

**FINAL
ENVIRONMENTAL IMPACT REPORT**

Hugo Neu-Proler Lease Renewal

State Clearinghouse Number 93071074

Prepared by:

**Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151**

July, 1996

**With assistance from:
Foster Wheeler Environmental Corporation
611 Anton Blvd, Costa Mesa, CA 92626**

ADP 900607-599

This document contains comments, responses to comments, and minor corrections to the Draft Environmental Impact Report (DEIR) for the Hugo Neu-Proler Lease Renewal dated May, 1995. When combined with the DEIR, this document comprises the Final Environmental Impact Report (FEIR) document for the proposed project.

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ACRONYMS AND ABBREVIATIONS

AEL	Acceptable Exposure Levels
AQMP	Air Quality Management Plan
CAPCOA	California Air Pollution Control Officers Association
CEQA	California Environmental Quality Act
CMP	Congestion Management Plan
CO	carbon monoxide
dBA	decibel with an A-weighting
DEIR	Draft Environmental Impact Report
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
gpd	gallons per day
HNPC	Hugo Neu-Proler Company
LAHD	Los Angeles Harbor Department
LAMC	City of Los Angeles Municipal Code
L_{eq}	equivalent sound level
L_{max}	maximum sound level
LOS	Level of service
MOU	memorandum of understanding
NOP	Notice of Preparation
NO_x	oxides of nitrogen
NPDES	National Pollution Discharge Elimination System
NSR	New Source Review
OSHA	Occupational Safety and Health Administration

ACRONYMS AND ABBREVIATIONS (con't)

PCB	polychlorinated biphenyls
PM ₁₀	particulate matter with diameters of less than 10 microns
POLA	Port of Los Angeles
RAP	Remedial Action Plan
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SCAQMD	South Coast Air Quality Management District
SO _x	sulfur oxides
SWPPP	Storm Water Pollution Prevention Plan
TSP	total suspended particulates
µg/m ³	micrograms per cubic meter
WDR	Waste Discharge Requirements

FINAL EXECUTIVE SUMMARY

FINAL EXECUTIVE SUMMARY

This Final Environmental Impact Report (FEIR) supplements the Hugo Neu-Proler Lease Renewal Draft Environmental Impact Report (DEIR) which was prepared by the Los Angeles Harbor Department. The DEIR dated May, 1996, is incorporated by reference into this document and together they constitute the complete Environmental Impact Report (EIR).

This Executive Summary addresses the environmental effects of a proposed lease renewal for 30 years and planned improvements and operational changes to the Hugo Neu-Proler Company (HNPC) facility at Berths 210-211, on Terminal Island in the Port of Los Angeles (Figure ES-1). A table summarizing environmental impacts and mitigation measure is included at the end of the summary.

ES 1.0 Intended Use of the EIR Document

This Environmental Impact Report (EIR) document has been prepared in accordance with the California Environmental Quality Act (CEQA) Statutes and Guidelines (June 1986), pursuant to Section 21151 of CEQA. The City of Los Angeles Harbor Department is the local lead Agency for the project, and has supervised preparation of this EIR. The EIR is an informational document drafted to inform members of the general public, responsible agencies, and public agency decision makers of the significant environmental effects of the project, identify ways to minimize the significant effects, and describe reasonable alternatives to the project. This document assesses the short-term, long-term, and cumulative impacts of the proposed project.

This EIR is also intended to support the permitting processes of all agencies whose discretionary approvals must be obtained for particular elements of the project.

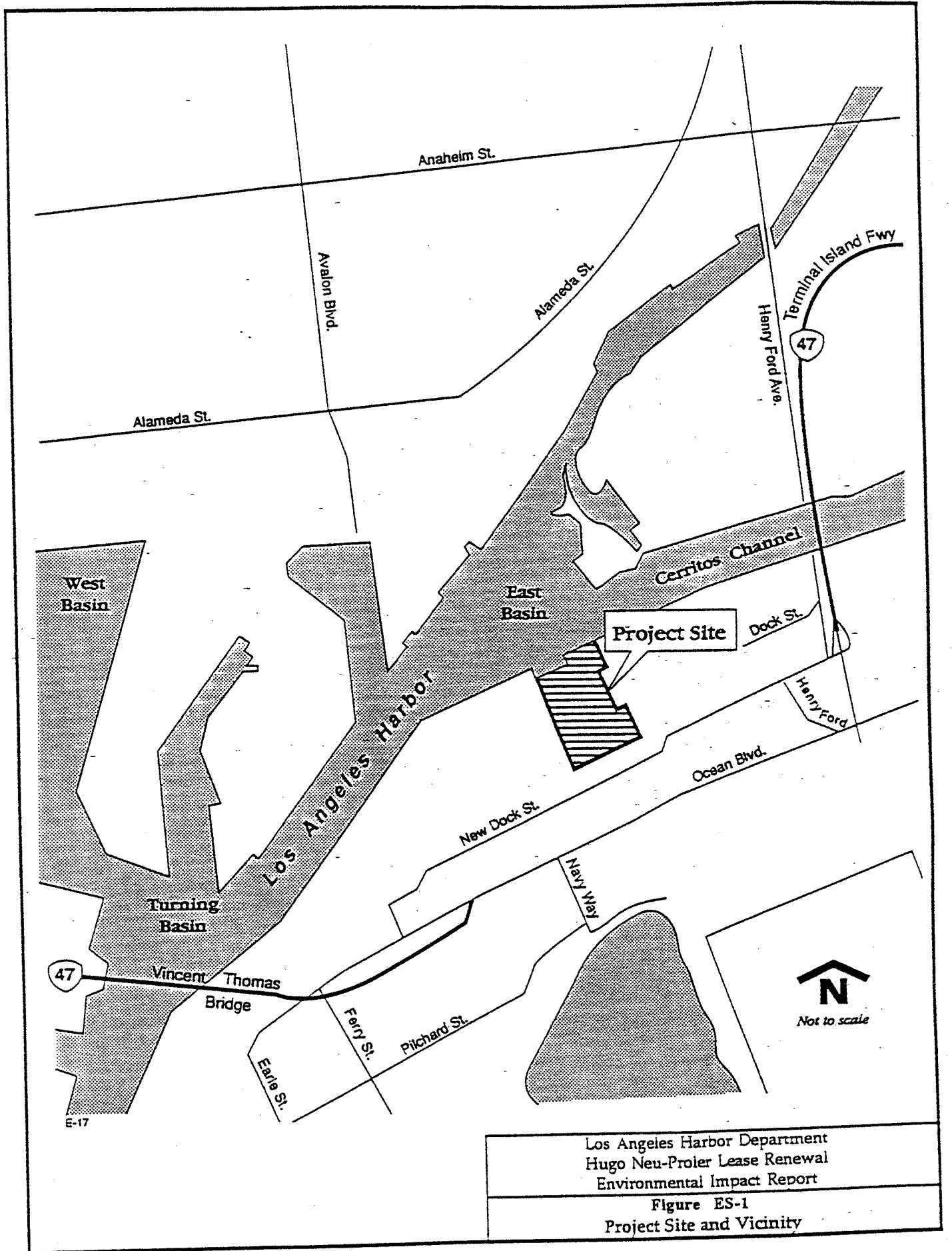
ES 2.0 Project Background

Hugo Neu-Proler Company (HNPC) leases a 26.7-acre (25.5 acres of land and 1.2 acres of wharf) site from the Port for the purpose of receiving, processing, storing and loading various types of ferrous metals, non-ferrous metals (such as aluminum, brass, and copper) for recycling, e.g., for use in the manufacturing of steel, electrical components and wiring, and other raw materials used by a variety of industries. The project site is in the middle of a highly industrial area including the Matson Container Terminal immediately east of the facility; with the Yusen Container Terminal immediately to the west. The Union Pacific railroad yard is across New Dock Street which is immediately to the south of the site.

ES 3.0 Project Objectives

HNPC's primary objective is the renewal of its lease for a 30 year term.

In addition to the renewal of the lease and continuation of current operations, HNPC will be remediating the soil and groundwater contamination at the site, upgrading or replacing current facilities and equipment, and adding new facilities and equipment to the operation. HNPC will remediate soil and groundwater contamination pursuant to a Remedial Action Plan which will be approved by the Regional Water Quality Control Board - Los Angeles Region, the California Department of Toxic Substances Control Division, and the Los Angeles City Harbor Department.



Los Angeles Harbor Department
 Hugo Neu-Proler Lease Renewal
 Environmental Impact Report
 Figure ES-1
 Project Site and Vicinity

Remediation of the soil and groundwater contamination would be performed whether or not the lease is renewed for continued use of the site by HNPC.

The purpose of the proposed changes to the facility are to: remediate existing soil and groundwater contamination at the site, reduce the opportunity for future occurrences of soil and groundwater contamination, improve the aesthetics of the facility by landscaping and/or other measures, control noise, reduce dust emissions, manage storm water runoff at the facility, and improve the efficiency, capacity, reliability, and general environmental compatibility of the operation. With the planned new facilities and equipment modifications, the maximum capacity of the facility would be increased from approximately 950,000 to 1,300,000 gross tons of scrap per year.

