations."

The EIR assumes that worker gasoline light duty vehicles are de minimis and not modeled. Emissions from these light duty vehicles are expected to be minimal.

It is unclear the basis for this assumption. The maximum air quality impacts occur in the general vicinity of the site boundary and therefore a conservative assumption would be to include more Harbor Craft (HC) emissions on-site.

Given the proximity of the roadways to the maximum air quality impacts and the fact the PM10/PM2.5 significance thresholds are exceeded, the light duty vehicle impacts should be included to fully understand the extent to which the project or project alternatives exceed the significance thresholds.

iv. The EIR inaccurately identifies haul road emissions.

Per Section 3.1.2, page B2-5 of Appendix B2:

> Ground Granulated Blast Furnace Slag (GGBFS) and gypsum trucks idling on-site and driving on-site were modeled as area sources. Trucks driving off-site and gypsum trucks driving on-site were modeled as a series of contiguous line sources along the primary travel routes. Truck emission sources include engine exhaust, tire wear, brake wear, and road dust. Off-site travel routes were provided by the Port and are shown in Figure B2-2…Particulate emissions associated with

material transport to silos, silo vents, and loading chutes were modeled as point sources ….

The U.S. EPA Haul Road Workgroup Memorandum for development of dispersion parameters for haul roads is referenced in Section 3.1.2, Table B2-3, on page B2-7 of Appendix B for the development of dispersion parameters. [20] The EPA guidance provides a general recommendation that modeling of haul roads should be done as adjacent volume sources rather than a series of contiguous line sources. The workgroup concludes that the volume source representation is "reasonable, can be technically supported, and provides a level of conservativeness given the large amount of uncertainty associated with characterizing and simulating dispersion of fugitive emissions resulting from haul road traffic.". For receptors that fall within a volume source's exclusion zone, the workgroup recommends reducing the width of plume dimensions enough so that the receptor is outside the exclusion zone. If receptors are located within the source dimensions, the workgroup recommends area sources. Based on the guidance referenced in the EIR, volume sources are more appropriate for the purposes of modeling fugitive dust associated with haul road traffic. If a receptor falls within the volume source's dimensions, area sources are appropriate. It is noted that per Section 3.3.2.8 of the AERMOD User Guide, line sources yield identical results to area sources for equivalent source definitions, therefore the use of a line source in lieu of an area source is appropriate when a volume source cannot be used. [21] E4SS-23

Based on the guidance referenced in the EIR, the analysis inaccurately identifies haul road emissions as line sources, rather than volume sources, for purposes of modeling fugitive dust associated with haul road traffic.

v. The EIR contains discrepancies in parameters for modeled sources.

Table B2-3, in Section 3.1.2, on page B2-7 of the EIR shows the source parameters for the modeled sources. The following discrepancies were observed.

The release temperature for the Grinding Dryer/Mill Exhaust is lower (326.6 Kelvin [K]) than the baghouse point sources for Transport to Silos, Storage Silo Vents, Outload Silo Vents, and the Loading Chutes (373.15 K).

The release temperature should be at its highest at the Grinding Dryer/Mill Exhaust and should decrease at the baghouse point sources. This clear error in the source parameters will have an impact on the results of the analysis.

In addition, the release height for the Transport to Silos is 0 meters for the baghouse. It is unlikely that the release height for the Transport to Silos would be zero; this error will impact the results of the analysis.

[20] USEPA 2012. Haul Road Workgroup Final Report Submission to EPA-OAQPS" Memorandum from Tyler Fox to Regional Office Modeling Contacts. March 2. https://www.epa.gov/sites/default/files/2020-10/documents/haul_road_workgroupfinal_report_package-20120302.pdf.

[21] U.S. EPA 2023. User's Guide for the AMS/EPA Regulatory Model (AERMOD). https://gaftp.epa.gov/Air/aqmg/SCRAM/models/preferred/aermod/aermod_userguide.pdf

vi. The EIR fails to include data supporting the release height associated with plume rise.

Footnote a of Table B2-3 indicates:

> The release height for point sources in this table represents the actual release height of the exhaust above ground (or water, in the case of an at-berth vessel). AERMOD then accounts for additional plume rise due to the upward momentum and buoyancy of the stack exhaust gas, based on the exit velocity, exit temperature, and stack diameter. By contrast, AERMOD does not calculate any additional plume rise for volume, area, and line sources. Therefore, the release heights presented in this table for volume, area, and line sources have been adjusted higher than the actual exhaust release heights for ships in transit, ships maneuvering, and tugboats to account for a nominal amount of plume rise due to upward momentum and buoyancy of the exhaust gas.

The EIR fails to include any data supporting the basis of the release height associated with the plume rise. Without this data, it is impossible for the public to verify the data and conclusions contained in the EIR.

vii. The EIR fails to use current meteorological data.

Per Section 3.1.3, page B2-11 of the EIR:

E4SS-23

> For this dispersion analysis, the meteorological data collected at the Wilmington Community Station, located at Saints Peter and Paul School (SPPS) from 2012 to 2016 was used for dispersion modeling. SPPS is located about 1.2 miles north-northwest of the Berths 191-194 terminal and is considered the most representative meteorological station for the terminal in accordance with an analysis conducted by POLA and POLB in 2010 (LAHD 2010)

The Guideline on Air Quality Models (the Guideline) contains the EPA's specifications for completion of air dispersion modeling analyses for regulatory purposes.[22] EPA stresses that meteorological data should be adequately representative and may be site specific or from a nearby national weather service (NWS) station. If nearby NWS data are used, a five-year period must be utilized or if site specific data are used, a period of at least one year must be utilized, with added years of site-specific data (up to five years) used if available. In Section 8.4.1 of the Guideline, EPA provides criteria for evaluation of the representativeness of meteorological data for the project site. According to the Guideline, the representativeness of a particular observation site should be evaluated with respect to four factors:

1. The proximity of the meteorological monitoring site to the area under consideration;
2. The complexity of the terrain;
3. The exposure of the meteorological monitoring site; and

[22] Guideline on Air Quality Models per FR 5204 Vol. 82 No. 10 https://www.epa.gov/sites/default/files/2020-09/documents/appw_17.pdf

4. The period of time during which data are collected.

These criteria are evaluated on a combined basis with no one criteria being weighted most strongly and with no bright line thresholds to assess representativeness. A typical representativeness analysis provides information relating to these four factors to build justification that a particular set of meteorological data is representative for a project location. However, the analysis presented in Appendix B2 does not address these criteria and rather relies on an analysis conducted in 2010. Additionally, the site uses older meteorological data from 2012-2016 rather than more up to date data consistent with the background concentration period.

POLA operates a network of air quality and meteorological stations within the Project vicinity including the chosen Wilmington Community Station (see figure below). [23]

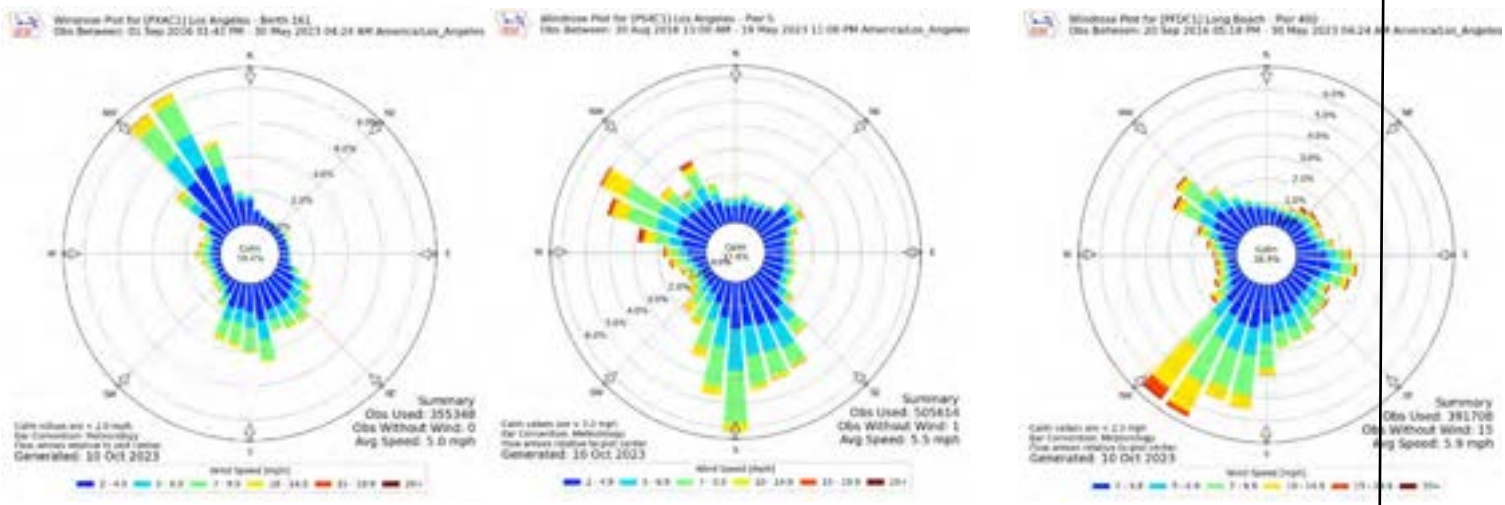
Figure 1. Air Quality and Meteorological Stations within Project Vicinity

E4SS-23

[23]POLA. Monitoring Air Quality in L.A. Harbor. https://www.portoflosangeles.org/environment/air-quality/air-quality-monitoring

Wind roses from the Iowa State University Iowa Environmental Mesonet sites suggest that the wind conditions are complex in the area (see figures below).[24]

E4SS-23



The current meteorological data availability, quality, completeness, and representativeness used in the EIR should be re-evaluated, consistent with 40 Code of Federal

[24] Iowa State University. Iowa Environmental Mesonet. https://mesonet.agron.iastate.edu/sites/locate.php?network=CA_DCP

Regulations (CFR) 51, Appendix W, Section 8.4. The evaluation should include a discussion on why other nearby stations are not representative. Citing a 13-year-old meteorological data determination without a technical basis or considering more recent data and EPA requirements is a deficiency in the EIR.

viii. There is a discrepancy in the temporal distributions in Appendix B2, Table B2-4.

Section 3.1.5, Table B2-4, on page B2-12 of the EIR includes temporal distributions of emissions that assumes no operation on the trucks and related loading equipment from 3 PM to 10 PM with operations occurring Monday through Friday. Operations start at 1% utilization at 10 PM and move up to 8% utilization by 4 AM. Then from 4 AM to 12 PM the utilization remains at 8% before dropping back to 0% utilization at 3 PM until 10 PM. It is unclear what the basis of these operations are and it was only stated that these were the assumed operational times.

There is a discrepancy between the EIR's Project Description and the temporal distributions in Table B2-4 because the Project Description states that the facility would operate 24 hours per day, 7 days per week. The discrepancy leads to an inaccurate analysis of temporal distribution of emissions.

ix. The analysis fails to review ambient background concentration representativeness against EPA guidance and fails to analyze for PM_{10} and $PM_{2.5}$ concentrations for comparison with federal NAAQS.

E4SS-23

Per Section 3.2.1, on page B2-16 of Appendix B2: "Ambient background concentrations were obtained from the Wilmington Community Station using the most recent 3-year period of recorded data publicly available (2020 through 2022)."

There is no basis for the representativeness of the Wilmington Community Station monitor is presented in the EIR. Section 8.3.3 of the Guideline presents recommendations for establishing background for air quality impact assessments with multiple sources believed to have a significant concentration gradient in the vicinity of the facility being evaluated. Estimated emissions from nearby sources are recommended in the Guideline to be included directly in the dispersion modeling analysis. The portion of the background attributable to natural, minor, or unidentified sources are added to the total modeled concentration using air quality data collected in the vicinity of the primary source as described in Section 8.3.2 of the Guideline. Two options are presented for using monitored background data: (1) background data collected in the vicinity of the primary source (excluding values when the source in question impacts the monitor) and (2) using a regional site if no monitors are located in the vicinity of the primary source as long as the regional monitor is impacted by similar natural and distant (unidentified) manmade sources. The POLA operates four ambient monitoring stations within the Project Vicinity. The Signal Hill monitor exists just north-northeast of the project site and contains data from 2020-2023. Justification on the representativeness of the Wilmington Community Station monitor is not provided.

In summary, the analysis fails to review ambient background concentration representativeness against EPA guidance to ensure that it captures nearby sources, the portion of background attributable to natural, minor, or unidentified sources. Furthermore, the

analysis fails to analyze for PM10 and PM2.5 background concentrations for comparison with the federal NAAQS. An argument on why the Wilmington Community Station monitor is the most representative monitor in the area should be presented. Other nearby SCAQMD monitoring stations (i.e., Signal Hill, AQS ID 06-037-4009) should be considered. Consistent with 40 CFR 51, Appendix W, Section 8.3, the representativeness analysis should consider nearby sources and unconstructed permitted sources to determine if the monitor captures ambient impacts from those sources. The sources not captured by the ambient monitor should be included in the modeling analysis and a discussion of why certain sources were excluded/included should be provided. Failure to include this evaluation or discussion makes it impossible for the public to verify the data and conclusions contained in the EIR. E4SS-23

O. The EIR fails to justify use of an 18-year-old personal communication for failing to use off-site driving emissions in the Health Risk Assessment.

Appendix B3 provides the methodology used for the health risk assessment (HRA) conducted to evaluate the potential health risks from TACs emitted by the Proposed Project and compares the results against the applicable significance thresholds. While a detailed description of the methodology and results is provided, the TAC emission calculations and modeling files are not included in the EIR.

Section 2.0, Page B3-4 references SCAQMD guidance from 2005. Per the references on page B3-49, the 2005 reference is a personal communication with J. Koizumi. There is no way of verifying this personal communication and if the guidance is still valid since it's been over 18 years. This 2005 reference is used to explain why off-site driving emissions during construction are not included. E4SS-24

In summary, the EIR fails to provide any justification for the use of an 18-year-old personal communication as the basis for failing to include off-site driving emissions in the HRA. Given that the project results in increased traffic during construction, failure to evaluate construction vehicle emissions to and from the highway results in underreporting of the Proposed Project's human health impacts.

P. The EIR's Health Risk Assessment fails to analyze fugitive dust from construction operations.

Section 2.0, Page B3-4 states that "onsite fugitive dust from earth moving activities, wind erosion, or road dust during construction are not included in the health risk per SCAQMD guidance." It is unclear if this guidance is from the personal communication back in 2005 or if it is from another SCAMQD guidance. In addition, the construction site is part of a heavily industrial area and has likely been exposed to toxics from the highway and from surrounding industrial operations. E4SS-25

Appendix B3 fails to provide any justification for its statement that SCAQMD guidance allows for fugitive dust from construction operations to be excluded from the HRA. Fugitive dust is a known source of TACs, including arsenic, nickel, and lead. Failure to include fugitive dust from construction operations in the HRA analysis thus underreports known, quantifiable risks to human health.