ES 4.0 Project Description

ES 4.1 Existing Operations

HNPC, through a purchasing network and deliveries from five feeder operations in Los Angeles and San Bernardino Counties, receives various types of recyclable ferrous and non-ferrous metals for processing and shipping. The primary sources of scrap are recycling dealers, automobile wrecking yards, manufacturers, and building demolition purveyors. Some of the metals are processed (shredded or sheared) prior to receipt. Some metals are processed at the site, i.e., shredded, crushed, torched, or sheared and then stockpiled for export, while other metals are stockpiled for export without processing (e.g. motor blocks) (Figure ES-2).

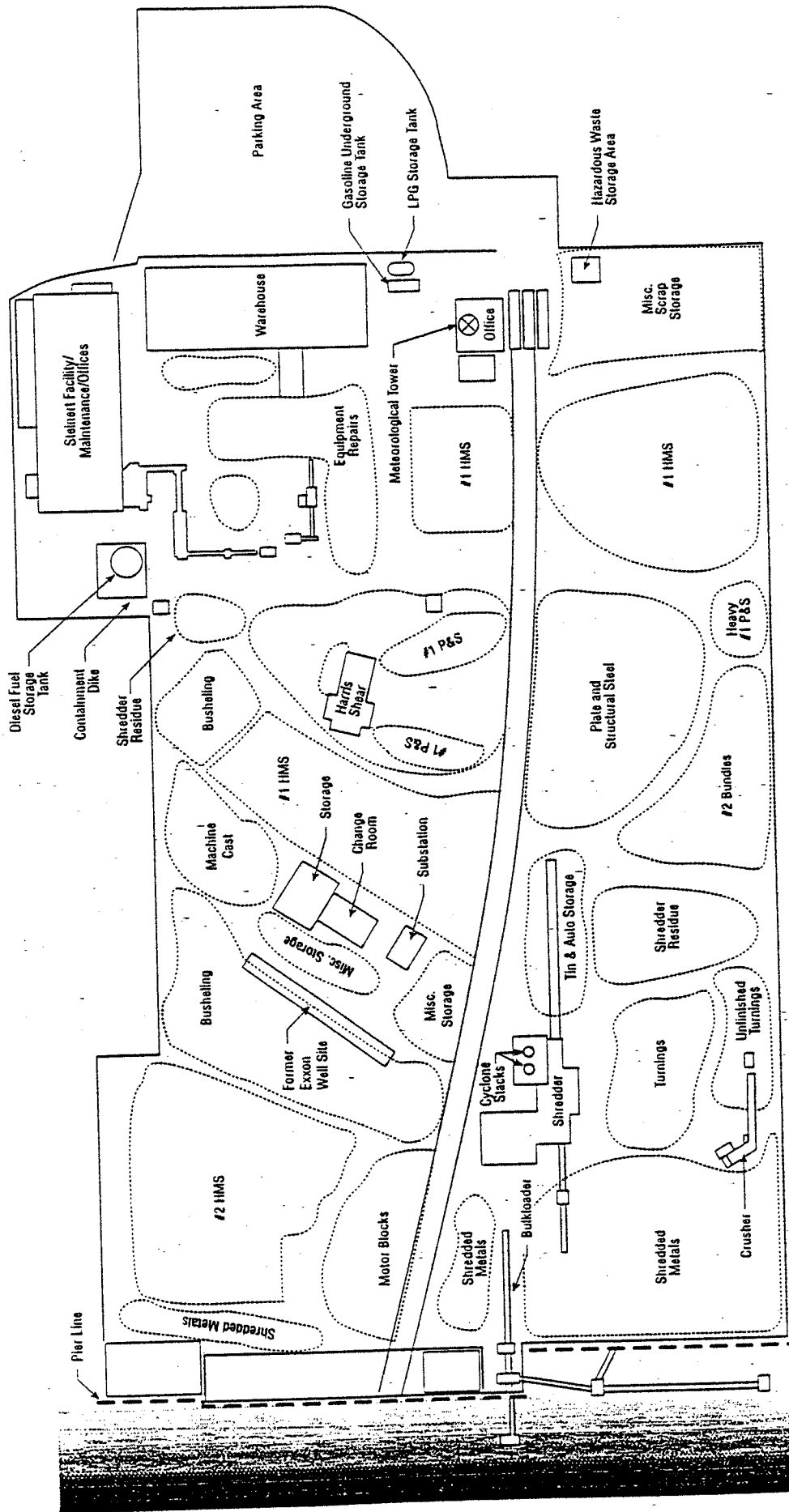
The facility processed approximately 787,500 gross tons of metals during 1992. About 22 percent of that total is shredded prior to receipt at the facility and about 32 percent is shredded at the site. The metals are separated for storage, processing and shipment according to grade (defined by appearance and type of scrap) and need for further processing.

ES 4.2 Facility Improvements

In addition to the renewal of the lease and continuation of current operations, HNPC will be remediating the soil and groundwater contamination at the site, upgrading or replacing current facilities and equipment, and adding new facilities and equipment to the operation (Figure ES-3). HNPC will remediate soil and groundwater contamination pursuant to a Remedial Action Plan which will be approved by the Regional Water Quality Control Board - Los Angeles Region, the California Department of Toxic Substances Control Division, and the Los Angeles City Harbor Department. Remediation of the soil and groundwater contamination would be performed whether or not the lease is renewed for continued use of the site by HNPC.

Proposed new facilities and equipment include:

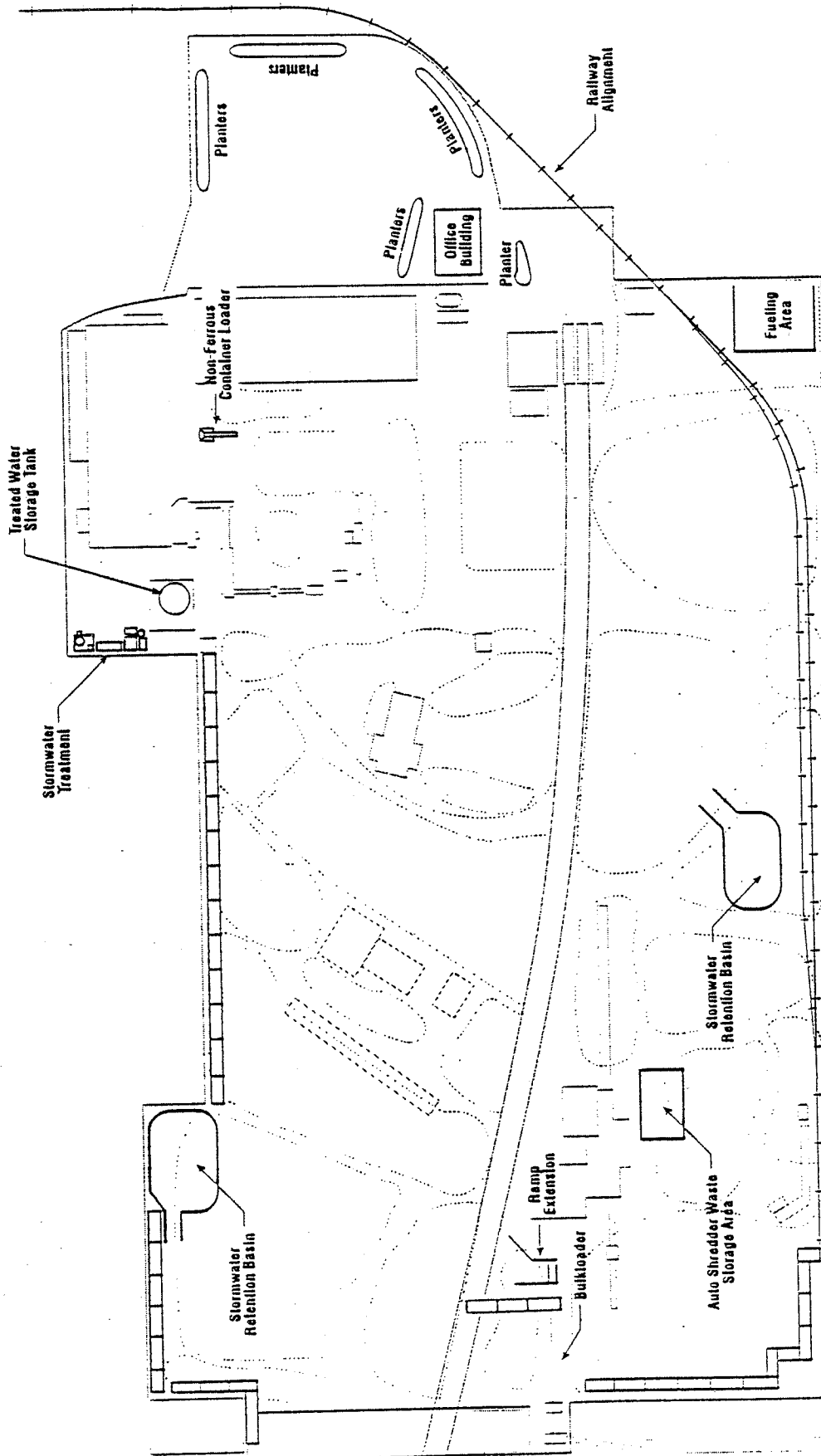
1. Rail tracks and associated structures to allow reintroduction of rail service to the facility.
2. Landscaped 4,000-square-foot single story office building and parking area at the south end of the facility.
3. Fully pave the scrap processing, handling, and storage area with asphalt or concrete.
4. Additional lighting in storage, loading, and parking areas.



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 Hugo Neu-Proler Lease Renewal
 Environmental Impact Report

Figure ES-2
 Hugo Neu-Proler Site Layout





E-172

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 Hugo New-Proler Lease Renewal
 Environmental Impact Report

Figure ES-3

Proposed Site Modifications



5. Storm water runoff control and treatment system.
6. Noise barriers at strategic locations, as required.
7. Perimeter wall around the facility to improve aesthetics of facility.
8. Bin walls located around scrap handling area to help control scrap piles.
9. Auto shredder residue storage facility.

The upgrades or replacements being proposed include:

1. Upgrade the bulk shiploading structure, used to load scrap into ships, to increase its loading rate.
2. Water re-circulation system and feed system changes to the non-ferrous metal recovery equipment.
3. Improvement to the ferrous and non-ferrous metals storage and handling equipment
4. Replace the existing diesel fuel storage tank and provide new dispensing equipment.
5. Replace the existing underground gasoline storage tanks with new aboveground gasoline storage tank and provide new dispensing equipment.
6. Addition of a new scale to the existing scale system to accommodate rail service.
7. Conversion of existing office building into a changing room, shower room, and conference rooms.
8. Replacement of a dockside gantry crane, used to load ships, with a larger duty cycle dockside crane.

ES 5.0 Alternatives

No Project

Under the No Project alternative, the lease renewal would not be approved; the project objectives identified in Section 1.3 of this EIR would not be met; the shipment of scrap metals through this facility would be eliminated, HNPC would remove their improvements, remediation of the soil and groundwater contamination would begin, and HNPC would vacate the site within two years. The Port would not be able to efficiently meet existing and projected increases in scrap metal cargo demand due to limitations in available unused land and limitations in existing facilities and infrastructure.

Remediation of the soil and groundwater contamination at the site would begin immediately.

No Facility Operation Modifications

Under the No Facility Modifications alternative, HNPC's lease would be renewed for Berths 210-211 and the facility would operate in a manner similar to previous operations. The scrap metal

processing operations would be similar to those previously conducted and the overall facility throughout would not increase above previous levels. Implementation of the soil and groundwater remediation would proceed in the same manner as for the proposed project.

Alternatives Found Infeasible

Relocating the existing scrap metal handling and shipping facility to another location was considered. Under the relocation alternative, existing or similar equipment would be installed at another location within the Port. Environmental controls would be similar to those currently provided or proposed for the existing facility.

There are very few sites suitable for water-dependent operations such as those now available at Berths 210-211. The California Coastal Act (Chapter 8) designates certain areas for harbor uses, of which the Port of Los Angeles is one.

Within the Port, a scrap metal facility can only be located in five of the ten Port planning areas. In two of these areas, a scrap metal operation would require a Conditional Use Permit from the Los Angeles City Planning Commission, and the Harbor Department has already allocated these areas for container terminal development, leaving no space for a scrap metal operation. A third planning area has all available land occupied by marine oil terminals holding long term leases. Available land in a fourth planning area (Area 9 on Terminal Island) is currently being developed as coal and container terminals, and there is no available land for a scrap metal operation. The last area, in which HNPC is currently located, has no vacant land available for relocation of the HNPC operation. In the future, HNPC could request to be relocated to this or other available land which may become available in planning areas allowed to support scrap metal operation. At this time, however, no such locations exist.

In considering alternative locations outside the Port of Los Angeles, the opportunities for siting the facility are limited. The California Coastal Act (Section 30701(b)) calls for ports to "... be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state." Therefore, the facility would need to be located within an existing port. Location of the facility in a port outside the Los Angeles Basin would remove the facility from its major suppliers, increasing the difficulty and environmental impact of transportation of scrap to the facility. There are vacant areas within the Port of Long Beach, including the former Naval Station; however, any alternative site would require more extensive construction to develop the site as a scrap metal facility and the project could be expected to have similar operational impacts.

Regardless of the site chosen for the proposed facility, the existing Berths 210-211 project site will still be developed for some sort of water related use. Available waterfront like Berths 210-211 is scarce and its continued use as a scrap metal terminal is in keeping with the Port's responsibility for "modernizing and construction [of] necessary facilities to accommodate deep-draft vessels and to accommodate the demands of foreign and domestic waterborne commerce . . ." (LAHD 1979).

In conclusion, there are no better sites within or outside the Port area to accommodate the uses as in the proposed lease renewal. The development of other existing or potential sites would entail environmental impacts similar to the proposed action at Berths 210-211. Therefore, Berths 210-211 is the only site considered for analysis in this EIR.

ES 6.0 Summary of Adverse Significant Impacts and Mitigation Measures

Table ES-1 summarizes significant impacts of the proposed project and proposed mitigation measures in each environmental area.

Impacts in environmental areas not shown in the table were found to be insignificant, as discussed in the remainder of this document.

ES 7.0 Distribution of the DEIR

Approximately 90 copies of the DEIR were distributed to various government agencies, organizations, and individuals. Copies of the document were available for review during this period at the LAHD Environmental Management Division Office, San Pedro Regional Library, and the Wilmington Main Library, and were also available upon request. Public notices of completion stating that the DEIR was available for review were published in the *Los Angeles Times*, and the *San Pedro News-Pilot*.

As stated in the California Environmental Quality Act (CEQA) Guidelines Section 15016, 45-days is the usual time period for public and agency review of DEIR documents that are submitted to the State Clearinghouse. On May 31, 1995, the DEIR was released for a 45-day public review period, that was extended for 7-days and ended on July 21, 1995.

ES 8.0 FEIR Contents

The LAHD received 30 letters commenting on the DEIR. All comment letters were reviewed and are reproduced in Section 1. All substantive comments are responded to in Section 2. Changes and corrections to the DEIR are shown in Section 3.

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Environmental Management Division
 Port of Los Angeles
 425 South Palos Verdes Street
 San Pedro, California 90733-0151

Summary of Significant Adverse Impacts, Mitigation Measures and Reporting Requirements

Hugo Neu-Proler Company — Lease Renewal

Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Geology	Earthquake	1-1 Earthquakes	Significant	N.A.
	Liquefaction, ground shaking, and ground accelerations from major earthquakes would damage facilities.	No feasible mitigation measures available		N.A.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
	Soil and Groundwater	Petroleum Leaks To Soil And Groundwater Leaks from petroleum storage tanks entering the soil and groundwater	2-1 Source Control Program Institute a Source Control Program requiring immediate leak detection, inspection and maintenance of tanks to prevents leaks into soil and eventually groundwater.	HNPC Annually, at the first of the Year. Before lease to HNPC is renewed. HNPC shall submit Mitigation Monitoring Report on status of activities undertaken with approved Source Control
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
	Air Quality	NOx And ROG Construction Emissions NOx and ROG emissions during construction.	3-1 Equipment Tune Maintain all construction vehicles and equipment in proper tune.	HNPC Annually, during construction phase of the project. HNPC shall submit Mitigation Monitoring Report certifying vehicles and equipment are maintained in proper tune.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
	Air Quality	NOx And ROG Construction Emissions NOx and ROG emissions during construction.	3-2 Construction Phasing Minimize concurrent use of equipment during peak construction hours.	HNPC Prior to construction by Hugo Neu-Proler HNPC shall submit Mitigation Monitoring Report with construction schedule.

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Port of Los Angeles
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Summary of Significant Adverse Impacts, Mitigation Measures and Reporting Requirements

Hugo Neu-Proter Company — Lease Renewal

Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOx And ROG Construction Emissions NOx and ROG emissions during construction.	3-3 Carpool Encourage construction workers to carpool.	Significant	HNPC Annually, at first of the year, during construction phase only. HNPC shall submit Mitigation Monitoring Report showing efforts to encourage construction workers to carpool.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOx And ROG Construction Emissions NOx and ROG emissions during construction.	3-4 Low NOx Construction Equipment Encourage Hugo Neu-Proter to use low-NOx engines, alternative fuels, and electrification whenever feasible.	Significant	HNPC Prior to construction Hugo Neu-Proter shall submit the completed Mitigation Monitoring Report with a report on use of low emission construction equipment.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOx And ROG Construction Emissions NOx and ROG emissions during construction.	3-5 Fuel Delivery Schedule fuel truck deliveries for off-peak traffic hours, when feasible.	Significant	HNPC Annually at the first of the year. Hugo Neu-Proter shall submit Mitigation Monitoring Report certifying that, when feasible, delivery of fuel to facility will be during off-peak traffic hours.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOx, ROG, And CO Operational Emissions NOx, ROG, And CO emissions during facility operation.	3-6 Equipment Tune. Maintain equipment engines in proper tune in accordance with manufacturers specifications.	Significant	HNPC Annually during construction and operation phases of the project. HNPC shall submit Mitigation Monitoring Report certifying vehicles and equipment are maintained in proper tune.