Q. The EIR's Health Risk Assessment fails to analyze TACs from construction and operation of the Project.

Section 2.0, Page B3-5 states that "worker gasoline light duty vehicles were considered de minimis sources and were not modeled since there would be only 26 facility workers during operations." Similar to the ambient air quality impacts in Appendix B2, the light duty vehicle impacts should be included given the proximity of the roadways to receptors.

Section 2.3, Table B3-1 includes the speciation profiles used to convert PM and VOCs to individual TACs; however, toxic emission calculations are not included in the EIR. Without providing calculations for the hourly and annual toxic emissions, it is not possible to verify that toxic emissions have been appropriately quantified for each source associated with the Project.

The EIR Appendix B1 and B3 fail to include emissions of TACs from construction and operation of the Proposed Project. Failure to include this data makes it impossible for the public to verify the data and conclusions in the EIR.

E4SS-26

R. The EIR uses the incorrect toxic emissions profile for the dryer.

Section 2.3, Table B3-1 references *CARB Profile 719: Natural Gas Internal Combustion Engines* as the profile used to estimate toxic emissions from dryer combustion. Instead, toxic emissions from dryer combustion would be better represented using *Table B-1: Default EF For Natural Gas Combustion (Lb/MMscf) for External Combustion Equipment (Boiler, Oven, Dryer, Furnace, Heater, Afterburner)* from Appendix B of SCAQMD's AB 2588 Quadrennial Air Toxics Emissions Inventory Reporting Procedures.[25]

E4SS-27

S. There is a discrepancy concerning the heavy metals in GBFS and gypsum and the TACs analyzed in the EIR.

Section 2.3, Page B3-10 identifies chlorine, manganese, selenium, and silica quartz as the only toxic air contaminants (TACs) present in the granulated blast furnace slag (GBFS). The EIR states that the toxic speciations for GBFS and gypsum are based on composition information from laboratory analyses for these materials provided by Orcem; however, documentation of these analyses was not provided. Moreover, EIR Chapter 2, Table 2-2, identifies the following concentrations of heavy metals in GBFS and Gypsum, that were not identified in Appendix B3: antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, nickel, selenium, thallium, and vanadium. Due to the nature of its production as a byproduct of iron and steel production, other metals such as zinc and aluminum are also expected to be present in blast furnace slag.[26]

E4SS-28

[25] SCAQMD's AB2588 Quadrennial Air Toxics Emissions Inventory Reporting Procedures is located here: https://www.aqmd.gov/docs/default-source/planning/risk-assessment/quadrennial_atir_procedure.pdf

[26] Dzięcioł J, Radziemska M. Blast Furnace Slag, Post-Industrial Waste or Valuable Building Materials with Remediation Potential? Minerals. 2022; 12(4):478. https://doi.org/10.3390/min12040478

In summary, there is a discrepancy between the Project Description's identification of heavy metals in GBFS and gypsum and the TACs that are identified for analysis in EIR Appendix B3. Proper inclusion of the full list of TACs found in GBFS and gypsum in the EIR's analysis would significantly increase human health risks above those identified in the EIR's HRA. E4SS-28

T. It is unclear whether the Health Risk Assessment analyzed operation emissions of paved and unpaved fugitive road dust.

It is unclear whether operational emissions of paved and unpaved fugitive road dust were included as a part of the health risk assessment. While fugitive PM emissions from on-site paved and unpaved roads are discussed and quantified in Appendix B1, these sources are not discussed in the HRA in Appendix B3. Section 2.0 of Appendix B3 notes that truck emission sources include diesel engine exhaust, tire wear, brake ware, and fugitive dust emissions; however no toxic speciation profile is identified in Table B3-1 for road dust. E4SS-29

Fugitive dust is a known source of TACs, including arsenic, nickel, and lead and must be included in the analysis. Failure to include fugitive road dust emissions from operations would significantly underrepresent the human health risks analyzed in the HRA.

U. The disclosed health risk of 8.8 in 10 million is not accurate.

The Project's cancer risk at the maximally exposed individual (MEI) sensitive receptor is 8.8 in one million. The significance threshold for cancer risk at sensitive receptors is 10 in one million. While as calculated, the Project cancer risk at the MEI sensitive receptor is below the threshold of significance, as discussed above, several toxic air contaminants have been either underestimated or excluded entirely from the HRA. Accordingly, the HRA's conclusion is not accurate as it substantially underestimates the Project's potential health impacts as determined at the MEI sensitive receptor. E4SS-30

V. The Health Risk Assessment's reference exposure levels are not accurate.

Toluene chronic and acute inhalation reference exposure levels (RELs) provided in Table B3-4 are incorrect and, therefore, the HRA is not accurate. E4SS-31

In sum, the EIR's air quality analysis must be revised as recommended above. The analytical flaws must be cured, and the data and analysis made publicly available before the Project may be considered for approval.

9. The EIR fails to analyze water demand or use.

The EIR suggests that the Project will consume a significant amount of water during its operation but fails to include any discussion of quantitative water demands of the Project, or the water source which the Project will rely upon. The EIR needs to be revised to include this analysis. E4SS-32

In this regard, state law (SB 610) mandates that EIRs include an assessment of the adequacy of the proposed water supply for certain industrial projects. This analysis must include, to the extent reasonably possible, the impacts of providing water to the proposed project.

Here, the EIR alludes repeatedly to the water demands of the Project. The EIR states that the operator will water stockpiles several times per day, and hourly in high-traffic areas, to control fugitive dust. (EIR, pp. 2-10, 2-20.) The Project also will rely on watering raw material intake hoppers and equipment operating areas. (EIR, pp. 2-20, 2-21, 3.1-28.) Nowhere, however, does the EIR calculate the total amount of water that would be consumed by the Project on a daily or annual basis, nor disclose the source of that water. E4SS-32

In the absence of any analysis of water use or water supply, neither the decisionmakers nor the public have any idea of whether the water demands of the Project are significant, or whether the Project complies with SB 610 and other laws. The EIR must be revised to include this analysis.

10. The EIR fails to properly evaluate traffic impacts.

The EIR fails to adequately evaluate the Project's potentially significant increases in geometric hazards due to the Project's substantial increase on heavy truck trips.

The EIR notes that the project is within the City of Los Angeles and is subject to the City's adopted Los Angeles Department of Transportation ("LADOT") Transportation Assessment Guidelines ("Assessment Guidelines"), which presents a two-tiered screening threshold to evaluate the potential increase in hazards due to geometric design features. (EIR, p. 3.8-2.) While the Project does not trigger LADOT's initial screening criteria in some ways (for example, by proposing new driveways), it does trigger additional analysis under the Assessment Guideline's screening criteria associated with freeway queuing.

In relevant part, the EIR correctly notes that the Assessment Guidelines require further analysis of potential freeway queuing impacts if all of the following questions can be answered affirmatively: E4SS-33

> Does the land use project involve a discretionary action that would be under review by the Department of City Planning?
>
> Would the land use project generate a net increase of 250 or more daily vehicle trips?
>
> Would the land use project add 25 or more trips to any off ramp in either the morning or afternoon peak hour?

(EIR, p. 3.8-6.)

With respect to the first question, the EIR states that the Project does not involve a discretionary action that would be under review by the Department of City Planning. This conclusory statement is wholly without substance and relies on an untenable argument that environmental analysis is determined by the jurisdictional entity with jurisdiction over the project and not the substance of the discretionary action being requested. Here, the Project requires discretionary action by the Los Angeles Harbor Department ("LAHD") associated with its issuance of a Coastal Development Permit, among other discretionary actions. (EIR, p. 1-11.) A Coastal Development Permit, by definition, is a discretionary planning approval designed to address the Project's compliance with the City's adopted Local Coastal Program. This is

substantively equivalent to review by the Department of City Planning. That LAHD is the reviewing entity, as opposed to the Department of City Planning, is irrelevant from a CEQA perspective. Viewed in this light, it is clear that the Project requires discretionary action by the LAHD, which is equivalent to review by the Department of City Planning. Therefore, the answer to the first screening question is "yes."

Turning to the second question, the EIR argues that the Project would only generate 52 daily automobile trips from the 26 onsite employees generated by project operations. This ignores, however, the additional 526 daily truck trips associated with the Project. (EIR, p. 3.8-15.) Unlike the VMT analysis under SB743, the evaluation of geometric hazards under CEQA does not exclude heavy truck trips from the necessary impact analysis, but instead focuses on statewide safety plans such as the Highway Safety Improvement Program, the Highway Safety Plan, and The Commercial Vehicle Safety Plan, which evaluate highway speed differential calculations and queuing impacts without respect to vehicle type. (Caltrans, 2023. Interim Land Development and Intergovernmental Review Safety Review Practitioners Guidance.) Therefore, when the 578 daily employee and truck trips are properly considered, the answer to the second screening question is "yes." E4SS-33

As to the third question, the EIR completely fails to address the Project's potential to generate 25 or more morning or afternoon freeway off ramp peak hour trips. Indeed, the EIR states that from 2027 and beyond, there will be 26 employees on site, most if not all of whom will travel during the morning and afternoon peak hours. (EIR, p. 2-16.) Given that all Project-related trips will utilize adjacent local freeways, it is reasonable to assume that the 25 peak hour trip threshold will be met. Therefore, the answer to the final screening question is also "yes."

In sum, the EIR inadequately analyzes the potentially significant increases in certain geometric hazards arising from the Project's contribution of heavy truck trips. The analysis must be completed and the EIR must be recirculated for further review and comment.

11. The cumulative impacts analysis is defective.

The EIR's analysis of cumulative impacts fails to provide meaningful analyses of the Project's impacts on a significant number of resources, and instead simply provides conclusory statements. As discussed below, these deficiencies fall short of the meaningful analysis required by CEQA. The EIR's discussion of cumulative impacts must therefore be revised to address these deficiencies.

The EIR reasons that the Project has no cumulative impact on any resource because individual impacts are below the individual thresholds of significance. For example, the EIR concludes that related projects would result in a significant cumulative air quality impact for PM_{10}, $PM_{2.5}$, NO_X, So_x, CO, and VOC, but the Project would not make a cumulatively considerable contribution to a significant cumulative impact simply because the Project's emissions are below the SCAQMD significance threshold for these criteria pollutants. (EIR, p. 4-14.) This flawed reasoning is used throughout the remainder of the analysis of cumulative impacts. (See, e.g., EIR, pp. 4-16 [stating that the Project's impacts on criteria pollutants would not be a significant cumulative impact because the Project's impacts are below the SCAQMD's significance threshold], 4-24 [concluding that the Project would minimize impacts E4SS-34

to critical habitat and therefore concludes that the Project would not have a cumulative impact on such habitat].)

The EIR must be revised to provide a proper analysis of the Project's potential cumulative impacts and cannot simply conclude that the Project will have no significant cumulative impact simply because it is below the significance threshold for individual impacts. It must determine whether the proposed project will have a significant cumulative impact even where the project individually has a less than significant impact on an individual resource.

The EIR also fails to properly analyze the Project's potentially significant cumulative impacts. The EIR falls short of this requirement with respect to the following inadequacies:

- The EIR states that marine biological resources in the Harbor continue to flourish and that the quality of marine habitat continues to improve. (EIR, p. 4-22.) The EIR provides no support for this statement yet goes on to conclude that impacts to special-status species as a result of marine habitat loss will not be cumulatively significant.

- The EIR states, without factual support, that a substantial increase in vessel activity for cumulative activities is not expected to increase. (EIR, p. 4-24.) This is the EIR's basis for concluding that the proposed project will not result in significant cumulative impacts to marine mammals.

- The EIR concludes, with no factual or evidentiary basis, that the proposed ground-disturbing activities that would occur during construction are sufficiently distant from the Vopak site and would therefore not make a cumulatively considerable contribution to a significant cumulative impact related to unstable soils. (EIR, p. 4-28.) The EIR fails to provide the threshold for a sufficient distance that is a necessary component of this analysis.

E4SS-34

CEQA requires a meaningful analysis of each potential cumulative impact relating to the Project. The EIR must be revised to provide a more meaningful analysis and harmonize the inconsistent statements within the EIR.

CONCLUSION

E4 Strategic Solutions appreciates the opportunity to comment on the Project and looks forward to a revised and recirculated EIR that addresses the issues raised above.

Sincerely,

Howard Berman
E4 Strategic Solutions

From:	Fernando Chavez
To:	Ceqacomments
Cc:	kat@3cotech.com; FuturePorts Staff; Tommy Faavae
Subject:	Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Tuesday, December 12, 2023 4:40:32 PM
Attachments:	Ecocem_Berth 191-194_2023_Support Letter.pdf

On behalf of FuturePorts, attached please find letter of support.

Thank you,

FUTUREPORTS

PO Box 15624
Long Beach CA 90815
Office: 310.982.1323
Email: info@futureports.org
www.futureports.org

December 12, 2023

Lisa Wunder
Interim Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731
ceqacomments@portla.org

Re: Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project (Proposed Project)

Dear Ms. Wunder:

On behalf of FuturePorts, I am writing in support of Ecocem's Low-Carbon Cement-Processing Facility Project located at Berth 191-194 at the Port of Los Angeles.

FuturePorts is a 501(c)(6) nonprofit advocacy coalition founded in 2005 to help coalesce the Southern California supply chain around the need to grow the ports while addressing the associated environmental, air quality, and quality of life issues. We believe that a vibrant and healthy economic and environmental future for the ports is vital to us all. FuturePorts envisions the modernization of Southern California's ports ensuring their competitiveness through the successful completion of their development programs that allow for economically viable and environmentally sustainable growth.

FuturePorts-1

The project is expected to create jobs in the Wilmington and San Pedro region and reduce CO2 emissions through Ecocem's low-carbon cement solution.

The project is expected to generate $100 million in construction expenditures in Los Angeles County, with total project expenditures reaching $150 million.

Once operational, the project is projected to contribute over $100 million annually to the total economic output in Los Angeles County.

The project will provide over 700,000 tons of low-carbon cement, significantly contributing to California's goal of achieving net-zero GHG emissions in the cement sector by 2045.

FUTUREPORTS

PO Box 15624
Long Beach CA 90815
Office: 310.982.1323
Email: info@futureports.org
www.futureports.org

Ecocem's low-carbon cement products have reduced over 16 million tons of CO2 emissions since production began in 2003.

Caltrans has projected a critical shortage of concrete construction materials in the future, making a secure supply of building material essential for Southern California.

Ecocem supports the local communities near their facilities by adding social value through employment, charitable donations, and volunteering activities. They have already initiated similar support in the Wilmington and San Pedro communities, contributing to their resilience.

FuturePorts-1 cont'd

Ecocem has been a great community partner and we look forward to their continued presence in the Wilmington and San Pedro communities.

Thank you for your attention to this matter.

Sincerely,

Kat Janowicz
Board Chair
FuturePorts

From:	Henry Rogers
To:	Ceqacomments
Subject:	Letter of Support for Orcem Low-Carbon Cement Processing Facility Project
Date:	Tuesday, October 24, 2023 11:01:11 AM
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png Draft Letter of Support_ECOCEM (002).pdf

Greetings,

Enclosed, please find an updated letter from the Harbor Association of Industry and Commerce (HAIC) expressing our support for the Orcem Low-Carbon Cement Processing Facility Project proposed for Berths 191-194 in the Port of Los Angeles.

As advocates for sustainable and responsible growth in the harbor community, we believe this project aligns with the broader objectives of the Port and the State's commitment to reducing emissions. We've taken the time to review the Draft Environmental Impact Report (DEIR) and are optimistic about the environmental benefits this project promises, especially in promoting sustainability in construction.

We appreciate the thoroughness of the DEIR in identifying potential impacts and the proposed mitigation measures. We trust that the Harbor Department will give due consideration to our feedback and the broader implications of this project for our community.

Thank you for your continued dedication to sustainable development in the Port of Los Angeles. We look forward to further collaboration and discussions on this and other initiatives.

_____

Henry Rogers
Executive Director
HAIC

5623553825
henry@greypinegroup.com
www.harborassn.com

HARBOR ASSOCIATION
OF INDUSTRY & COMMERCE

October 23, 2023

Los Angeles Harbor Department
425 S. Palos Verdes St.
San Pedro, CA 90731

Re: Support for Orcem Low-Carbon Cement Processing Facility Project (Proposed Project)

To Whom It May Concern:

On behalf of the Harbor Association of Industry and Commerce (HAIC), I am writing to express our support for the Orcem Low-Carbon Cement Processing Facility Project proposed for Berths 191-194 in the Port of Los Angeles.

As an organization representing businesses and stakeholders in the harbor community, we appreciate the opportunity to review the Draft Environmental Impact Report (DEIR) for this project. We believe the goal of providing a supplementary cementing material with a lower carbon footprint than traditional Portland cement aligns with the Port's objectives and the State's emissions targets.

While the DEIR identifies potential impacts in areas like air quality and noise, it also lays out mitigation measures and project alternatives to reduce impacts.

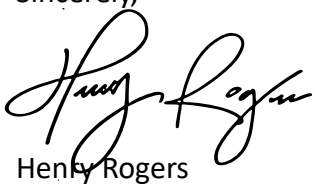
HAIC-1

On balance, we believe this project will bring needed environmental benefits that support sustainability in construction. The production of lower-carbon cement substitutes will help reduce the carbon footprint of development projects across Southern California.

HAIC-1 cont'd

HAIC supports efforts to grow the Port sustainably and responsibly. We look forward to working with the Harbor Department as you consider this climate-friendly infrastructure project.

Sincerely,



Henry Rogers

Executive Director

Harbor Association of Industry and Commerce

From:	Bertha Mardueno
To:	Ceqacomments
Cc:	Tommy Faavae
Subject:	Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Tuesday, October 31, 2023 11:15:44 AM
Attachments:	Support Berth 191 -194.pdf
Importance:	High

Please see attached.

Best,

Bertha C. Mardueño
Executive Assistant
IBEW Local #11
297 North Marengo Avenue
Pasadena, CA 91101
Direct Line: 626-425-9551

IBEW Local Union Number 11

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

JOEL BARTON – BUSINESS MANAGER / FINANCIAL SECRETARY

Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731
ceqacomments@portla.org

November 1, 2023

Re: Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project

To Whom It May Concern:

On behalf of the IBEW Local 11, I write in support of Ecocem's Low-Carbon Cement-Processing Facility Project.

IBEW Local 11 represents more than 11,000 members in Los Angeles County with the vast majority in the Los Angeles area.

The project will create jobs in the Wilmington and San Pedro region and will provide environmental benefits by reducing CO2 emissions through Ecocem's low-carbon cement solution.

The project will produce construction expenditures within Los Angeles County of $100 million, while total project expenditures will reach $150 million.

Once in operation the project will contribute over $100 million in total economic output annually within Los Angeles County.

IBEW-1

The project will provide over 700,000 tons of the leading low-carbon cement material, making a large contribution to California's mandate for the cement sector in California to achieve net-zero GHG emissions by 2045.

Ecocem's low-carbon cement products have reduced over 16 million tons of CO2 emissions since it first started production in 2003.

The project provides a secure supply of building material that is essential for Southern California. CalTrans has projected that concrete construction will be in critically short supply in the future.

Ecocem supports their local communities near their facilities and contributes to their resilience by adding social value through employment, charitable donations, volunteering activities, and has already initiated similar support in the Wilmington and San Pedro communities.

Ecocem has been a great community partner, and we look forward to their continued presence in the Wilmington and San Pedro communities.

Sincerely,

Joel Barton

Joel Barton
Business Manager

JB/TFbcm opeiu#537 afl-cio

From: Bruce Falk
To: Ceqacomments
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project
Date: Thursday, December 7, 2023 2:13:43 PM

Good afternoon,

We are contacting you on behalf of, Boatswayne. We have been doing business with Wayne Ettel from Boatswayne since 2009. Mr. Ettel has played a huge role in helping many boat owners repair their old boats in the Los Angeles Harbor. The Port of LA, will be at a great loss without Wayne Ettel's business location. He is one of the few remaining experts in his field. ASM-1

Please consider the economic ramifications.

Thank you!
Kind regards.
Bruce Falk
Action Sales & Metal Co., Inc.
310-549-5666
bruce@actionsalesmetal.com
www.actionsalesmetal.com

From:	Bruce Heyman
To:	Ceqacomments
Subject:	Reference: Berth 191-194 (Ecocem) Low Carbon Cement Processing Facility Project
Date:	Saturday, December 9, 2023 10:22:53 AM
Attachments:	LAMI ECOCEM CEQUA 12.8.2023.pdf

Hello,
Please find comments on the above referenced project.
Respectfully,
Bruce

--

Captain Bruce Heyman
Executive Director
PLEASE Support our Long Beach Gives Campaign,
if you can. THANK YOU!
Los Angeles Maritime Institute (LAMI)
Children's Maritime Institute (CMI)
TopSail Youth Program
Celebrating our 31st year!
Berth 73, Suite 2 | San Pedro, CA 90731
T 310.833.6055 | **C** 949.289.8400
F 310.548.2055 | **W** www.lamitopsail.org

Los Angeles Maritime Institute
Berth 73, Suite 2
San Pedro, CA 90731
310.833.6055 | LAMItopSail.org

Children's Maritime Institute
429 Shoreline Village Drive #D
Long Beach, CA 90802
310.548.2903 | AmericanPrideCMI.org

December 8, 2023

Director of Environmental Management
Los Angeles Harbor Department
425 Palos Verdes Street
San Pedro, CA 90731
cequacomments@portla.org

Reference: Berth 191-194 (Ecocem) Low Carbon Cement Processing Facility Project

Thank you for the opportunity to augment my verbal testimony which occurred on November 1st, 2023 with these written comments. At the time the verbal comments were made I was unaware that, when approved, this project would displace the last vestige of wooden boat repair in the Ports of Los Angeles and Long Beach. We remain supportive of the project overall and we welcome the new jobs and improved environmental factors afforded by the lower carbon cement. We also understand the value of being able to bring materials to the facility via ships and hence the value of locating the plant at the water's edge.

However, we are requesting consideration be given for the ability of the wooden boat facility to either be allowed to co-exist on the subject property or be relocated to another suitable area with in the Port Complex. The skills possessed by the highly skilled workers at the existing facility are vital to the wooden boat industry. LAMI operates four tall ships in the Ports of LA and LB. *Irving Johnson* and *Exy Johnson* are the official Tall Ships and Tall Ship Ambassadors of the City of Los Angeles. They were both built at the foot of 6th street by experts that are becoming harder and harder to find. The fact that two of our vessels are octogenarians and the Brigantines are now 20 years old means that they require constant skilled maintenance. LAMI-1

Unfortunately, the vast majority of vessels today are made of something other than wood; fiber glass, steel, aluminum, and even ferrocement. With the loss of Gambol Shipyard and the fact that Al Larson's Boat Shop is fully impacted we are forced to bring our vessel to Chula Vista for haul out. While San Diego can provide a competent place for hauling out the vessel, they in general do not have the expertise that are required to do the complicated work to maintain wooden boats.

Our nation has two areas where a critical mass of wooden boat maintenance/ reconstruction skills can be found; Mystic Seaport in Connecticut and Port Townsend in the state of Washington. Obviously, neither are particularly easily accessible. I'm asking you to consider finding a way to allow what we have with the existing tenant, Marine Preservation Trust, to survive and thrive in the Port of Los Angeles. It is a business that

Los Angeles Maritime Institute
Berth 73, Suite 2
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310.833.6055 | LAMItopSail.org

Children's Maritime Institute
429 Shoreline Village Drive #D
Long Beach, CA 90802
310.548.2903 | AmericanPrideCMI.org

also provides for excellent middle class jobs and much needed support for the wooden boat community of Southern California.

Again, thank you for the opportunity to raise what I believe is an important issue. I'm happy to answer any questions you may have. Thank you for your consideration.

LAMI-1 cont'd

Bruce Heyman
Executive Director
Los Angeles Maritime Institute
Berth 73, Suite 2
San Pedro, CA 90731
Director@LAMITopSail.org
O: (310) 833-6055
C: (949) 289-8400

From:	pat nave
To:	Ceqacomments
Cc:	Ray; Victor Christensen; Thomas Norman
Subject:	Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Monday, December 11, 2023 7:56:51 PM
Attachments:	Ecocem DEIR comment letter NWSNC.docx

Please find attached the comment on the Ecocem project DEIR adopted tonight by the Northwest San Pedro Neighborhood Council at its regularly schedule monthly meeting.

They asked me to submit the attached comment letter on their behalf as they are still in session and wanted to be sure their comment was filed on time. The attachment is identical to the agenda item file on the matter.

Please acknowledge receipt of the letter by email to Ray Regalado and Victor Christiansen, President and Secretary of the Council respectively, and Dr. Tom Norman, chair of the Port Committee.

December 11, 2023

Ms. Lisa Wunder
Interim Director
Environmental Division
Port of Los Angeles

Via: ceqacomments@portla.org

Dear Ms. Wunder,

Thanks you for the opportunity to comment on the Ecocem project DEIR.

As outlined herein, the Northwest San Pedro Neighborhood Council voted that the "no project" alternative is the only feasible alternative due to the air quality, health risks, and traffic impacts. At the same time, we voted that a modification of Alternatives 2 and 3 to provide for import and throughput of the raw granulated blast furnace slag via rail car addresses those impacts and could be environmentally acceptable. NWSPNC-1

T**HE "NO PROJECT" ALTERNATIVE**

Granulated blast furnace slag [GBFS] is similar to sand. Ecocem proposes to grind the product into a very fine dust material similar to the cement used in concrete, and loading it onto trucks for distribution throughout southern California.

The import, grinding, storage, truck loading and truck transport of the very fine product produces considerable PM 10's [particles smaller than 10 microns in size] and PM 2.5's [smaller than 2.5 microns in size]. Particles that small can lodge in the lungs and can even pass cell walls in the lungs and lodge in the brain. NWSPNC-2

Table 3.1-13 in the DEIR shows the levels of the particle emissions for the years 2025, 2027, and 2049, and compares them with the AQMD threshold limits. **These are the predicted emissions after all feasible mitigations are applied and are for the project itself without including any ambient levels.** The predictions are based on what the levels would be at the property line. Predictions for what they would be in the surrounding area, from trucks and product dust for example, are not computed.

Table 3.1-13: Maximum Localized Off-site Ambient PM_{10} and $PM_{2.5}$ Concentrations — Proposed Project Operation

Pollutant	Averaging Time	Analysis Years	Ground-Level Concentration (µg/m³) [a,d]	SCAQMD Threshold (µg/m³)[b]	Concentration above Threshold?
PM_{10}	24-hour	2025	**10.9**	2.5	**Yes**
		2027	**21.6**	2.5	**Yes**
		2049	**21.5**	2.5	**Yes**
	Annual	2025[c]	**1.6**	1	**Yes**
		2027	**7.0**	1	**Yes**
		2049	**7.0**	1	**Yes**
$PM_{2.5}$	24-hour	2025	**3.3**	2.5	**Yes**
		2027	**6.6**	2.5	**Yes**
		2049	**6.6**	2.5	**Yes**

Notes:
[a] Exceedances of the thresholds are indicated in **bold**.
[b] Because the thresholds for PM_{10} and $PM_{2.5}$ are incremental thresholds, background concentrations are not added to the Maximum Modeled Project Concentration.
[c] 2025 annual average concentrations include construction impacts from January 2025 through July 2025 and operational impacts from August 2025 through December 2025.
[d] 24-hr concentrations were evaluated for off-site locations where persons may be exposed to the emissions from project activities, based on SCAQMD's Final Localized Significance Threshold Methodology (SCAQMD 2008). Commercial and industrial land uses were conservatively included for all averaging times.

NWSPNC-2 cont'd

These emissions exceed the threshold standards by 60% up to 864%. This alone is sufficient to require a finding that the "no project" alternative is the only feasible alternative. There are a few others.

Health risks are also a concern. CEGA does not require evaluating health risks unless they exceed more than 10 per million cancer cases. The DEIR found no cancer risk requiring an assessment. However, Figure 3.1–2 in the DEIR shows two risk outlines, one encompassing the project site as well as the adjacent Vopak terminal and another encompassing numerous residences in Wilmington, at least four terminals in the Port, plus the adjacent marinas. Given the claim that the project does not exceed the CEQA impact requirement, this should be

NWSPNC-3

clarified. The DEIR also ignores the considerable data available that shows various important

Figure 3.1-2: Isopleths of 30-Year Residential Cancer Risk – Proposed Project

NWSPNC-3 cont'd

pulmonary impacts, especially on workers and children, such as COPD and asthma. The identified air quality impacts alone are more than enough to indicate the "no project' alternative should be selected as the only feasible alternative because, as the DEIR indicates, they cannot be mitigated to a level of insignificance.

There is also the impact of truck traffic. Large hopper trucks will be used to import gypsum to the site for use in the crushing process, and to transport finished products from the site to various locations, apparently mostly in Southern California. There will be approximately 66,000 truck trips per year, averaging 73 miles each trip, or about the distance from the site in Wilmington to San Bernardino. NWSPNC-4

Ecocem believes that CEQA does not require analysis of the environmental impact of these truck trips. They believe that analyzing the vehicle trips of their 26 employees is all that is are required, and included those trips, averaging 10miles each, in their DEIR.