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Environmental Management Division
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90733-0151

Summary of Significant Adverse Impacts, Mitigation Measures and Reporting Requirements

Hugo Neu-Proler Company — Lease Renewal

Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOX, ROG, And CO Operational Emissions NOX, ROG, And CO emissions during facility operation.	3-7 Operational Schedule When feasible, operate facility on a 24-hour schedule, to spreading emissions from support operations and transport of scrap over a greater time period and avoid peak traffic hours.	Significant	HNPC Annually, at the first of the year. Hugo Neu-Proler shall submit the completed Mitigation Monitoring Report with a report listing dates of 24-hour operation.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOX, ROG, And CO Operational Emissions NOX, ROG, And CO emissions during facility operation.	3-8 Fuel Delivery Schedule fuel truck deliveries for off-peak traffic hours, when feasible.	Significant	HNPC Annually at the first of the year. Hugo Neu-Proler shall submit Mitigation Monitoring Report certifying that, when feasible, delivery of fuel to facility will be during off-peak traffic hours.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Air Quality	NOX, ROG, And CO Operational Emissions NOX, ROG, And CO emissions during facility operation.	3-9 Low Emission Engines Encourage use of low emission engines, innovative technologies, alternative fuels and electrification of equipment when feasible and use these criteria in the purchase of new	Significant	HNPC With purchase of vehicles or major equipment. HNPC shall submit the Mitigation Monitoring Reporting with a statement of effort to secure low emission equipment.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Transportation and Circulation	Disrupt Access To The Site Disrupt access to the site during construction of the railroad spur to Hugo Neu-Proler.	6-1 Construction Scheduling Contractor shall construct the railroad track across New Dock Street during the weekend.	Insignificant	L/AHD Contractor Once, at beginning of construction Contractor shall submit Mitigation Monitoring Report with a copy of the schedule for the construction of the rail spur.

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Environmental Management Division
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90733-0151

Summary of Significant Adverse Impacts, Mitigation Measures and Reporting Requirements

Hugo Neu-Profer Company — Lease Renewal

Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Transportation and Circulation	Disrupt Access To The Site	6-2 Maintain Traffic Lane	Insignificant	LAHD Contractor
	Disrupt access to the site during construction of the railroad spur to Hugo Neu-Profer.	Contractor shall maintain open one eastbound and one westbound lane of traffic along New Dock Street and the Hugo Neu-Profer access road during construction.		Once, at the beginning of construction of the rail spur. Contractor shall submit Mitigation Monitoring Report certifying that traffic access will be maintained.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
	Transportation and Circulation	Disrupt Access To The Site Disrupt access to the site during construction of the railroad spur to Hugo Neu-Profer.	6-3 No Parking Contractor shall post No Parking signs along the access road during construction to prevent truck queuing from blocking access to the project site or adjacent facilities.	Insignificant LAHD Contractor Once, at the beginning of construction. The contractor shall submit Mitigation Monitoring Report certifying that No Parking signs have been posted.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
	Public Health and Safety/Risk	Emergency Response Disruption of emergency response during construction of the railroad spur to Hugo Neu-Profer	8-1 Construction Scheduling Contractor shall construct the railroad track across New Dock Street during the weekend.	Insignificant LAHD Contractor Once, at beginning of construction Contractor shall submit Mitigation Monitoring Report with a copy of the schedule for the construction of the rail spur.
Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
	Public Health and Safety/Risk	Emergency Response Disruption of emergency response during construction of the railroad spur to Hugo Neu-Profer	8-2 Maintain Traffic Lane Contractor shall maintain open one eastbound and one westbound lane of traffic along New Dock Street and the Hugo Neu-Profer access road during construction.	Insignificant LAHD Contractor Once, at the beginning of construction of the rail spur. Contractor shall submit Mitigation Monitoring Report certifying that traffic access will be maintained.

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Summary of Significant Adverse Impacts, Mitigation Measures and Reporting Requirements

Hugo Neu-Proler Company — Lease Renewal

Environmental Category	Potentially Significant Adverse Impacts	Mitigation Measures	Sig. After Mitigation	Monitoring Program Responsibility
Public Health and Safety/Risk	Emergency Response Disruption of emergency response during construction of the railroad spur to Hugo Neu-Proler	8-3 No Parking Contractor shall post No Parking signs along the access road during construction to prevent truck queuing from blocking access to the project site or adjacent facilities.	Insignificant	L.AHD Contractor Once, at the beginning of construction. The contractor shall submit Mitigation Monitoring Report certifying that No Parking signs have been posted.

SECTION 1

WRITTEN COMMENTS ON THE DEIR

The California Environmental Quality Act (CEQA) provides the opportunity for any person, organization or government agency to submit comments to a Lead Agency concerning any environmental effects of a project being considered by the Lead Agency. The official public review period for the Hugo Neu-Proler Lease Renewal DEIR was held between May 31, 1995 and July 21, 1995. During that time thirty comment letters were received.

This section presents the thirty letters commenting on the DEIR. All substantive comments (i.e., those that present new data, question, or new issues bearing on the significant environmental effects of the proposed project and alternatives) have responses included in Section 2. Specific sentences containing substantive comments to the DEIR have been highlighted in each comment letter using brackets. Supporting material to these comments presented in subsequent text was not highlighted, but was considered in each response. Individual substantive comments within each letter have been assigned sequential "comment numbers" (i.e., 6-3 is the third comment in the sixth comment letter). Responses in Section 2 have been assigned corresponding comment numbers for identification purposes. Below is an index of organizations and individuals who submitted comments:

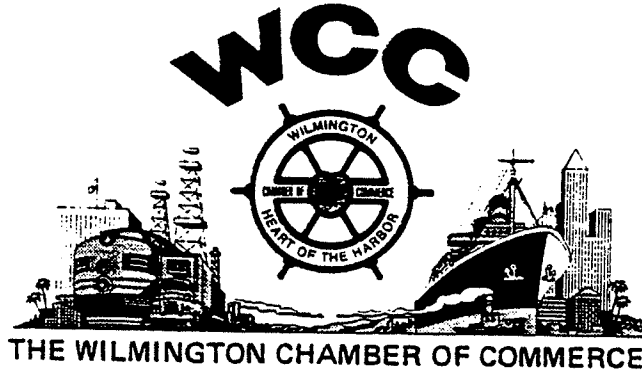
<u>Letter</u>	<u>Organization or Individual</u>
1	The Wilmington Chamber of Commerce
2	County of Orange
3	California Department of Toxic Substances Control
4	California Department of Transportation
5	Heal the Bay
6	City of Los Angeles Planning Department
7	Yusen Terminals Inc.
8	San Pedro & Peninsula Homeowner's Coalition
9	California Department of Toxic Substances Control
10	Harbor Community Development Corporation
11	John Mendez
12	City of Los Angeles Fire Department
13	City of Los Angeles Department of Public Works, Bureau of Engineering
14	Wilmington North Neighborhood Association

- 15 Mothers of East Los Angeles-Santa Isabel
- 16 Distribution and Auto Service, Inc.
- 17 Governor's Office of Planning and Research
- 18 City of Los Angeles Department of Transportation
- 19 Harbor Community Development Corporation
- 20 John Mendez
- 21 Natural Resources Defense Council
- 22 Mothers of East Los Angeles-Santa Isabel
- 23 Los Angeles Harbor Boat Owners Association
- 24 Heal the Bay
- 25 Wilmington Home Owners
- 26 Roy F. Weston, Inc.
- 27 Reznik & Reznik
- 28 Reznik & Reznik
- 29 San Pedro Peninsula Homeowners United Inc.
- 30 California Regional Water Quality Control Board, Los Angeles Region

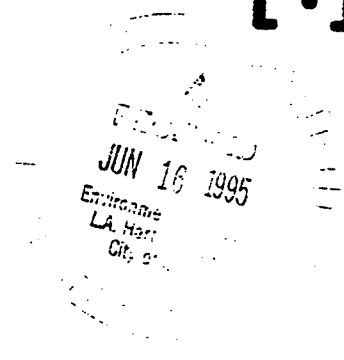
EIR

[1]

FILE COPY



June 14, 1995



Commissioner Frank Sanchez
 President, Los Angeles Harbor Commission
 P.O. Box 151
 San Pedro, CA 90733

Dear Commissioner Sanchez,

The Wilmington Chamber of Commerce, support the environmental document prepared for Hugo Neu-Proler and welcome the company's continued presence as a tenant on Terminal Island. Hugo Neu-Proler works hard to be a good neighbor and provides important economic benefits to our community.

Hugo Neu-Proler has been here in the Port of Los Angeles for more than 30 years. It is making an ongoing effort to improve operations and has initiated measures to control dust and reduce the noise its operations generate. A long-term lease with the Port will enable Hugo Neu-Proler to make capital investments in equipment and facilities and will result in improved operations and a more attractive site.