They do address the truck transport issue but declare that it is for informational purposes only. See Section 3.8.6, starting at page 3.8-14. In doing so however, they counted each truck as if it were a regular vehicle and only calculated the impact of the level of service at intersections in and around Wilmington. This is called a "Level of Service" [LOS] analysis and they use it rather than the "Vehicle Miles Traveled" [VMT] method. The average one-way truck trip is estimated to be 73 miles, or 4,818,000 miles per year. Since they assert that VMT only applies to cars, not trucks, they don't analyze the VMT for trucks.

Each truck is 72 feet long, length occupied by 2 1/2 cars. If the trucks are counted as if they were 2 1/2 cars each, it would impact on numerous intersections in around the area, degrading them to a level of service requiring modification of those intersections. Further, the informational limitation ignores things like impact on the neighborhood of the 263 hopper trucks rolling through the neighborhoods each day, ignores the impact on the condition of the roadways of the very heavy trucks on the pavement, does not discuss the impact on the new Wilmington Waterfront Park currently under construction, the increase in accidents, and the like.

NWSPNC-4 cont'd

These are the impacts and omissions that indicate the "no project" alternative should be the preferred alternative. As a note, Ecocem points out that it was unable to secure a site in Long Beach or Port Hueneme, and we know from previous news reports that they were turned down in Vallejo as well. We strongly suggest that the comments in the following links, particularly those related to toxic chemicals in the GBFS product, be taken into consideration.

NWSPNC-5

https://web.archive.org/web/20220625160749/https://www.voicesofvallejo.com/not-so-harmless,

https://www.voicesofvallejo.com/fugitive-dust

We do believe that a modification of Alternatives 2 and 3 might result in an environmentally acceptable project.

Alternative 2 is for a reduced product alternative and Alternative 3 is for a finished product import terminal.

Alternative 2 lowers the volume of the project, reducing the ship calls from 24 per year to 23 per year, but retains the on-site crushing and processing operation and still would distribute the finished product by truck. This does not materially reduce the air quality and truck transport impacts.

NWSPNC-6

Alternative 3 is a product import terminal, where the slag would be processed before import, off-loaded and distributed it from the site. It does not really reduce much of the air quality impact and would have all the truck transport issues.

There is a combination/modification of Alternatives 2 and 3 that eliminates most if not all of the air quality impacts and truck transport impacts. That alternative would have the site used as an import terminal for the granulated blast furnace slag [GBFS] and transporting it out of the terminal area by rail car to a remote site where the GBFS could be processed and distributed as Ground Granulated Blast Furnace Slag [GGBFS].

Ecocem understands that raw product import and export via rail eliminates the truck transport and air quality issues, but says it is not feasible because it would require permits from others. Interestedly, they say that 20 rail cars per day would equal the 263 trucks per day that they hope to use.

Next door to the site is the Vopak terminal. Vopak has a rail line into the terminal as well as a fully enclosed and well-ventilated product storage barn, now unused but currently rented to Portland Cement Company.

Ecocem says that a rail line to its site would require extending the track that now runs through Vopak, would require road crossing agreements a double track would be needed to accommodate the 20 rail cars per day. This ignores the fact that the Port owns all the track in the Port, that the streets are not dedicated public streets, and the Pacific Harbor Lines is owned by the Port as well. The Port could easily construct an industrial sidetrack down Canal Street to the proposed terminal.

NWSPNC-6 cont'd

Under this proposed modification of Alternatives 2 and 3, the raw product would be imported through the site, loaded onto rail cars and transported to a more acceptable, non-waterfront grinding mill, then distributed throughout Southern California.

In summary, the Council believes that the no project alternative is the only reasonable and feasible option that meets the project objectives in the least environmentally impactful way and is the one that should be selected, as required by Cal. Code Regs. Title 14 Sec. 15126.6, Cal. PRC Secs. 21002, 21081. We also note that the project to manufacture GGBFS in the manner proposed by Ecocem requires use of waterfront property for a non-waterfront dependent use. The Port has traditionally rejected uses that are not waterfront dependent. Perhaps that is why this project was rejected by the Port of Long Beach, Vallejo and Port Hueneme.

We believe the Port should explore the rail transport option in greater depth. We propose, and are willing to participate in, a study group with Port staff and PHL staff to explore this option. Thank you for your consideration.

Sincerely,

Raymond Regalado

President
Northwest San Pedro Neighborhood Council

From: Margaret Hernandez
To: Ceqacomments
Subject: Berths 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project
Date: Thursday, November 2, 2023 12:05:01 PM
Attachments: 11 01 23 Ecocem Support Letter.docx

Please see the attached letter in support of the Ecocem cement facility in Wilmington.

Thank you for your time and consideration.

Margie Hernandez
Rotary Club of Wilmington

Rotary

Club of Wilmington, PO Box 8, Wilmington CA 90748-0008

November 1, 2023

Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project (Proposed Project)

Dear Port Staff:

On behalf of the Wilmington Rotary Club, I write in support of Ecocem's Low-Carbon Cement-Processing Facility Project. Our club has been serving the Wilmington community since 1928, and we depend on the support of the local business community to organize and execute projects to serve the citizens of Wilmington. Ecocem has developed a relationship with our club, and we appreciate their candor and support.

Ecocem will create jobs in the Wilmington and San Pedro region and will provide environmental benefits by reducing CO2 emissions through their low-carbon cement solution. In addition, it will create construction expenditures within Los Angeles County of $100 million, while total project expenditures will reach $150 million. RCW-1

Once operational, over $100 million in total economic output annually will be created within Los Angeles County. Also, Ecocem will provide over 700,000 tons of low-carbon cement material, making a large contribution to California's mandate for the cement sector in California to achieve net-zero GHG emissions by 2045. Ecocem's low-carbon cement products have reduced over 16 million tons of CO2 emissions since 2003.

The Ecocem project provides a secure supply of building material that is essential for Southern California. CalTrans has projected that concrete construction will be in critically short supply in the future.

Ecocem supports local communities near their facilities by adding jobs, charitable donations, and volunteer opportunities. We look forward to working with Ecocem to sustain and support our activities for the benefit of the Wilmington community.

Sincerely,

Cristian Amaya
President
Rotary Club of Wilmington

From:	Elise Swanson
To:	Ceqacomments
Cc:	Fernando Chavez
Subject:	Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Monday, October 30, 2023 4:38:03 PM
Attachments:	Ecocem Support Letter 10 30 23.pdf

To Whom It May Concern:

On behalf of the San Pedro Chamber of Commerce, I write in support of Ecocem's Low-Carbon Cement-Processing Facility Project. The San Pedro Chamber of Commerce Economic Development and Policy Committee, and the Board of Directors have both received in depth presentations on the project and had the opportunity to ask questions and provide input. We truly appreciated the opportunity to engage with company representatives and officials.

Ecocem will create jobs in the Wilmington and San Pedro region and will provide environmental benefits by reducing CO2 emissions through Ecocem's low-carbon cement solution. The project will produce construction expenditures within Los Angeles County of $100 million, while total project expenditures will reach $150 million. Once in operation, the project will contribute over $100 million in total economic output annually within Los Angeles County.

The project will provide over 700,000 tons of the leading low-carbon cement material, making a large contribution to California's mandate for the cement sector in California to achieve net-zero GHG emissions by 2045. Ecocem's low-carbon cement products have reduced over 16 million tons of CO2 emissions since it first started production in 2003.

The project provides a secure supply of building material that is essential for Southern California. CalTrans has projected that concrete construction will be in critically short supply in the future.

Ecocem supports their local communities near their facilities and contributes to their resilience by adding social value through employment, charitable donations, volunteering activities, and has already initiated similar support in the Wilmington and San Pedro communities.

Ecocem has been a great community partner, and we look forward to their continued presence in the Wilmington and San Pedro communities.

Sincerely,

Elise Swanson
San Pedro Chamber of Commerce
(310) 832-7272 office
(310) 590-6311 cell
sanpedrochamber.com

The San Pedro Chamber of Commerce is a non-profit 501 (c) (6) membership organization. The mission of the San Pedro Chamber of Commerce is to promote, support, and advocate the interests of the business community. Our vision is to make

San Pedro a better place to live, work, and visit.

October 30, 2023

Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project (Proposed Project)

To Whom It May Concern:

On behalf of the San Pedro Chamber of Commerce, I write in support of Ecocem's Low-Carbon Cement-Processing Facility Project. The San Pedro Chamber of Commerce Economic Development and Policy Committee, and the Board of Directors have both received in depth presentations on the project and had the opportunity to ask questions and provide input. We truly appreciated the opportunity to engage with company representatives and officials.

Ecocem will create jobs in the Wilmington and San Pedro region and will provide environmental benefits by reducing CO2 emissions through Ecocem's low-carbon cement solution. The project will produce construction expenditures within Los Angeles County of $100 million, while total project expenditures will reach $150 million. Once in operation, the project will contribute over $100 million in total economic output annually within Los Angeles County. SPCC-1

The project will provide over 700,000 tons of the leading low-carbon cement material, making a large contribution to California's mandate for the cement sector in California to achieve net-zero GHG emissions by 2045. Ecocem's low-carbon cement products have reduced over 16 million tons of CO2 emissions since it first started production in 2003.

The project provides a secure supply of building material that is essential for Southern California. CalTrans has projected that concrete construction will be in critically short supply in the future.

Ecocem supports their local communities near their facilities and contributes to their resilience by adding social value through employment, charitable donations, volunteering activities, and has already initiated similar support in the Wilmington and San Pedro communities.

Ecocem has been a great community partner, and we look forward to their continued presence in the Wilmington and San Pedro communities.

Sincerely,

Elise Swanson
President/CEO
San Pedro Chamber of Commerce

From:	Henry Rogers
To:	Ceqacomments
Subject:	Joint Support for Ecocem"s Low-Carbon Cement-Processing Facility Project
Date:	Tuesday, December 12, 2023 9:28:24 PM
Attachments:	Berth 191-194 (Ecocem) SBACC.pdf Berth 191-194 (Ecocem) HAIC.pdf

Greetings,

The South Bay Association of Chambers of Commerce, in collaboration with the Harbor Association of Commerce, has formally expressed our support for the Ecocem Low-Carbon Cement-Processing Facility Project. This initiative represents a major step forward in environmental sustainability and economic growth for the Wilmington and San Pedro region.

Enclosed with this email, you will find our formal letters of support, detailing the substantial benefits of this project. These include job creation, substantial reduction in CO2 emissions, and a considerable economic impact estimated at over $100 million annually in Los Angeles County. SBACC-1

We believe that Ecocem's commitment to low-carbon solutions and community engagement aligns perfectly with our goals for sustainable development and economic prosperity in Southern California.

Thank you for considering our support for this pivotal project. We look forward to any further discussions or actions that this initiative may entail.

Best regards,

_____

Henry Rogers
Grey Pine Group
C: 562-355-3825
www.greypinegroup.com

From:	Monica Diaz
To:	Ceqacomments
Subject:	Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Tuesday, December 5, 2023 10:37:56 AM
Attachments:	image002.png image003.png Ecocem_110923.pdf

To Whom it May Concern,

On behalf of the Wilmington Chamber of Commerce, please see attached letter of support for Ecocem's Low-Carbon Cement-Processing Facility Project located at Berths 191-194.

Please do not hesitate to reach out if anything additional is needed.

Thank You,

Monica

Monica Garcia Diaz
CEO/Executive Director
Wilmington Chamber of Commerce
O: 310-834-8586
www.wilmington-chamber.com

Monica Garcia-Diaz
Chief Executive Officer

Phone 310-834-8586
Web www.wilmington-chamber.com
Email Monica@Wilmington-Chamber.com
544 N. Avalon Blvd. Wilmington, CA 90744

544 N. Avalon Blvd., Ste. 104 Wilmington, CA 90744

November 8, 2023

Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project (Proposed Project)

To Whom It May Concern:

On behalf of the Wilmington Chamber of Commerce, I write in support of Ecocem's Low-Carbon Cement-Processing Facility Project.

The mission of the Wilmington Chamber of Commerce is to promote and support local businesses and improve the quality of life for the residents of Wilmington.

This project will create employment opportunities in the Wilmington and San Pedro region while championing environmental conservation by reducing CO2 emissions through Ecocem's innovative low-carbon cement solution.

The construction expenditure within Los Angeles County is estimated at $100 million, with the total project outlay reaching $150 million. Moreover, once operational, the project is projected to generate an annual economic output surpassing $100 million within Los Angeles County.

The project will yield over 700,000 tons of cutting-edge low-carbon cement material, significantly contributing to California's imperative for the cement sector to achieve net-zero greenhouse gas (GHG) emissions by 2045. Notably, Ecocem's low-carbon cement products have already curbed over 16 million tons of CO2 emissions since their inception in 2003.

Critical to Southern California's infrastructure, this project ensures a secure supply of essential building materials. CalTrans forecasts an impending shortage in concrete construction materials, making initiatives like this one pivotal for Southern California's future.

WCC-1

Ecocem is deeply invested in supporting local communities, fostering resilience through employment opportunities, charitable donations, volunteering initiatives, an already showcasing a commitment to the Wilmington and San Pedro communities.

As a longstanding community partner, Ecocem's dedication has been invaluable, and we eagerly anticipate their continued positive impact in the Wilmington and San Pedro regions.

WCC-1 cont'd

Sincerely,

Monica Garcia-Diaz

Chief Executive Officer/Executive Director

Wilmington Chamber of Commerce

www.wilmington-chamber.com

monica@wilmington-chamber.com

O: 310-834-8586

From: Wunder, Lisa
To: gina martinez; Ceqacomments; Moreno, Cecilia
Subject: RE: Orcem Project Comments
Date: Monday, December 11, 2023 11:21:11 AM

Hello Ms. Martinez,

Thank you for submitting the Wilmington Neighborhood Council's comment letter.

Lisa W.

From: gina martinez <wnc.gina@gmail.com>
Sent: Monday, December 11, 2023 10:35 AM
To: Wunder, Lisa <LWunder@portla.org>; Ceqacomments <Ceqacomments@portla.org>; Moreno, Cecilia <CMoreno@portla.org>
Subject: Orcem Project Comments

Ms Wunder,

Attached please find the comments submitted by the Wilmington Neighborhood Council with regards to the Orcem Project.

Kindest regards,

Gina Martinez
Chair, WIlmington Neighborhood Council

Wilmington Neighborhood Council
544 N. Avalon Blvd., Suite 103, Wilmington, CA 90744
(310) 720-4046 wilmingtonnc@empowerla.org
wilmingtonneighborhoodcouncil.com

Gina Martinez, Chair
Gayle Fleury, Co-Chair
Jaime Bedolla, Treasurer
Alicia Baltazar, Secretary
Trishie Salas, Parliamentarian

December 5, 2023

Community Impact Statement
Ecocem/Orcem
Berths 191-194

The Wilmington Neighborhood Council is extremely concerned with regard to the current project and have detailed those concerns below along with the itemizing numerous safety data concerns with regard to GBFSS. We are also alarmed that many of the actions taken by the Harbor Department do not in fact do anything to reduce air emissions. We know the port is aware of AB 671 and we are unable to comprehend why many of the projects being approved and proposed do not even address these issues or take into consideration how these projects effect port adjacent communities.

Concerns related to Ecocem/Orcem

1. Use of waterfront property for uses that are not water dependent.

Mixing with gypsum and grinding the product to size specifications does not require use of waterfront property. For years, the Port had to deal with particulate emissions from the coal facility at Kaiser Point and the export terminal on Terminal Island. This included Kaiser having to use a street sweeper full time on Port roads to clean up the spillage from truck transport to and from Kaiser Point. The potential for particulate air emissions in the proposed project, including the manufacturing aspect, can be done elsewhere. If it is done at Berth 191-194, it should be done indoors in covered structures with air scrubbers on all ventilation systems. WNC-1

2. Air quality, particulate emissions.

The project will have very large negative air emission impacts. The product will be suctioned out of bulk carriers, transported by conveyor to open storage piles, processed through a crushing plant where WNC-2

it will be mixed with gypsum that has been imported by truck, stored again in open storage piles, then loaded onto 18 wheeled semi-trucks and transported to other sites in the Southern California area. Each of these transfers plus the exhaust from the equipment used for operating the plant, will generate small particulates. Wind borne particles from the open storage are also a probability. All transfer and manufacturing points should include covered structures with air scrubbers on all ventilation systems.

WNC-2 cont'd

3. Truck traffic

The NOP stated that the project forecasts 35,000 truck trips per year, the DEIR now states 65,950 but those are one-way trips. In counting traffic, each in and out segment counts as a trip, so that means that the previously estimated will be 70,000 truck trips a year will now be 131,900 truck trips, each one going up or down Avalon Boulevard past the new Banning's Landing Park right onto Anaheim during the Vicent Thomas Bridge Closure with the new Anaheim road diet.

WNC-3

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> "… [the Office of Planning and Research] does not require vehicle miles traveled analysis of commercial truck in CEQA documents. Therefore, ***based on OPR verbal guidance, heavy duty truck trips are not included in this transportation analysis***, but are analyzed in other resource areas such as air quality, greenhouse gas emissions, noise and energy…." NOP, Page 61. [emphasis added]

How truck traffic impacts are analyzed is a major issue as one of our greatest concerns are the trucks and their emissions and how they affect our health. Although it is not "required" to be considered, a good steward of our community and waterways "should" consider how this effects the area.

4. Public Notification

This project is extremely close to Wilmington Waterfront Project. Inclement weather with high winds and rain can blow large amounts of the slag over to our new waterfront park and spill into our oceans affecting our marine life. Will the port or Orcem provide emergency safety showers, eye wash stations, or other protective measures should the general public become exposed at the park? Will there be signage at the park to advise of possible toxic exposure and to seek medical attention if they experience symptons like nausea and/or vomiting, trouble breathing, skin irritations etc.?

WNC-4

5. Open Storage of Granulated Blast Furnace Slag (GGBFS).

The DEIR states that there will be open storage of GGBFS. There are entire Safety Data Sheets on GGBFS (excerpts below). The DEIR states that this will just be stored out in open piles just a stones throw from our new Waterfront Development where families will be on a regular and daily basis allowed to blow open in the air free for all stakeholders to breathe in and free to flow into our oceans. Some of the concerns are listed on Safety Data Sheets as follows:

WNC-5

Safety Data Sheet Information (excerpts)

Hazard(s) Indentification

- Single Target Organ Toxicity (STOT) Repeat Exposure – 2
  May cause damage to lungs through prolonged or repeated exposure Precautions are not to breathe dusts or fumes.

First-aid Measures :

- Inhalation: Remove person to fresh air and keep comfortable for breathing. Get medical advice/attention if you feel unwell.
- Eye Contact: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Get medical advice/attention if you feel unwell.
- Skin Contact: If skin irritation occurs: Get medical advice/attention.
- Ingestion: Get medical advice/attention if you feel unwell. 4(b) Most Symptoms/Effects, Acute and Delayed (Chronic): Acute effects:
- Inhalation: Excessive exposure to high concentrations of dust may cause irritation to the eyes, skin and mucous membranes of the upper respiratory tract.
- Eye: Excessive exposure to high concentrations of dust may cause irritation to the eyes.
- Skin: Skin contact with dusts may cause irritation or dermatitis.
- Ingestion: Ingestion of dust may cause nausea and/or vomiting. Chronic Effects: Individuals with chronic respiratory disorders (i.e., asthma, chronic bronchitis, emphysema, etc.) may be adversely affected by any airborne particulate matter exposure.
- Persons with pre-existing skin disorders may be more susceptible to dermatitis.

Accidental Release

- Personal Precautions, Protective Equipment and Emergency Procedures: For spills involving finely divided particles, clean-up personnel should be protected against contact with eyes and skin. If material is in a dry state, avoid inhalation of dust. Personnel should be protected against contact with eyes and skin. Fine, dry material should be removed by vacuuming or wet sweeping methods to prevent spreading of dust. Avoid using compressed air. Do not release into sewers or waterways.
- Methods and Materials for Containment and Clean Up: Collect material in appropriate, labeled containers for recovery or disposal in accordance with federal, state, and local regulations. Follow applicable OSHA regulations (29 CFR 1910.120) and all other pertinent state and federal requirements.

Handling and Storage

- Operations with the potential for generating high concentrations of airborne particulates should be evaluated and controlled as necessary. Practice good housekeeping. Do not breathe metal fumes and/or dust. Emergency safety showers and eye wash stations should be present.

Exposure Controls

- Appropriate Engineering Controls: Local exhaust ventilation should be used to control the emission of air contaminants. General dilution ventilation may assist with the reduction of air contaminant concentrations.
- Emergency eye wash stations and deluge safety showers should be available in the work area.
- Individual Protection Measures:
- Respiratory Protection: Seek professional advice prior to respirator selection and use. Follow OSHA respirator regulations (29 CFR 1910.134) and, if necessary, use only a NIOSH-approved respirator. Select respirator based on its suitability to provide adequate worker protection for given working conditions.
- • Eyes: Wear eye protection/face protection. A face shield should be used when appropriate to prevent contact with splashed materials. Chemical goggles, face shields or glasses should be worn to prevent eye contact. Contact lenses should not be worn where industrial exposure to this material is likely.
- Skin: Persons handling this product should wear appropriate clothing to prevent skin contact. Wear protective gloves.
- Other protective equipment: An eyewash fountain and deluge shower should be readily available in the work area.

Ecological Information

- Ecotoxicity (aquatic & terrestrial): No data available for the product, Blast Furnace Slag as a whole. However, individual components of the product have been found to be toxic to the environment. The following may migrate into soil and groundwater and be ingested by wildlife. • Calcium Sulfide: EU RAR lists as Category 1 Very toxic to aquatic life with long lasting effects.

Stability and Reactivity

- Hazardous Decomposition Products: Hydrogen sulfide gas may be released when moist or wet when it is heated. Can react with water to form calcium hydroxide

WNC-5 cont'd

In our last correspondence on this matter we had suggested that Ecocem's alternatives should include construction of a railroad "industrial side-track" to the site. This would allow for closed hopper rail cars to transport the product from the terminal to other distribution points, such as cement mixing plants that are the likely delivery destinations for the product. Some of these other sites may well have industrial side-tracks of their own. ***If implemented, this one change would drastically reduce the number of truck trips required and may well eliminate them altogether.*** However, this option was not explored. WNC-6

We stated previously and still submit that no project at all is the best alternative. We do not agree that this Berth should be changed from a Liquid Bulk area to a Dry Bulk area as liquid bulk comes in containers protecting people and the environment at a higher degree than dry bulk. The only mitigation option would be a railroad track to the site with the gypsum stored in closed containers to be moved from the site. WNC-7

The port has just invested into the community of Wilmington with the new Waterfront project We wonder however why would they invest that much money into a project for the community and then allow a project of such toxicity and danger to be adjacent to it? WNC-8

Lastly, this project is not water dependent and the long held guideline that waterfront property should be reserved for water-dependent activities should be upheld. **Manufacturing/millling the product is not water dependent**. WNC-9

Thank you for your consideration. Sincerely,

Gina Martinez

Gina Martinez, Chair
Wilmington Neighborhood Council

Wilmington Neighborhood Council
544 N. Avalon Blvd., Suite 103, Wilmington, CA 90744
(310) 522-2013 wilmingtonnc@empowerla.org
wilmingtonneighborhoodcouncil.com

December 05, 2023

Ms. Lisa Wunder
Interim Director
Environmental Division
Port of Los Angeles

Via: ceqacomments@portla.org

ADDITIONAL COMMENTS TO ORCEM PROJECT

Dear Ms. Wunder,

Thanks you for the opportunity to comment on the Ecocem project DEIR.

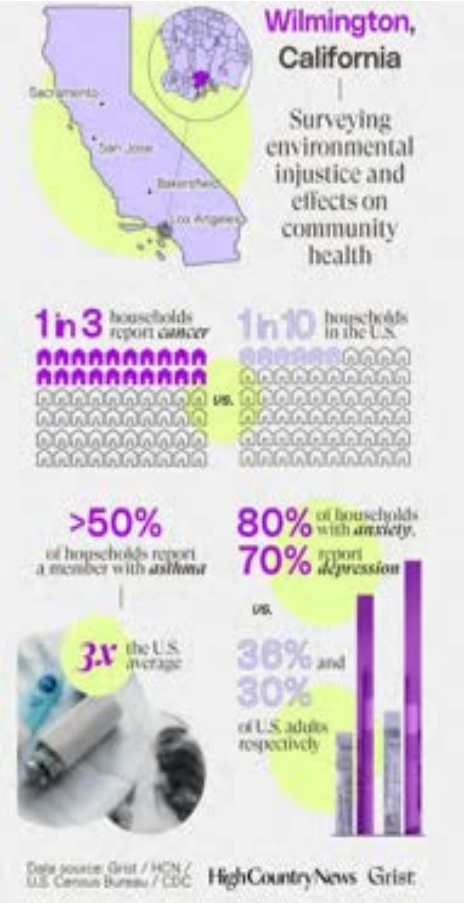
As outlined herein, the Wilmington Neighborhood Council voted to submit this additional letter/comments, add to our previously approved letter/CIS and voted to support the comments voted on by the Northwest San Pedro Neighborhood Council and agree that the "no project" alternative is the only feasible alternative due to the air quality, health risks, and traffic impacts. Although we agree with Northwest San Pedro's comments, at the same time, we voted that a modification of Alternatives 2 and 3 to provide for import and throughput of the raw granulated blast furnace slag via rail car addresses could possibly address impacts, we retain our position that the use of waterfront property should not be used for projects that are not water dependent . WNC-10

HEALTH CONCERNS

Cancer risk — predominantly from diesel exhaust spewed by trucks, ships and trains — is 98% higher in Wilmington than in the rest of the Los Angeles basin.

Industries in Wilmington and Carson reported emitting almost 1.7 million pounds of toxic air contaminants in 2020, including ammonia, hydrogen cyanide and benzene, which is a known cause of leukemia

In Wilmington, 664 people are at risk of contracting cancer of every million people exposed. (Risks exceeding 100 in a million are considered unacceptable.) Wilmington's cancer risk from air pollution ranks in the top 2% for the entire basin, which includes most of Los Angeles, Orange, San Bernardino and Riverside counties.

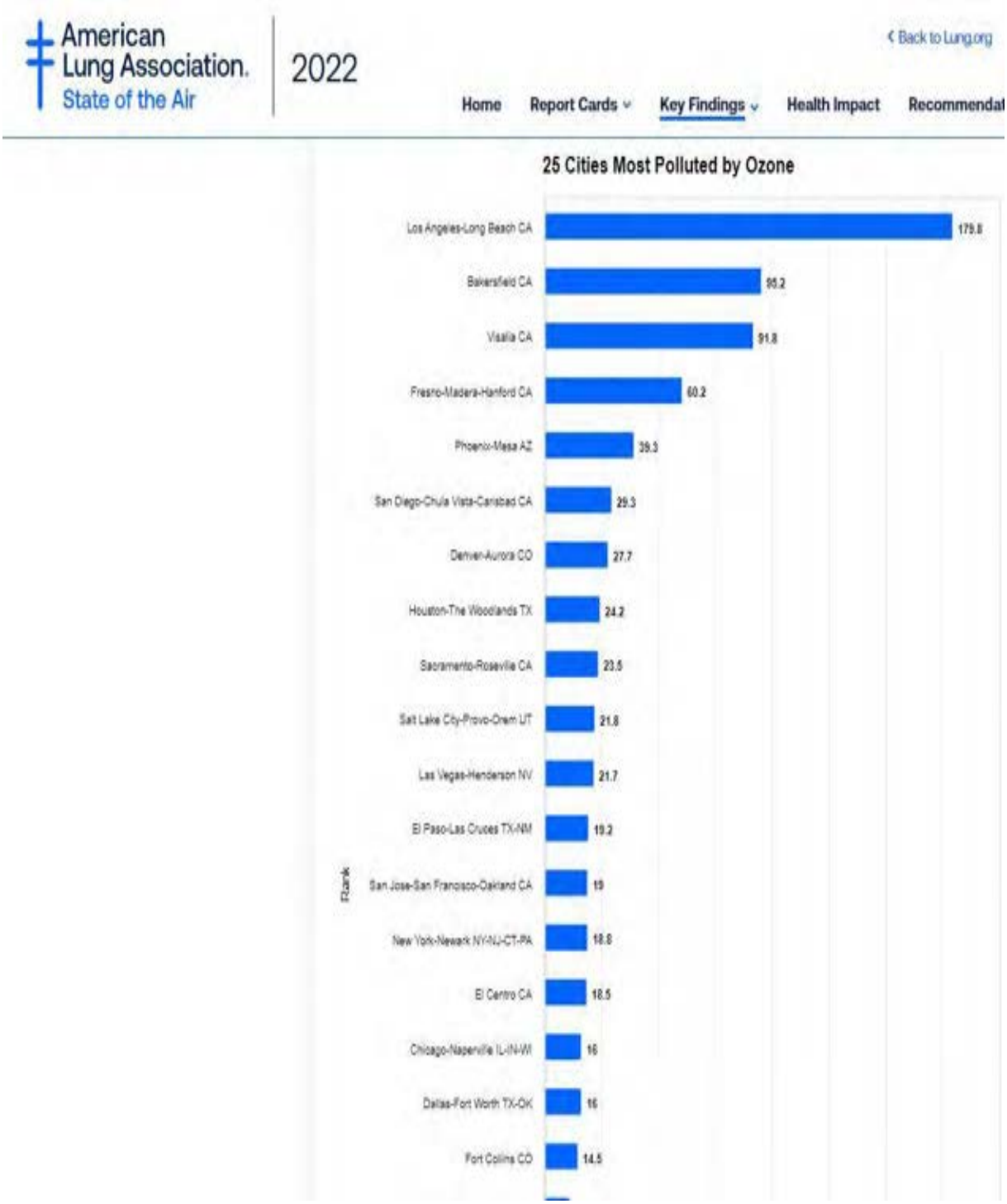


*** https://calmatters.org/environment/2022/02/california-environmental-justice-by-the-numbers**

Both the ports of Los Angeles and the Ports of Long Beach are constantly expanding their operations into our community. These operations have a direct impact on the health and environment of our community. The area between Los Angeles and Long Beach (Wilmington)

WNC-11

is the most polluted community in the country. The Port should only be approving projects that are water dependent and not approving projects that will most certainly degrade the quality of life of our residents and marine life.