The company is a good tenant for the Port of Los Angeles. It contributes to our local community and our economy by buying and recycling scrap metal, purchasing supplies and equipment, and providing jobs. It also supports our community with contributions to nonprofit organizations and by encouraging staff members to get involved.

Sincerely,

Marge O'Brien

Marge O'Brien
 Wilmington Chamber of Commerce
 President

1-1

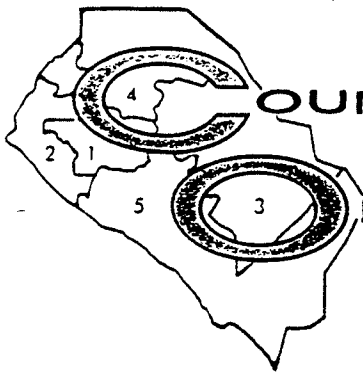


Continue from page 1

CC: The Honorable Rudy Svorinich, Jr.
Los Angeles City Councilman, 15th District
200 No. Spring Street, Room 236
Los Angeles, CA 90012

Mr. Donald W. Rice
Director, Environmental Management Division
Los Angeles Harbor Department
P.O. Box 151
San Pedro, CA 90733-0151

900607-599
HNP EIR

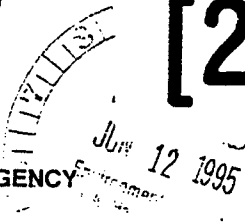


COUNTY OF
ORANGE

FILE COPY

[2]

ENVIRONMENTAL MANAGEMENT AGENCY
PLANNING



MICHAEL M. RUANE
DIRECTOR, EMA
THOMAS B. MATHEWS
DIRECTOR OF PLANNING

LOCATION :
300 N. FLOWER ST.
THIRD FLOOR
SANTA ANA, CA

MAILING ADDRESS :
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE :
(714) 834-4643
FAX #: 834-2771
DPC: 834-4772

JUN 08 1995

NCL 95-42

Donald W. Rice
Director of Environmental Management
Port of Los Angeles
425 So. Palos Verdes Street
San Pedro, CA 90733-0151

SUBJECT: DEIR for Hugo Neu Proler Company - Lease Renewal

Dear Mr. Rice:

Thank you for the opportunity to respond to the above referenced item. The County of Orange has no comment at this time. However, we would appreciate being informed of any further developments.

2-1

If you have any questions or need to contact us, please call Charlotte Harryman at (714) 834-2522.

Very truly yours,

George Britton, Manager
Environmental/Project Planning Division

CH:sf
(5159) 5060808583698

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

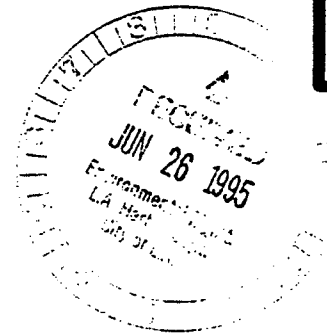
Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802-4444



[3]

June 23, 1995

Mr. Donald W. Rice - Director
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151



SUBJECT: ENVIRONMENTAL IMPACT REPORT-HUGO NEU PROLER LEASE RENEWAL

Dear Mr. Rice:

Responding to your request for comments regarding potential environmental impacts that renewal of the Hugo Neu-Proler lease might have, the Department of Toxic Substances Control (Department) of Cal-EPA hereby informs you that this facility has been cited for environmental violations.

Enclosed, please find a copy of the Report of Violations (ROV) and supporting documentation regarding alleged environmental violations discovered during a 1994 inspection.

If you have any questions regarding this letter, or if you wish to meet with the Department to seek clarifications, please call Mr. Norberto C. Pautassi at (310) 590-5919.

31

Yours truly,

Sharon Fair, Unit Chief
Statewide Compliance Division



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802-4444



November 3, 1994

Mr. John Prudent
General Manager
Hugo Neu-Proler Company
901 New Dock Street
Terminal Island, California 90731

Dear Mr. Prudent:

AMENDED REPORT OF VIOLATION

The Department conducted an inspection of your facility on April 21, 1994 to verify compliance with violations discovered during a previous inspection conducted on July 13, 1992. Mr. Christopher Hendrix and Mr. Brian Wu, representatives from the Department of Toxic Substances Control (Department), inspected your facility located at 901 New Dock Street, in Terminal Island.

As a result of that inspection, the following violations of hazardous waste statutes and regulations were identified.

Specified violations and a required schedule of compliance are listed below. Failure to correct the identified violations within the schedule provided will result in the Department citing you for continuing and/or additional violations.

VIOLATIONS:

1. UNAUTHORIZED DISPOSAL:

Hugo Neu-Proler violated California Health and Safety Code (HSC), section 25201(a), in that on April 24, 1994, Hugo Neu-Proler disposed of hazardous waste without a permit or authorization, to wit: coarse and fine auto shredder fluff was ejected from the Metals Recovery Unit onto the cracked concrete pavement and allowed to accumulate in large piles prior to shipment offsite.

2. FAILURE TO PREVENT WIND DISPERSAL:

Hugo Neu-Proler violated Title 22, California Code of Regulations (CCR), section 66265.251, in that on April 24, 1994, Hugo Neu-Proler failed to cover a pile of hazardous waste which could be subject to dispersal by wind, to wit: coarse and fine auto shredder fluff was ejected from the Metals Recovery Unit onto the cracked concrete pavement and allowed to accumulate in large uncovered piles that were not otherwise managed to control wind dispersal.



Mr. John Prudent
November 3, 1994
Page 2

3. OPERATING A WASTE PILE WITHOUT CONTAINMENT:

Hugo Neu-Proler violated Title 22, California Code of Regulations (CCR), section 66265.253, in that on April 24, 1994, Hugo Neu-Proler operated a hazardous waste pile without containment, to wit: coarse and fine auto shredder fluff was ejected from the Metals Recovery Unit onto the cracked concrete pavement and allowed to accumulate in large uncovered piles without a run-on control system, a run-off management system, collection and holding facilities, or any controls to protect the pile from precipitation or liquids.

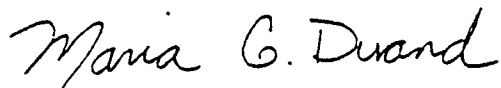
Correct the violations upon receipt of this Report. Please send written certification to this office by November 25, 1994 that the above violations have been corrected.

The Department may conduct a reinspection at Hugo Neu-Proler, Terminal Island, California 90731 to verify compliance.

The issuance of this Report of Violations and Schedule of Compliance does not preclude this Department from taking administrative, civil, or criminal action as a result of the violations noted herein.

If you have any questions, please contact Christopher Hendrix at (310) 590-5555.

Sincerely,



Maria G. Durand
Unit Chief
Statewide Compliance Program

cc: Mr. Robert Hoffman
Chief Legal Counsel
Office of Legal Counsel and
Criminal Investigations
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. John Prudent
November 3, 1994
Page 3

cc: Ms. Ann Tsuda
Division Chief
Los Angeles County Fire Department
Hazardous Waste Program
5825 Rickenbacker Road
Commerce, California 90040

Mr. Robert Ghirelli
Executive Officer
Regional Water Quality Control Board
101 Centre Plaza Drive
Monterey Park, California 91754-2156

Certified Mail
P 392 227 960
Return Receipt Requested



December 20, 1994

Ms. Maria G. Durand
Unit Chief
Statewide Compliance Program
California Environmental Protection Agency
Department of Toxic Substances Control
Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802-4444

**RE: Amended Report of Violation Dated November 3, 1994
Draft Compliance Plan**

Dear Ms. Durand:

Hugo Neu-Proler Company appreciates the time that you and Mr. Christopher Hendrix spent on December 1, 1994 with Messrs. David Leu and Ray Ouellette of Mittelhauser Corporation and Mr. Aspet Chater and myself of Hugo Neu-Proler Company to discuss the basis of your Amended Report of Violation dated November 3, 1994.

We reviewed the alleged violations and discussed the actions which Hugo Neu-Proler has taken to further mitigate concerns that the Department of Toxic Substances Control may have with respect to each item. With that, Hugo Neu-Proler submits the enclosed draft Compliance Plan for your review and comments.

In accordance with the telephone conversation that Ray Ouellette and I had with Mr. Hendrix on December 16th, it is our understanding that during our continuing dialogue and your consideration of the enclosed Compliance Plan, no additional or multi-day penalties will accrue. In addition, we will continue to attempt to resolve amicably the initial penalty amount arising from the Amended Report of Violation.

Finally, we note that during our December 1, 1994 meeting, the DTSC also agreed to issue a letter within a few weeks vacating the Report of Violation dated March 25, 1992.



Ms. Maria G. Durand, Unit Chief
December 20, 1994
Page 2

Should you have any questions regarding the enclosed Compliance Plan, please do not hesitate to call Mr. Chater of my staff at (310) 831-0281 or Dr. Leu at (714) 587-2109.

Very truly yours,

John E. Prudent
General Manager

Enclosure

Distribution List

cc: Robert Hoffman, Esq. - DTSC
Robert Ghirelli - LARWQCB
Ann Tsuda - LACFD
David Leu - Mittelhauser

DRAFT

**HUGO NEU-PROLER COMPANY
COMPLIANCE PLAN**

DRAFT

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4.1 Stock Pile of Auto Shredder Waste	3
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1.0 INTRODUCTION

The Hugo Neu-Proler Company, located at 901 New Dock Street, Terminal Island, California, is a scrap metal recycling facility. Hugo Neu-Proler Company leases a 26.7 acre-site from the Port of Los Angeles for the purpose of receiving, processing, storing, and loading various types of ferrous and non-ferrous metals.

Hugo Neu-Proler purchases auto bodies, appliances, and small light gauge metals and shreds them into smaller pieces for stowage and overseas shipment. In the process of shredding these materials, non-metallic materials, commonly known as auto shredder waste, is produced requiring proper disposal. Auto shredder waste is considered a California Non-RCRA Hazardous Waste. During normal operations, auto shredder waste is containerized and shipped on a daily basis.

Various alternatives for managing auto shredder waste have been investigated. Currently, the shipment of this material by rail to an out of state facility appears to be the most economically viable alternative.

Hugo Neu-Proler has been working with the Port of Los Angeles to re-establish rail access which will be extended into the facility for the purpose of receiving scrap metal and loading auto shredder waste into railcars for shipment out of state.

This Compliance Plan addresses the current status of the rail spur project and Hugo Neu-Proler's interim measures being currently implemented prior to completing construction of the rail spur.

2.0 STATUS OF CURRENT ACTIVITIES

Hugo Neu-Proler Company reached an agreement with the Port of Los Angeles earlier this year on re-establishment of a rail access to the facility. The Port of Los Angeles retained Greiner to design the rail spur project. Greiner completed the preliminary

DRAFT

design engineering drawings in October 1994 and received approval from the Port of Los Angeles, Engineering Department, to proceed to the final design phase. The remaining tasks and their projected completion dates are provided below:

TASK DESCRIPTION	PROJECTED COMPLETION DATE
Approval of Final Design Engineering Drawing by the Port of Los Angeles and other Agencies	January 1995
Bidding/Awarding Contract by Hugo Neu-Proler	February 1995
Commence Rail Spur Project Construction	March 1995
Complete Rail Spur Project Construction	June 1995

Hugo Neu-Proler is in discussion with ECDC Environmental on design engineering of a system involving conveyance, transfer, storage, and loading equipment capable of handling the auto shredder waste from the point of generation to ultimately its deposition into railcars or containers without touching the concrete pavement.

3.0 TIME FRAME FOR RAIL SPUR PROJECT

Based on the results of current activities, Hugo Neu-Proler believes that it will take approximately 6 to 12 months to complete all tasks associated with the rail spur project. The time associated with securing permits from the Port of Los Angeles, and other governmental agencies such as the Public Utilities Commission is completely beyond the control of Hugo Neu-Proler.

Greiner has been interfacing and coordinating meetings with governmental agencies, affected railroads, and utilities to obtain and resolve comments. Hugo Neu-Proler hopes that this effort will result in consensus and concept approval of the proposed design.

DRAFT

It is Hugo Neu-Proler's intent to have the rail spur project completed as soon as possible. Each day of delay brings added cost to the company's waste management operations.

4.0 INTERIM MEASURES

Hugo Neu-Proler has embarked on the following program to address issues raised by the Department of Toxic Substances Control. The steps identified here are currently being implemented and will continue to be implemented in an environmentally sound manner until the rail spur project has been completed.

4.1 STOCK PILE OF AUTO SHREDDER WASTE

Hugo-Neu Proler produces approximately 200 tons of moist auto shredder waste between the hours of 0400 and 1000 and about 50 tons between 1100 and 2100, five days per week. At approximately 0700 hours, Hugo-Neu Proler begins loading auto shredder waste into specialized containers provided by ECDC Environmental with front end loaders. During normal operations, auto shredder waste is containerized and shipped on a daily basis. However, in the event that Hugo Neu-Proler would not be able to secure the specialized containers because of a "force majeure" situation, Hugo Neu-Proler requests that it be allowed to accumulate up to 1 day's production of moist auto shredder waste, as a maximum allowable pile for period of 48 to 96 hours. The Department of Toxic Substances Control would be notified of the "force majeure" situation and thus, would be made aware of Hugo Neu-Proler's attempt to correct the situation.

4.2 CONDITION OF CONCRETED STORAGE AREA

The concreted storage area where the auto shredder waste pile is stored, as shown on the attached drawing, has a reinforced concrete pavement approximately 10 inches thick. The concrete pavement has surficial cracks which are the result of years of

DRAFT

operations under various types of equipment loads. However, the concrete pavement is not structurally weakened as a result of these surficial cracks. No evidence exists which would indicate that the concrete pavement is not structurally sound. The concreted storage area will continue to be used as is presently done, and will be visually inspected periodically to ascertain that its structural integrity has not been compromised.

4.3 STORM WATER RUNOFF

Hugo Neu-Proler has performed tests to verify that the moist auto shredder waste will not leach any significant amount of heavy metals. These test results were presented to the Department of Toxic Substances Control during the December 1, 1994, meeting and are enclosed as Attachment 1 to this Compliance Plan. Hugo Neu-Proler believes that the data clearly indicate that under an "acid rain" condition, no significant metals will be leached from the auto shredder waste. Furthermore, under the current management practices, a normal amount of rainfall is not expected to cause the auto shredder waste to release water or a leachate.

The current concreted storage area is constructed such that storm water run-on from other adjacent operations will not flow towards the designated storage area for auto shredder waste. Water that may collect during storm events in the auto shredder waste storage area, will generally be absorbed by the day's production of auto shredder waste. Should significant rainfall events occur or excess water accumulate in the area, then the excess water will be removed and tested for proper disposal.

4.4 WIND DISPERSAL

Hugo Neu-Proler will extend the existing north bulk-loader-ramp wall and install a portable concrete block wall on the south of the north bulk-loader-ramp wall such that the auto shredder waste will be sheltered from prevailing winds. This is shown on the enclosed drawing. Since the auto shredder waste is moist when discharging onto the

concrete pavement, wind dispersal is minimal. However, as an additional measure, Hugo Neu-Proler will assure that auto shredder waste will be moistened should prevailing weather conditions dictate additional moisture is needed to minimize wind dispersal.