WNC-11

THE "NO PROJECT" ALTERNATIVE

Granulated blast furnace slag [GBFS] is similar to sand. Ecocem proposes to grind the product into a very fine dust material similar to the cement used in concrete, and loading it onto trucks for distribution throughout southern California.

The import, grinding, storage, truck loading and truck transport of the very fine product produces considerable PM 10's [particles smaller than 10 microns in size] and PM 2.5's [smaller than 2.5 microns in size]. Particles that small can lodge in the lungs and can even pass cell walls in the lungs and lodge in the brain.

Table 3.1-13 in the DEIR shows the levels of the particle emissions for the years 2025, 2027, and 2049, and compares them with the AQMD threshold limits. **These are the predicted emissions after all feasible mitigations are applied and are for the project itself without including any ambient levels.** The predictions are based on what the levels would be at the property line. Predictions for what they would be in the surrounding area, from trucks and product dust for example, are not computed.

WNC-12

Table 3.1-13: Maximum Localized Off-site Ambient PM_{10} and $PM_{2.5}$ Concentrations — Proposed Project Operation

Pollutant	Averaging Time	Analysis Years	Ground-Level Concentration (µg/m³) [a,d]	SCAQMD Threshold (µg/m³)[b]	Concentration above Threshold?
PM_{10}	24-hour	2025	**10.9**	2.5	**Yes**
		2027	**21.6**	2.5	**Yes**
		2049	**21.5**	2.5	**Yes**
	Annual	2025[c]	**1.6**	1	**Yes**
		2027	**7.0**	1	**Yes**
		2049	**7.0**	1	**Yes**
$PM_{2.5}$	24-hour	2025	**3.3**	2.5	**Yes**
		2027	**6.6**	2.5	**Yes**
		2049	**6.6**	2.5	**Yes**

Notes:
[a] Exceedances of the thresholds are indicated in **bold**.
[b] Because the thresholds for PM_{10} and $PM_{2.5}$ are incremental thresholds, background concentrations are not added to the Maximum Modeled Project Concentration.
[c] 2025 annual average concentrations include construction impacts from January 2025 through July 2025 and operational impacts from August 2025 through December 2025.
[d] 24-hr concentrations were evaluated for off-site locations where persons may be exposed to the emissions from project activities, based on SCAQMD's Final Localized Significance Threshold Methodology (SCAQMD 2008). Commercial and industrial land uses were conservatively included for all averaging times.

These emissions exceed the threshold standards by 60% up to 864%. This alone is sufficient to require a finding that the "no project" alternative is the only feasible alternative. There are a few others.

Health risks are also a concern. CEGA does not require evaluating health risks unless they exceed more than 10 per million cancer cases. The DEIR found no cancer risk requiring an assessment. However, Figure 3.1–2 in the DEIR shows two risk outlines, one encompassing the project site as well as the adjacent Vopak terminal and another encompassing numerous residences in Wilmington, at least four terminals in the Port, plus the adjacent marinas. Given the claim that the project does not exceed the CEQA impact requirement, this should be

WNC-13

Type text here

clarified. The DEIR also ignores the considerable data available that shows various important

Figure 3.1-2: Isopleths of 30-Year Residential Cancer Risk – Proposed Project

WNC-13

pulmonary impacts, especially on workers and children, such as COPD and asthma. The identified air quality impacts alone are more than enough to indicate the "no project' alternative should be selected as the only feasible alternative because, as the DEIR indicates, they cannot be mitigated to a level of insignificance.

There is also the impact of truck traffic. Large hopper trucks will be used to import gypsum to the site for use in the crushing process, and to transport finished products from the site to various locations, apparently mostly in Southern California. There will be approximately 66,000 truck trips per year, averaging 73 miles each trip, or about the distance from the site in Wilmington to San Bernardino.

WNC-14

Ecocem believes that CEQA does not require analysis of the environmental impact of these truck trips. They believe that analyzing the vehicle trips of their 26 employees is all that is are required, and included those trips, averaging 10miles each, in their DEIR.

They do address the truck transport issue but declare that it is for informational purposes only. See Section 3.8.6, starting at page 3.8-14. In doing so however, they counted each truck as if it were a regular vehicle and only calculated the impact of the level of service at intersections in and around Wilmington. This is called a "Level of Service" [LOS] analysis and they use it rather than the "Vehicle Miles Traveled" [VMT] method. The average one-way truck trip is estimated to be 73 miles, or 4,818,000 miles per year. Since they assert that VMT only applies to cars, not trucks, they don't analyze the VMT for trucks.

Each truck is 72 feet long, length occupied by 2 1/2 cars. If the trucks are counted as if they were 2 1/2 cars each, it would impact on numerous intersections in around the area, degrading them to a level of service requiring modification of those intersections. Further, the informational limitation ignores things like impact on the neighborhood of the 263 hopper trucks rolling through the neighborhoods each day, ignores the impact on the condition of the roadways of the very heavy trucks on the pavement, does not discuss the impact on the new Wilmington Waterfront Park currently under construction, the increase in accidents, and the like.

WNC-14

These are the impacts and omissions that indicate the "no project" alternative should be the preferred alternative. As a note, Ecocem points out that it was unable to secure a site in Long Beach or Port Hueneme, and we know from previous news reports that they were turned down in Vallejo as well. We strongly suggest that the comments in the following links, particularly those related to toxic chemicals in the GBFS product, be taken into consideration.

https://web.archive.org/web/20220625160749/https://www.voicesofvallejo.com/not-so-harmless,

https://www.voicesofvallejo.com/fugitive-dust

WNC-15

We do believe that a modification of Alternatives 2 and 3 might result in an environmentally acceptable project.

Alternative 2 is for a reduced product alternative and Alternative 3 is for a finished product import terminal.

Alternative 2 lowers the volume of the project, reducing the ship calls from 24 per year to 23 per year, but retains the on-site crushing and processing operation and still would distribute the finished product by truck. This does not materially reduce the air quality and truck transport impacts.

Alternative 3 is a product import terminal, where the slag would be processed before import, off-loaded and distributed it from the site. It does not really reduce much of the air quality impact and would have all the truck transport issues.

There is a combination/modification of Alternatives 2 and 3 that eliminates most if not all of the air quality impacts and truck transport impacts. That alternative would have the site used as an import terminal for the granulated blast furnace slag [GBFS] and transporting it out of the terminal area by rail car to a remote site where the GBFS could be processed and distributed as Ground Granulated Blast Furnace Slag [GGBFS].

WNC-16

Ecocem understands that raw product import and export via rail eliminates the truck transport and air quality issues, but says it is not feasible because it would require permits from others. Interestedly, they say that 20 rail cars per day would equal the 263 trucks per day that they hope to use.

Next door to the site is the Vopak terminal. Vopak has a rail line into the terminal as well as a fully enclosed and well-ventilated product storage barn, now unused but currently rented to Portland Cement Company.

WNC-16

Ecocem says that a rail line to its site would require extending the track that now runs through Vopak, would require road crossing agreements a double track would be needed to accommodate the 20 rail cars per day. This ignores the fact that the Port owns all the track in the Port, that the streets are not dedicated public streets, and the Pacific Harbor Lines is owned by the Port as well. The Port could easily construct an industrial sidetrack down Canal Street to the proposed terminal.

Under this proposed modification of Alternatives 2 and 3, the raw product would be imported through the site, loaded onto rail cars and transported to a more acceptable, non-waterfront grinding mill, then distributed throughout Southern California.

In summary, the Council believes **that the no project alternative is the only reasonable and feasible option that meets the project objectives in the least environmentally impactful way and is the one that should be selected**, as required by Cal. Code Regs. Title 14 Sec. 15126.6, Cal. PRC Secs. 21002, 21081. We also note that the project to manufacture GGBFS in the manner proposed by Ecocem requires use of waterfront property for a non-waterfront dependent use. The Port has traditionally rejected uses that are not waterfront dependent. Perhaps that is why this project was rejected by the Port of Long Beach, Vallejo and Port Hueneme.

WNC-17

We believe the Port should have explored the rail transport option in greater depth. We propose, and are willing to participate in, a study group with Port staff and PHL staff to explore this option. Thank you for your consideration.

Sincerely,

Gina Martinez

Gina Martinez

Chair
Wilmington Neighborhood Council

From:	De La Torre, Yolanda
To:	Cegacomments
Subject:	Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Thursday, October 26, 2023 4:51:10 PM
Attachments:	ECOCEM Letter of Support.pdf

Good Afternoon,

The Wilmington YMCA supports this project, please see attached letter.
Thank you,

Yolanda (Yoli) De La Torre
Regional Vice President
WILMINGTON AND GARDENA-CARSON YMCA
1127 N Avalon Blvd, Wilmington CA 90744
(C) 310 210-9850
(E)yolandadelatorre@ymcala.org (W) ymcaLA.org

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

November 1, 2023

Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project (The Proposed Project)

To Whom It May Concern:

On behalf of the Wilmington YMCA, I write in support of Ecocem's Low-Carbon Cement-Processing Facility Project.

The Wilmington YMCA has been in the Wilmington Community since 1998. Our Mission is to strengthening communities through youth development, healthy living and social responsibility. Our Wilmington branch currently has over 1500 members and participants.

The project will create jobs in the Wilmington and San Pedro region and will provide environmental benefits by reducing CO2 emissions through Ecocem's low-carbon cement solution.

YMCA-1

The project will produce construction expenditures within Los Angeles County of $100 million, while total project expenditures will reach $150 million.

Once in operation the project will contribute over $100 million in total economic output annually within Los Angeles County.

The project will provide over 700,000 tons of the leading low-carbon cement material, making a large contribution to California's mandate for the cement sector in California to achieve net-zero GHG emissions by 2045.

Ecocem's low-carbon cement products have reduced over 16 million tons of CO2 emissions since it first started production in 2003.

WILMINGTON YMCA
1127 N Avalon Blvd, Wilmington CA 90744
P 310 522 2100 www.ymcala.org/WI

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

The project provides a secure supply of building material that is essential for Southern California. CalTrans has projected that concrete construction will be in critically short supply in the future.

Ecocem supports their local communities near their facilities and contributes to their resilience by adding social value through employment, charitable donations, volunteering activities, and has already initiated similar support in the Wilmington and San Pedro communities.

YMCA-1 cont'd

Ecocem has been a great community partner and we look forward to their continued presence in the Wilmington and San Pedro communities.

Sincerely,

Yolanda De La Torre
Regional VP
Wilmington & Gardena Carson YMCAs

WILMINGTON YMCA
1127 N Avalon Blvd, Wilmington CA 90744
P 310 522 2100 www.ymcala.org/WI

From: Dennis Casey
To: Cegacomments
Cc: Dennis Casey; Tom Brown
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date: Wednesday, November 8, 2023 9:38:41 AM

Please find another place that will better accompany the many vehicles that will be needed for the cement plant. Please recognize the jet fuel tanks, ash Fire house # 49, the Police training facility, the new car loading, distribution facility, and the Marine Preservation Trust facility that train, and facilitate the crafts required to build, and maintain wooden. Vessel.

Casey-1

Thank you,

DENNIS CASEY

From: Paul Cole
To: Ceqacomments
Subject: Public comment, DEIR, Berth 191-194, Ecocem
Date: Sunday, December 10, 2023 7:15:10 PM

Director of Environmental Management
Los Angeles Harbor Department
425 Palos Verdes Street
San Pedro, CA 90731

ceqacomments@portla.org.

Lisa Wunder,

I would like to submit the following comment on the DEIR for the following project at the Port of Los Angeles: Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project

Wayne Ettel runs a boatyard business at Bert 193 Yacht Street, under the business name Boatswayne Ettel. The yard specializes in the repair and maintenance of traditional boats. It has operated for over 15 years on this site. It provides an important service to the boats in the Port of LA area and is particularly important given the lack of other traditional boat repair facilities. We have had a boat at the yard for repair and the service and craftsmanship has been excellent. Cole-1

I think this is an important service in the LA Port and surrounding area, and that the port should do everything it can to make sure that this project does not negatively impact the services that Wayne provides.

Regards,

Paul Cole

From:	Wayne Ettel
To:	Ceqacomments
Subject:	(This is likely to be spam per POLA sender properties) Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project
Date:	Sunday, December 10, 2023 11:56:01 AM
Attachments:	Ecocem Public Comments.pdf

My comments to the above noted project are attached.

Wayne Ettel

BOATSWAYNE ETTEL
24325 Crenshaw Blvd., #122
Torrance, CA 90505
(310) 830-3121

December 10, 2023

Proposed Ecocem Project is displacing existing tenants who provide needed Maritime related services and is not the best use of limited Port waterfront property

While it is true that the back dirt lot portion of the proposed site is currently unused, almost the entirety of the waterfront portion of the lot has been occupied by long-term tenants who are providing needed Maritime related services in the Port of Los Angeles. The Port has chosen to proceed with the immediate eviction of Boatswayne / Maritime Preservation Trust in anticipation of the approval of the Ecocem Project. Boatswayne and the Maritime Preservation Trust (maritimept.org) is one of the last marine repair facilities in the Port of Los Angeles. Our apprenticeship programs are providing job training and placement in the marine repair and maintenance industries. Ettel-1

The other tenants currently at the site are Associated Pacific Constructors who provide marine engineering, construction and harbor salvage, Phamarine Commercial Diving Services who is a commercial diving operation, and AmNav towing and vessel assist. All of these tenants provide very important services directly relating to the maritime industry as opposed to a cement processing plant that does not need to be directly on waterfront property, as Ecocem does not plan on using the waterfront portion of the site. The slag could be imported and trucked to an inland processing facility instead of trucking raw gypsum to the waterside and trucking the finished product off the site.