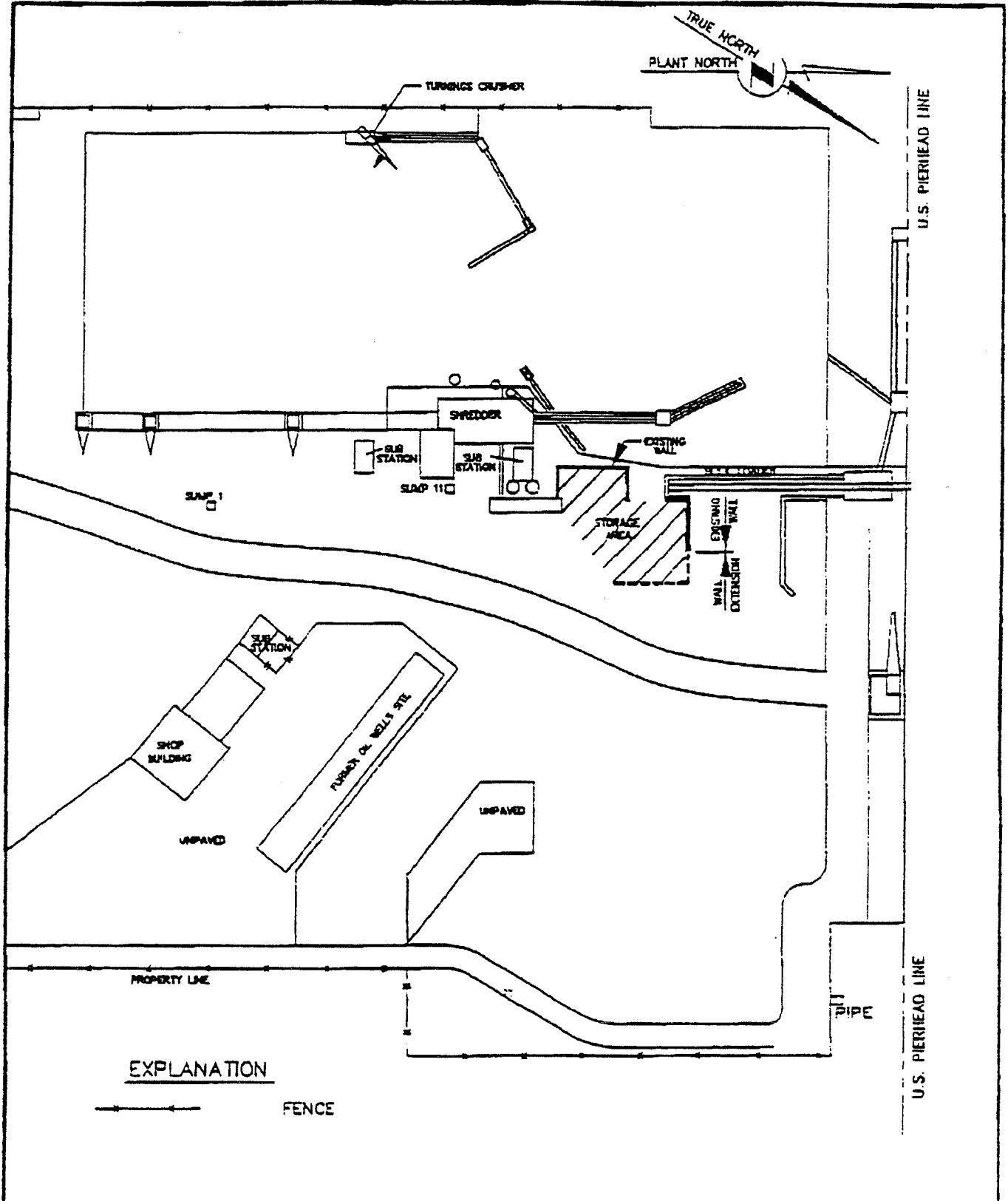
4.5 PERSONAL PROTECTIVE EQUIPMENT

Hugo Neu-Proler will assure that all personnel working with the auto shredder waste during its management are thoroughly familiar with its health hazards and make sure that all operators use Level D or higher Personal Protective Equipment, as appropriate. A site specific Health and Safety Plan will be prepared. This plan will be submitted to the Department of Toxic Substances Control for its review. Based on the Health and Safety Plan, periodic evaluation to insure an adequate level of protection for the operators will be done.

4.6 FINAL COMPLIANCE

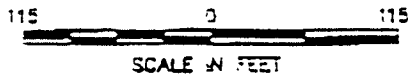
Hugo Neu-Proler will be working closely with the Port of Los Angeles and other agencies to ensure timely completion of the rail spur project. During this period, Hugo Neu-Proler will be evaluating various other options to manage its auto shredder waste. When the new rail spur is constructed, all operations identified above as interim measures will be replaced by a new waste management operation. The specific details have not been developed. But once they are developed, they will comply fully with the California Health and Safety Code regarding the management of non-RCRA hazardous wastes.

DRAFT



EXPLANATION

FENCE



DATE	12/13/94
DRAWN BY	EXB
CHECKED BY	22830811
PROJECT NO.	2283-11



MITTELHAUSER Corporation

SITE LAYOUT
HUGO NEU-PROLER COMPANY
PORT OF LOS ANGELES

FIGURE EX

KEY A

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802-4444



March 21, 1995

Mr. John Prudent
General Manager
Hugo Neu-Proler Company
901 New Dock Street
Terminal Island, California 90731

Dear Mr. Prudent:

HUGO NEU-PROLER COMPANY COMPLIANCE STATUS

The Department of Toxic Substances Control (Department) conducted a inspection of your facility on April 21, 1994 to verify compliance with violations discovered during a complaint inspection conducted on July 13, 1992. Mr. Christopher Hendrix and Mr. Brian Wu, representatives from the Department, inspected your facility located at 901 New Dock Street, in Terminal Island.

As a result of that inspection, the Department determined that the facility was in compliance with the violations previously cited in the Report of Violations (ROV) issued on March 25, 1992. During the April 21, 1994 inspection, however, new violations of hazardous waste statutes and regulations were identified as detailed in the ROV issued on November 3, 1994.

This letter documents Hugo Neu-Proler's compliance with the violations cited in the ROV dated March 25, 1992. This letter does not address any of the violations cited in the ROV dated November 3, 1994 nor does it preclude this Department from taking administrative, civil, or criminal action as a result of the violations noted therein. If you have any questions regarding this letter, please contact me at (310) 590-5917.

Sincerely,

A handwritten signature in cursive script that reads "Maria G. Durand".

Maria G. Durand
Unit Chief
Statewide Compliance Division





DEPARTMENT OF TRANSPORTATION

DISTRICT 7, 120 SO. SPRING ST.
LOS ANGELES, CA 90012-3606
TDD (213) 897-6610



June 21, 1995

IGR/CEQA 5055
DEIR
30 year Term
Lease Renewal
SCH #93071074
Vic: LA-47-3.58

[4]

Dennis Hagner
Los Angeles City Harbor Department
425 S Palos Verdes St.
San Pedro, California 90733

Dear Dennis Hagner,

We have reviewed the above-referenced Document for the renewal of your thirty year lease and the remediation of the contaminated soil and groundwater.

Based on the information received we would like to make the following comments: Any transport of hazardous wastes or heavy construction equipment which require the use of oversize transport vehicles on State Freeways/Highways will require a Caltrans transportation permit. We recommend that large size trucks that are transporting construction materials, equipment, and exporting contaminated soil be limited to off-peak commute periods.

4-1

If you have any questions regarding this response, please call me at (213) 897-1338.

Sincerely
Wilford Melton
Wilford Melton
Senior Transportation Planner
IGR/CEQA Coordinator
Office of Advance Planning

bcc: R Helgeson, HQ Transportation Planning/IGR

Notice of Completion

Appendix F

See NOTE below
SCH # 93071074

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

Project Title: Hugo Neu-Proler Lease Renewal
 Lead Agency: Los Angeles City Harbor Department Contact Person: Dennis Bagner
 Street Address: 425 S Palos Verdes St. Phone: (310)732-3675
 City: San Pedro Zip: 90733 County: Los Angeles

Project Location

County: Los Angeles City/Nearest Community: Terminal Island
 Cross Street: New Dock St./Henry Ford Ave. Total Acres: 27
 Assessor's Parcel No. _____ Section: _____ Twp. _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: 47 & 110 Waterways: Cerritos Channel/East Basin L.A. Harbor
 Airports: NA Railways: Harbor Belt Line Schools: Wilmington Park; Hawaiian Ave., St Peter & Paul

Document Type

CEQA: NOP Supplement/Subsequent EIR (Prior SCH No.) Other _____
 Early Cons Neg Doc Draft EIR

NEPA: NOI EA Draft EIS FONSI

Other: Joint Document Final Document Other _____

Local Action Type

General Plan Update Specific Plan Rezone Amendment
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, Parcel Map, Tract Map, etc.) Other Lease

Development Type

Residential: Units _____ Acres _____
 Office: Sq. ft. _____ Acres _____ Employees _____
 Commercial: Sq. ft. _____ Acres _____ Employees _____
 Industrial: Sq. ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____

Water Facilities: Type _____ MGD
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ Watts
 Waste Treatment: Type _____
 Hazardous Waste: Type _____
 Other: _____

Project Issues Discussed in Document

Aesthetic/Visual Flood Plain/Flooding Schools/Universities
 Agricultural Land Forest Land/Fire Hazard Septic Systems
 Air Quality Geologic/Seismic Sewer Capacity
 Archeological/Historical Minerals Soil Erosion/Compaction/Grading
 Coastal Zone Noise Solid Waste
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous
 Economic/Jobs Public Services/Facilities Traffic/Circulation
 Fiscal Recreation/Parks Vegetation Water Quality
 Water Supply/Groundwater
 Wetland/Riparian Wildlife
 Growth Inducing
 Landuse
 Cumulative Effects
 Other _____

Present Land Use/Zoning/General Plan Use

M3

Project Description

HNPC's primary objective is the renewal of its lease for a 30 year term. In addition to the renewal of the lease and continuation of current operations, HNPC will be remediating the soil and groundwater contamination at the site, upgrading or replacing current facilities and equipment, and proposes to add new facilities and equipment to the operation. HNPC will remediate soil and groundwater contamination pursuant to a Remedial Action Plan which will be approved by the Regional Water Quality Control Board-Los Angeles Region, the California Department of Pesticide Regulation, the State Water Resources Control Board, and the Los Angeles City Harbor Department.

CLEARINGHOUSE CONTACT: Mark Goss
(916) 445-0613

STATE REVIEW BEGAN: 3-26-75
 DEPT REV TO AGENCY: 7-3
 AGENCY REV TO SCH: 7-7
 SCH COMPLIANCE: 5-8

CMT SNT
 Resources
 Boating
 Coastal Comm
 Coastal Conserv
 Colorado Rvr Bd
 Conservation
 Fish & Game 5
 Forestry
 Parks & Rec/OHP
 Reclamation
 BCDC
 DWR

CMT SNT
 State/Consumer Svcs
 General Services
 OLA (Schools)
 Cal/EPA
 ARB
 CA Waste Mgmt Bd
 SWRCB:--Grants
 SWRCB:--Delta
 SWRCB:--Wtr Quality
 SWRCB:--Wtr Rights
 Reg. WQCS 4
 DTSC/CTC
 Yth/Adlt Corrections
 Corrections
 Independent Comm
 Energy Comm
 NAHC
 PUC
 Santa Mn Mtns
 State Lands Comm

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQHD/APCD: 35/ Resources: 3,3

Bus Transp Bous
 Aeronautics
 CHP
 Caltrans 2
 Trans Planning
 Housing & Devel
 Health & Welfare

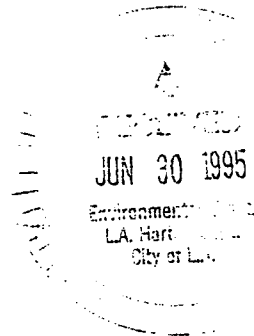


1640 FIFTH STREET, SUITE 204
SANTA MONICA, CA 90401
310-394-4552 (fax) 395-6878

[5]

June 29, 1995

Don Rice, Director
Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151



Re: Request for Extension of Comment Period on Draft EIR for Hugo Neu-Proler Lease Renewal Project - State Clearinghouse Number 93071074

Dear Mr. Rice,

Heal the Bay is a local non-profit environmental organization working to protect, restore, and enhance Santa Monica Bay and southern California's coastal resources. Heal the Bay is particularly concerned about issues involving storm water runoff and its impacts on our coastal waters.