Proposed Ecocem Project will place two cement operations side by side

In July, 2022, the Port of Los Angeles issued the "Berths 187-191 [Vopak] Liquid Bulk Terminal Wharf Improvements and Cement Terminal Project Notice of Preparation/Initial Study. This planned project includes the proposed improvements to the dock at Berth 191 that are referenced in the Ecocem documents. The NOP states:

> The Berth 191 cement import terminal is operated by Vopak for its cement customer. In 2007, the facility throughput was approximately 505,600 metric tons of cementitious materials from 14 ship visits, resulting in approximately 82 daily truck trips. However, as a result of the economic recession that started in 2007 and regional decline in demand for cement, throughput at the terminal in 2008 was significantly less (i.e., approximately 105,000 metric tons of cementitious materials from three ship visits). In 2009, the cement facility stopped receiving cement shipments by vessel and suspended delivering product locally. All facility permits have remained in effect since this time. In 2015, Vopak's cement customer initiated the process of restarting cement import operations at Berth 191 but encountered issues associated with the structural integrity of the dock. However, due to the recent closure of local cement supplies and high demands

Ettel-2

for cement, operations are expected to resume over the duration of the new entitlement.

The Berth 191 cement facility would be able to accommodate a maximum annual throughput of approximately 500,000 metric tons of dry bulk cementitious materials. Based on the maximum capacity throughput, proposed operations would result in up to 15 vessel calls per year. All vessel offloading activities associated with the proposed Project would occur at Berth 191. Under the proposed Project, **approximately 20,000 annual truck trips** would be required to transport bulk cement to local suppliers. Trucks would deliver product to local suppliers via Canal Street to E. Water Street to S. Avalon Boulevard to an unnamed road, referred to as the "Berth 200 Roadway," that runs behind WWL Vehicle Services America to the Consolidated Slip Berths to N. Henry Ford Avenue (SR-47).

Ettel-2 cont'd

This will place two cement operations ***side by side*** very close to the new Wilmington Waterfront Promenade and Banning's Landing Community center, not to mention the USC Rowing Base and Fire Department Station 49, with the accompanying truck traffic from ***both operations***.

Proposed facility will generate gross pollution

Ecocem proposes storing the raw materials, slag and gypsum, in open piles. In addition, they propose offloading the slag from vessels by way of a conveyor system. They propose covering, but not enclosing the conveyor belts.

Waste slag is highly friable, breaking into fine particles upon impact. Because of this quality, it is notorious for producing high volumes of dust. This dust may contain trace amounts of manganese and cadmium. Manganese is a potent neurotoxin, and many pediatricians and toxicologist suggest there is no safe level of exposure during early brain development – up to 18 years of age. It may also contain trace amounts of crystalline silica, which can cause silicosis, a seriously disabling and potentially fatal lung disease. Crystalline silica and the trace metals contained in slag are classified by IARC and NTP as known carcinogens. **And they are suggesting keeping this in open piles and offloading in unenclosed conveyors within close proximity to a park and Community Center with children present?**

Ettel-3

Gypsum also naturally contains trace amounts of crystalline silica. The plans for the facility call for trucking in the raw gypsum and storing it in open piles.

Ecocem has plans to control the stormwater runoff from the facility, but there are no plans to stop the dust from the open slag and gypsum piles and conveyor system from blowing into the water of the harbor and onto adjacent properties.

Truck Traffic

Ettel-4

The DEIR for the Ecocem Project is only considering truck traffic from the proposed project. As noted above, however, there will also be truck traffic resulting from the restart of the cement facility located in Vopak. Ecocem is projecting **65,950 truck trips per year**, and there is an additional projection of **20,000 truck trips per year** from the Vopak terminal. This is in addition to the tanker truck traffic from Vopak and car carriers from the auto terminal. **All** of this truck traffic will travel along Avalon Boulevard beside the east side of the new Waterfront Promenade and turn directly in front of Banning's Landing Community Center.

Due to the new Wilmington Waterfront Promenade park which resulted in the elimination of the Water Street route to the bypass road, all traffic in and out must travel along the east side of the new park. This will still be the case when the new "Berth 200 Roadway" is eventually completed. All truck traffic will turn right from the Roadway onto Avalon, along the east side of the park, on a 2 lane road, and turn left directly in front of Banning's Landing Community Center. That is projected to be 85,950 truck trips per year, or over 200 cement truck trips per day, plus Vopak's tanker truck traffic, plus the WWL vehicle transports. In addition, the train traffic in WWL Vehicle Services often blocks the vehicle transports from entering their, causing backups along Water Street in front of the Community Center and along Avalon Boulevard. Directly in front of the Community Center Water Street is also only one lane in each direction which adds to the vehicle backups and will cause lineups of trucks idling next to the park for extended time periods.

Ettel-4
cont'd

We oppose the Ecocem facility. It is bad for the community and bad for the environment. The Port of Los Angeles should utilize waterfront space for maritime related services, not processing facilities that could easily operate away from waterfront space.

Respectfully submitted,

Wayne Ettel

From: Samuel Hernandez
To: Ceqacomments
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date: Friday, December 8, 2023 10:28:14 AM

Hi,

I have a few questions regarding the Ecocem project:

It seems like this type of project is always placed in an area that is either less affluent or less caucasian. Has the Port of LA done any type of analysis to suggest that this project will not disproportionately impact people of color or of a lower socio-economic status? Hernandez-1

What type of air monitoring was conducted to support the safety of a project like this? If the port used any sensors during that kind of analysis, were all the sensors working or were there any deficiencies in the sensor data during that analysis? Hernandez-2

Thanks for your time.

Sam Hernandez

From:	Jonathan Lennard
To:	Ceqacomments
Subject:	Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Sunday, November 5, 2023 4:45:44 PM

To the Director of Environmental Management at the Port of LA and the LA Harbor Commission,

I am writing in regards to the eventual displacement of Marine Preservation Trust (MPT) in exchange for a cement processing facility.

The Port of LA is a unique place, besides being one of the busiest Ports in the World, it has an enormous heritage in the founding roots of Los Angeles and Southern California. The maritime skills that got most of us here are still relevant. The Port has been extremely successful because of it's maritime heritage, yet it's maritime heritage is getting lost to a commerce that has less cultural value to the Port. Losing a training ground for our labor force and to the very craftsmen that founded it would truly be short-sighted and irreversible. . The port is in dire need of developing culturally and environmentally relevant activities and points of interest that are not just chain restaurants and stadiums. MPT is one of the only places where real maritime craft skills can still be learned and practiced and where the highest standards are being set for artisans in this field. Besides the obvious fact, without these skills, what's left of culturally significant boats will disappear.

There are fewer and fewer ship-wrights today and almost no places for people with an interest in these trades to learn them. When someone asks us a few years from now, should I come to the Port of LA for a great pizza, or because I would like to visit a working boat yard that still employs artisans and learn about ship-building? The decision should clearly be to preserve something meaningful. Museums are great, cultural centers are great, but a working yard is the real thing. San Pedro's greatest asset is authenticity, it's what sets it apart from a lot of California coastal cities.

Respectfully,
Jonathan Lennard
member of the Los Angeles Yacht Club
'Jonathan Lennard restored Lone Ranger 2, the yacht that was built for Jack Wrather, builder of the Disneyland Hotel, and the man responsible for bringing the Queen Mary to Longbeach. His current project is restoring the sailing yacht "Olinka" brought to the United States by the former head of Warner Brothers, and Sony Studios.'

Lennard-1

From: Mallissa Morris
To: Ceqacomments
Subject: Please host a job in Fair
Date: Friday, November 3, 2023 7:24:09 AM

Community member here with an idea if you could, please host a job fair for employment at the plant once the project is underway. And I say underway as opposed to completed, so that community members if needed, will have the opportunity to seek necessary skills for the various positions that will be new to the community. Morris-1
In partnership
Wilmington community member

Sent from my iPhone

From: captco@aol.com
To: Ceqacomments
Subject: Maritime Presevation Trust, Yacht Street, Wilmington, California
Date: Sunday, November 5, 2023 7:32:53 AM

"Yacht Street off of Avalon Boulevard in Wilmington", saying these words aloud conjures up pictures of the "Good Life" and the prosperous people that helped make Los Angeles - those who could afford boats and weekends in Catalina.
The vibrant scene there was sacrificed to the War Effort of WWII. USC Rowing and Maritime Preservation Trust are all that remain to remind us of it.

Wayne Ettle has patiently and consistently built a career in restoring classic boats of all kinds. He started out in Sea Scouts, adopting the credo of hard work and honesty. He has lived and worked on the waterfront in Los Angeles his entire working life. I do not know the details for sure, but I do not think he ever had anything better than a month-to-month agreement with the Port. His dream of a foundation to preserve and protect these masterpieces of human endeavor and to promote the passing-on and development of the skills necessary to do this is in dire jeopardy. Murray-1

Maritime Preservation Trust has already helped thousands to find more meaning through sharing skills and camaraderie - sourcing materials and parts, finding the core sense of accomplishment to see things of such beauty arrive by the work of one's own hands. It has the potential to be much greater than it is but by constantly being denied any chance of permanence, it could wither and die.

Rather than ousting Maritime Preservation Trust, I suggest it be championed. There is a lot of good in it - not just for the wealthy, but for all of us.

Thank you.

Tim Murray
Aspen, Colorado

970-925-4998

From:	Timothy O"Brien
To:	Ceqacomments
Subject:	(This is likely to be spam per POLA sender properties) Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date:	Sunday, December 3, 2023 5:44:25 PM
Attachments:	Ecocem DEIR Comments.pdf

Berth 191-194 Ecocem Processing Facility Project
APP# 180628-109
SCH# 2022030294

My name is Tim O'Brien and I am a resident of Los Angeles. I am writing to submit my comments on the Draft Environmental Impact Report (DEIR) of the Ecocem project proposed for Berths 191-194.

For about the past 30 years I have been the proud owner of La Volpe, a classic wooden schooner built in 1926. The vessel was constructed at Wilmington Boat Works in Los Angeles Harbor, not more than 200 feet from where it is currently berthed at the shipyard of Boatswayne Ettel. During my period of ownership she has undergone a complete restoration by the skilled craftsmen at the shipyard, bringing her back to better than new condition.

The Boatswayne Ettel shipyard is the only business in Los Angeles Harbor with the skillsets, personnel and equipment to accomplish the restoration and ongoing maintenance necessary to keep up the restored state. Further, it's the only facility training future craftsmen to do this type of work through the Maritime Preservation Trust.

The DEIR identifies the shipyard as an old boat storage area to be shuttered. I can't understand how the Harbor Department would choose to eliminate this vital small business and training center from the harbor without a suitable replacement. Sadly, it would spell the end of classic boating for me, and would begin the gradual elimination of all the classic vessels in the Harbor area. Don't let this happen!

O'Brien-1

From: Sam Rade
To: Ceqacomments
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date: Tuesday, October 24, 2023 1:11:26 PM

Will Berth 191 be used to import cement for Vopak/CalPortland or does this proposal mean that Berth 191 will now be used exclusively by EcoCem to import slag? Holiday Rock-1

Thanks,

Sam Rade | Sustainability Director
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From: Enrique Sanchez
To: Ceqacomments
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date: Friday, December 8, 2023 10:40:03 AM

Hello,

I understand that there are a number of "significant but unavoidable" impacts that would come from this project.

I'd like to know why, after that assessment is made, a project like this would be permitted to continue? The port obviously understands the detrimental health impacts that would be levied on the surrounding community. So why is that acceptable from the perspective of the Port?

Over the years, the Port of Los Angeles has made a lot of commitments regarding the protection of the environment and the health of Californians. A project like this achieves almost the exact opposite of those stated ambitions. So again - can you explain in detail how this project would further the health and environmental benefits of the community?

We care about more than just the small economic impact this might have in my community, but it does not seem like the Port of LA is aligned with anything else except the monetary benefits this might bring.

Please consider denying this project.

Enrique S.

Sanchez-1

From: Ryan Saxton
To: Ceqacomments
Subject: Berth 191-194 (Ecocem) Low-Carbon Cement-Processing Facility Project
Date: Friday, December 8, 2023 10:14:55 AM

1. Orcem proposed a similar project in Vallejo and was opposed by local citizens concerned for their own health and well-being. Ultimately the project was abandoned by Orcem and ended up costing the city and (I'm sure Orcem) a considerable amount of money. I'd like to see an explanation of why LA is different. Is it just that Orcem anticipated that that community wouldn't advocate for themselves? Or is the proposed project dramatically different in that it would introduce fewer health impacts? Saxton-1

2. The Clean Air Action Plan that was originally approved in 2006 called for the port to reduce GHGs 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050. The Proposed Project, by year 2027, would produce 21,298 metric tons/yr, more than 112% above SCAQMD's threshold. How are those two things compatible? Saxton-2

3. By 2027, the Proposed Project would emit more than 190 lb/day of Nitrogen Oxides (SCAQMD's localized significance threshold is 123), 22.2 lb/day of PM10 (SCAQMD's threshold is 4), and 15 lb/day of PM2.5 (SCAQMD's threshold is 2). Particulate Matter can be absorbed by the lungs, and is particularly dangerous for older populations or younger kids, especially with asthma. Why does the Port of LA think this is acceptable? Saxton-3

4. The Proposed Project's peak daily operational emissions of Nitrogen Oxides, which can have significant detrimental effects to the human respiratory system, would reach 852 lbs/day by 2027. The regional significance threshold is 55. I'd like to see an explanation of how that is a safe working environment for anyone in close proximity to this proposed project, including those who might walk that new pedestrian bridge you showed earlier. Saxton-4

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Ryan Saxton
Petworth Consulting Group, LLC
RSaxton@PetworthConsulting.com
(p) 502.594.3476

From: Chris Smith
To: Ceqacomments
Subject: Fwd: Berth 191-194 Maritime Preservation Trust
Date: Monday, November 6, 2023 1:58:44 PM

Dear Port of LA,

I am a member of LAYC, and have enjoyed family boating for over 60 years. Going back to my childhood days, I can still remember the excitement to see the beautiful wooden boats go by, Calkins, Lapworths, Kettenburgs, Sparkman Stephens, and more!!

Words cannot express enough gratitude and appreciation for all the work MPT has done to preserve wooden boat tradition. The craftsmanship, teaching skills, and beautiful restorations are an art that needs to continue. We need to keep it going for current and future generations!!

I have learned a Cement Processing Plant may replace the MPT location.This possibility is heartbreaking, and I support those opposed. Please do the "right" thing, and keep MPT where it, an irreplaceable tradition!

Smith-1

Sincerely,

James C. Smith
Wooden Boat Lover!!

From: Wayne Widner
To: Ceqacomments
Subject: Low-carbon cement
Date: Friday, October 13, 2023 6:36:34 AM

I support the concept but would suggest an item in the contract. If the facility were to ever close the owner should be responsible for the site restoration to better than present condition including all hazardous remediation. If not completed within six months the port may subcontract the remaining work and bill the owner.

You may remember a coke plant that walked away and left the site to the city to clean up. Best to get the expectations and requirements agreed to in a contract in case it goes to court later.

Widner-1

Wayne Widner
San Pedro

Sent from my iPhone

> On Oct 13, 2023, at 6:23 AM, Wayne Widner <wwidner@me.com> wrote:
>
> ***Wayne Widner***
>
> Sent from my iPhone

Project: Berth 191-194 (Ecocem) Low-Carbon Cement Processing Facility Project Public Meeting
Date: November 1, 2023
Time: 5pm

The following document was developed using Zoom and minor edits were made by Port and Ramboll staff for transcription errors and descriptive comments.

Noemi Luna: Hello, everyone, and welcome to the meeting once again. My name is Noemi Luna and we will be providing an opportunity for anyone who make a verbal comment, as you will be provided with three minutes to speak. If you wish to speak, please press the raise hand button to provide verbal comments. That is the little uh …hand icon on your Zoom toolbar at the lower portion. Once your name is called, it will be stated that you have been unmuted to speak, and you'll hear that at your end. Please state your first and last name clearly, and spell your name for the record. If you have joined by dialing in, in other words, calling in to this to the Zoom Meeting, and wish to speak, please raise your hand by pressing Star 9. Once it is your turn to speak, you will hear the prompt. You have been unmuted. Please unmute yourself by praising Star 6. Then state your first and last name, and spell your name for the record.

Spanish being spoken to inform attendees that there is a Spanish interpreter available [and]that if they would like to listen in Spanish, they could click on the Interpretation icon on their phones and/or screens.

So at this moment we have five individuals with their hand raised. I will start with Bruce Heyman. You will have three minutes, if you can. Please begin. You will be unmuted. Provide your comment.

Bruce Heyman - LAMI: Hello! I assume you can hear me now.
Noemi Luna: Yes, we can.
Bruce Heyman - LAMI: Thank you. My name is Bruce, B.R.U.C.E. Heyman, H.E.Y.M.A.N. and I am the Executive Director of Los Angeles Maritime Institute and the Board chair of the San Pedro Chamber of Commerce. Today I am speaking on behalf of both the Chamber and LAMI. We come before you to reiterate our strong support of the Berth 191 to 194 Low Carbon Cement Processing Facility Project. We encourage you to approve this project as expeditiously as possible, so that the community can begin enjoying the benefits of this Project as soon as possible. This project was first reviewed by our Economic Development and Policy Committee, and then by the Full Board of Directors of the San Pedro Chamber of Commerce. We have seen Ecocem is an excellent community partner in areas where they operate and are and show …and are showing that they will do the same in our local communities, including Wilmington and San Pedro. The Chamber welcomes this significant number of jobs not only during construction, but also when fully operational. We are also very supportive of the ability of the Project to help move California to net zero greenhouse gas emissions by 2045. We encourage you to approve the Project. Thank you for the opportunity to talk today. **PH1-a**

Noemi Luna: Next, we have Pat, Pat, we will go ahead and unmute you now

and then following Pat, will be Monica Garcia.

Pat: My name is Pat Nave. P.A.T. N.A.V.E. I'll try to three …to see…least the most reasonable …feasible alternative having the least environmental impact. But it needs a pretty modification -- shouldn't be manufacturing, and particularly shouldn't be manufacturing on …on waterfront land. Bring this to the slag material in, and then export it to a processing and distribution facility. **PH2-a**

This is particularly important because of the air quality impacts of this very fine material, and all you have to do is look at the Port's…our history with the coal and coke terminals, and this is much finer and much more deleterious material that you have. **PH2-b**

We'll talk about the transportation thing because a modifications Alternative 3 should be used, and that is to put an industrial sidetrack …a rail track down Yacht Street to …to site and then get rid of the carbon truck…unimportant export, and send this stuff out by rail and Vopak next door already has a rail line into it. Also has a covered and ventilated processing facility…aren't…now some …some **PH2-c**

CEQA …they claim doesn't require truck trip …trip analysis. You did one on it. We've got 66,000 truck …truck trips with an average of 73 miles each. It looks like, you know where these things are going, and maybe that should be included in here, where those trucks are going and coming from should be included as a Project description. **PH2-d**

Also, I mean, the analysis get used each truck is, if it is a passenger vehicle and looking at the burden on the intersection. These trucks are big. They should be carrying a two and a half car vehicles per truck to determine the burden on these intersections. **PH2-e**

So, in summary, the most reasonable feasible options is having the least environmental impact, which is what you're required to do, is to import the slag material and export by rail out of the Port for processing and distribution from a non-Port site. Thank you. **PH2-f**

Noemi Luna: Thank you for your comment. Next will be Monica Garcia and I will unmute you now. When you're ready, please state your first and last thing clearly for the record, and the three minute timer will begin once you once you begin.

Monica Garcia: Good evening, everyone. My name is Monica Garcia Diaz. I am the CEO of the Wilmington Chamber of Commerce. My name is spelled M.O.N.I.C.A. Garcia, G.A.R.C.I.A. Diaz, D.I.A.Z. I want to convey that Ecocem has from the very beginning been a …a very responsible business partner with our community before they …they even began the …the …the …Project planning in the area of Wilmington. I want to convey also that the mission of the Wilmington Chamber of Commerce is to promote and support local businesses and improve the quality of life for the community of Wilmington. Truly, on behalf of the Wilmington Chamber of Commerce, we are in support of Ecocem, joining our many businesses located in the Port of Los Angeles. The Ecocem Project will create many local jobs in Wilmington which we are …we are very much in need of, and will provide environmental benefits by reducing the CO2 emissions through Ecocem's low carbon cement solution. Ecicen supports their local communities near their facilities, and contributes to their resilience by adding social value through employment, charitable donations, volunteering activities, and has already initiated similar support in the Wilmington community as I have previously stated. Ecocem has been a great **PH3-a**

community partner, and we look forward to their continued presence in Wilmington and the San Pedro communities. Thank you.

PH3-a cont'd

Noemi Luna: Thank you for your comment. Next, will be Tommy Faavae …Faave, my apologies for mispronouncing and followed by Henry Rogers. So, Tommy Faavae, we will allow you to speak at this moment. You are being asked to unmute.

Tommy Faavae: Good evening. Can you hear me?
Noemi Luna: Yes, we can. Thank you very much. Go ahead and state your first and last name clearly for the record and spell that as well.
Tommy Faavae: My name is Tommy Faavae. T.O.M.M.Y. F as in Frank, A.A. V as in Victor, A.E. I represent IBEW electrical workers, Local 11, in the Los Angeles area and we're here to support of the Berth 191 through 194 Ecocem Low Carbon Cement Processing Facility Project. The Project …the Proposed Project will create jobs in the Wilmington and San Pedro region, and will provide environmental benefits by reducing CO2 emissions through Ecocem's low carbon cement solution. This Project will produce construction expenditures within the Los Angeles County of a 100 million, while total Project expenditures will reach 150 million. Once in operation, the Project will contribute over a 100 million in total economic output annually within the Los Angeles County. This Proposed Project will provide over 700,000 tons of the leading low carbon cement material, making a large contribution to California's map …map date for the cement sector in California to achieve net zero GHG emissions by 2045. Ecocem's low carbon cement products have reduced over 16 million tons of CO2 emissions since it first started production in 2003. The Proposed Project provides a secure supply of building material that is essential for Southern California Caltrans. As projected, that concrete construction will be critically short supply in the near future. And especially with the offshore, the floating offshore wind turbines that the Port of Long Beach and the Port of LA is proposing in the near future. Cement is going to be critical to building out of these big turbines, and then the manufacturing jobs that come with it as well. Ecocem has been a great community partner. We look forward to the continued presence in the Wilmington and San Pedro communities. Again. Thank you very much, and we urge the Port of Los Angeles to approve this Draft EIR on this Proposed Project. Thank you. And I wanted to make clear that we also send in the email on our letter …our IBEW letter as well. Thank you.

PH4-a

Noemi Luna: Thank you for your comment. Next, we have Henry Rogers. Henry. We will go ahead and unmute you allow you to speak, and then followed after Henry Rogers will be Yolanda de la Torre.

Henry Rogers: Awesome. Thank you. Good …good evening. My name is Henry Rogers, and I'm the executive director of the Harbor Association of Industry and Commerce. My name is spelled Henry H.E.N.R.Y. The last name is Rogers, R.O.G.E.R.S. And I'm here this evening, speaking in support of the Ecocem Low Carbon Cement Processing Facility Proposed Project in Berths 191 through 194 on the Port of Los Angeles. The Harbor Association, the HAIC, represents the Harbor business community and stakeholders with a focus on growth and sustainability. The organization, we've taken an opportunity to thoroughly review the Draft EIR for the proposed Ecocem Project, and we'd like to emphasize that the Project's alignment with the Port sustainability objectives and the State's

PH5-a

emission reduction goals. Most importantly, we see the Project is crucial for reducing the carbon footprint and construction and enhances sustainability across the Southern California region. We'd like to commend the Harbor Department on all the work they've done on this Project, and we're keen to work in partnership with the Harbor department on this environmentally friendly and jobs benefit …jobs beneficial Project. Thank you for hearing me today.

PH5-a cont'd

Noemi Luna: Thank you for your comment. Following is Yolanda de la Torre. I will allow you to, let me see. I will unmute you now, so please speak your name clearly, and then spell it out for the record. Thank you very much.

Yolanda DeLaTorre: Yes, good afternoon. My name's Yolanda de la Torre spelled Y.O.L.A.N.D.A., last name, D.E. L.A. T.O.R.R.E. I'm the regional vice president for the Y.M.C.A. and today I'm speaking on behalf of our Wilmington Y.M.C.A. Branch. and I …I want to echo support for this Project. We believe that Ecocem has been a great supporter to …to our community thus far. Just by volunteering, giving. We believe that this Project will bring many jobs to our Wilmington community as well as our neighbors in San Pedro, bringing sustainability in our economics. And it's also, you know, good at environmental impact. So we highly support this Project and I want to thank you for allowing me to make some comments.

PH6-a

Noemi Luna: Thank you for your comment. Currently we have one individual remaining, Ryan and Ryan, I will go ahead and unmute you for you to speak. Please state your name clearly for the record spelling your first and last name. Thank you very much.

Ryan: Hi, thank you. My name is Ryan Saxton, R.Y.A.N. S.A.X.T.O.N. And I just have a few sort of questions and comments really so Orcem proposed a similar project in Vallejo that was opposed by local citizens, concern for their own health and well-being. And ultimately that project was abandoned by Orcem and ended up costing the city, and I'm sure Orcem, a considerable amount of money, and so I'd like to see an explanation of why Los Angeles is different. Is it just that Orcem anticipated that the community wouldn't advocate for themselves? Or is the Proposed Project dramatically different in that it would introduce fewer health impacts?

PH7-a

Secondly, the …the Clean Air Action plan that was originally approved in 2006 called for the Port to reduce greenhouse gas emissions 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050. The Proposed Project by year 2027 would produce more than 21,000 metric tons per year, and that's more than 112% above the Air Quality Management District's threshold. So, I'm just wondering how those two things can be compatible.

PH7-b

Thirdly, this is more of a comment, but by 2027 the Proposed Project would emit more than 190 pounds per day of nitrogen oxides, and this is all according to the Draft Environmental Impact Report. 190 pounds per day of nitrogen oxides when the Air Quality Management District's local …local localized significance threshold is 123. 22 pounds per day of PM10, and the threshold is four, and then 15 pounds a day of PM2.5, and the threshold is two. And so that's particular …particular …particulate matter, excuse me, that can be absorbed by the lungs, and is particularly dangerous for older populations or younger kids. And so that's more of just a comment.

PH7-c

And then, lastly, the Proposed Project's peak daily operational emissions of nitrogen oxides, which, again, can have significant detrimental effects to the human respiratory system, would reach 852 pounds per day by 2027 and the regional significance threshold for that is 55. So I'd like to see an explanation of how that is a safe working environment for anyone in close proximity to this Proposed Project, including those who might walk on that new pedestrian bridge that you showed earlier.

Given the clear health impacts, I would encourage the No Project Alternative. Thank you.

PH7-d

Noemi Luna: Thank you for your comment. At this moment, we have no one else on the queue for submitting or making a comment. Again, Let me just reiterate that if you'd like to make a comment, please raise your hand. There is a virtual hand at the lower portion of your Zoom toolbar. And if you are calling in to the meeting, you can press Star 6. I'm sorry, Star 9 to raise or lower your hand and then Star 6 to unmute if you're in …if anyone is still in, is interested in making a comment. At this time, we've taken comments from everyone with a raised hand. We will wait another couple of minutes for anymore …any additional comments.

Noemi Luna: Oh, there we go! Carlos wrote. Nope, changed your mind. We, there you go, Carlos Rodate. We'll go ahead and unmute. You can give you an opportunity to make your comment. Go ahead and start when you're ready, state your name, and then spell it out for the record.

Carlos Rodarte: Yeah, good evening. My name is Carlos Rodarte, C.A.R.L.O.S. R.O.D.A.R.T.E. I represent the IBEW Local 11. I highly support Ecocem Berth 191-194 Lower Carbon Cement Processing Facility Project. The creation of electrical high role careers will definitely be a great impact on local economy. Our membership, which I represent close to 12,000 members in the Los Angeles County area are here, standing shoulder to shoulder with Ecocem applicant. We urge the Port of Los Angeles to approve the Draft EIR. Thank you and have a good evening.

PH8-a

Noemi Luna: Thank you for your comment. Seeing we don't have any additional comments or raised hand, I'm passing this on to Nicole Enciso. Thank you.

Nicole Enciso: Thank you, Noemi. I would like to thank everybody for their time this evening. Oh, sorry! Let's get the slide up. As a reminder, the public review period for this Project is open and written comments will be accepted through December 11th, 2023. Written comments can be mailed or emailed to the addresses on the screen here, which is the direct address to Director of Environmental Management, City of Los Angeles Harbor Department, Nicole Enciso: 425 South Palace Verdes Street, San Pedro, California 90731 or emailed to ceqacomments@portla.org. Please be sure to include the Project title in the subject line of your letter or email.

Nicole Enciso: And this concludes our public meeting. Thank you so much, and have a nice evening.