It is our understanding that the 45-day comment period on the Draft EIR for the Hugo Neu-Proler Lease Renewal Project is set to expire on July 14, 1995. Unfortunately, Heal the Bay did not receive notice that the Draft EIR was being circulated for comment, and has only recently received a copy of the Draft EIR itself. Although Heal the Bay would like to submit comments on the Draft EIR, our staff has not had sufficient time to review and analyze the document. Accordingly, Heal the Bay respectfully requests that the comment period be extended for an additional 45-day period, or until August 28, 1995.

5-1

Thank you for your consideration. We look forward to receiving your favorable response to our request for additional time.

Sincerely,

Roger Gorke
Science and Policy Analyst

CITY OF LOS ANGELES
CALIFORNIA

CITY PLANNING
COMMISSION

GEORGE LEFCOE
PRESIDENT

ROBERT L. SCOTT
VICE-PRESIDENT

LES HAMASAKI

MARNA SCHNABEL

ANTHONY N. R. ZAMORA

RAMONA HARO
SECRETARY

(213) 485-5071



RICHARD J. RIORDAN
MAYOR

[6]

DEPARTMENT OF
CITY PLANNING
ROOM 561, CITY HALL
200 N. SPRING ST.
LOS ANGELES, CA 90012-4801

CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

(213) 237-1986

GORDON B. HAMILTON
DEPUTY DIRECTOR

(213) 237-1818

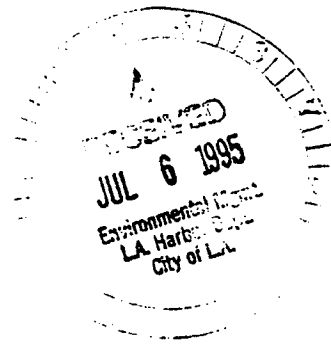
ROBERT H. SUTTON
DEPUTY DIRECTOR

(213) 237-1818

FAX (213) 237-0552

July 5, 1995

Mr. Donald W. Rice
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151



Dear Mr. Rice:

**NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
FOR THE HUGO NEU-PROLER COMPANY - LEASE RENEWAL [SCH NO. 93071074]**

Thank you for the opportunity to comment on the Notice of Preparation for the Hugo Neu-Proler Company - Lease Renewal. The Los Angeles City Planning Department, Community Planning Bureau has the following comments to make:

Project Description

The Hugo Neu-Proler Company (HNPC) currently leases a 26.7-acre site from the Port of Los Angeles. HNPC wishes to renew their lease for a period of 30 years. Current operations include receiving, processing, storing and loading various types of metals for recycling, e.g., for use in the manufacturing of steel, electrical components and wiring, and other raw materials used by a variety of industries. Additionally, HNPC proposes to add new facilities and equipment to the operation including (1) rail tracks and associated structures; (2) 4,000 square foot single story office building and landscaped parking area at the south end of the facility; (3) full paving of the scrap processing, handling, and storage area with asphalt or concrete; (4) additional lighting in storage, loading, and parking areas; (5) storm water runoff control and treatment systems:

COMMUNITY PLANNING BUREAU
221 S. FIGUEROA ST., 3RD FLOOR, LOS ANGELES, CA 90012
(213) 485-6354 FAX (213) 485-8005

OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

(6) noise barriers at strategic locations; (7) perimeter wall around the facility; (8) bin walls located around scrap handling area; and (9) auto shredder residue storage facility.

In addition to the renewal of the lease, continuation of current operations, and expansion of the facility, HNPC will remediate soil and groundwater contamination at the site.

Land Use

1. The project is located within the City of Los Angeles Port of Los Angeles Plan area which was adopted by the City Council on September 28, 1982. The Plan consists of text and map, with the Plan Map being divided into several subareas. The project site is located within Area 7 Terminal Island/Main Channel and is designated on the Plan as "General/Bulk Cargo & Commercial/Industrial Uses - Non-Hazardous". The project is consistent with the General Plan in that the long-range preferred uses identified for Area 7 in the Plan consist of "Non-hazardous liquid and non-hazardous dry bulk cargo (within the parameters of Policy No. 11), general cargo, commercial fishing, Port-related commercial and industrial uses and institutional uses." Dry Bulk is defined in the Plan as "comprised of metallic ores, some nonmetallic minerals, coal, chemicals and allied products, primary metal products, waste and scrap materials, grains and related uses." 6-1

2. Policy No. 11 of the Port Plan states that it "shall be the long-range Port development policy to have facilities used for the storage or transfer of hazardous liquid and hazardous dry bulk cargoes that are inappropriately located, phased out and relocated to adjacent communities." The Draft EIR, p. 3.8-2, indicates that HNPC does not accept hazardous materials for processing or shipping, but that hazardous materials may be present in some loads delivered to the site. Also, untreated auto shredder residue is considered a hazardous waste in California because of soluble levels of metal (p.3.8-3). Please review the Port of Los Angeles Risk Management Plan, which is an element of the Port Master Plan to ascertain this project's location is appropriate with regards to hazardous materials and surrounding communities. 6-2

Air Quality

Landscaping can improve air quality by cleansing the air of pollutants. The plants used in the project should be selected for their ability to maximize air quality benefits including absorption of gases that may contribute directly or indirectly to atmospheric warming, as well as for their ability to maximize energy conservation and with a view to their long term maintenance requirements. The use of vines should be encouraged on walls, buildings, and structures. Please discuss more thoroughly the specific proposed landscaping for the project. 6-3

Heat and Glare

Parking lots are particular sources of heat and glare. Landscaping of the project's parking lot should contain a minimum of one tree for every four surface parking spaces. The trees should be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the parking stall area in summer after 10 years of growth when the sun is at its zenith at local solar time at the summer solstice.

6-4

These comprise our comments on this project. If you have any questions, please refer them to Nancy Scrivner at (213) 485-6647.

Very truly yours,

CON HOWE
Director

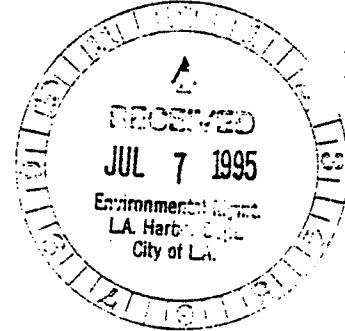
Jack Sedwick
Jack Sedwick
Principal City Planner
CH: JS:ME:FY:NS/
A:LTR-0012.EIR



701 New Dock Street (Berths 212-215)
Terminal Island, California 90731
Tel: (310) 548-8000 Fax: (310) 548-8290

7 July, 1995

Worldport LA
425 South Palos Verdes Street,
PO Box 151,
San Pedro, CA 90733-0151



Attn.: Donald W. Rice

Subject: Draft Environmental Impact Report, lease renewal, Hugo Neu-Proler

Dear Mr. Rice:

We acknowledge receipt of the Draft Environmental Impact Report, attached to your letter dated 26 May.

As we are Hugo Neu-Proler's neighbor immediately to the west of their facility, we read the contents of the Draft EIR with a great deal of interest. We believe that the document offers a comprehensive analysis of the current deficiencies of the existing facility, and provides for a reasonable plan to address many of the environmental concerns, especially those related to groundwater and marine contamination, noise pollution, as well as addressing some esthetic issues.

As neighbors of the facility, after analyzing the Draft EIR, we do however still have some concerns over what we believe are deficiencies in the plan that will have a direct impact upon our operations at Yusen Terminals.

Our main concern has been one that has existed since the commencement of operations at Yusen Terminals, in October of 1991; that is, persistent air pollution drift onto our facility. The pervasiveness of the air pollution endemic to HNPC's operations has been well documented in section 1.5.1 of the Draft EIR. Further, the future levels of all forms of pollution generated is stated in section 3.3 of the Draft EIR. Clearly, we do not foresee any meaningful decrease in emissions from the facility with the modifications proposed.



7-1

We employ on a given day at our facility anywhere from 150-250 persons. We have real concerns over the traces of toxic materials that are contained in the dust emitted as a



7-2

consequence of the nature of HNPC's stockpiling, shredding and shiploading operations. The toxic effects of lead, carbon monoxide, and sulfur dioxide are well documented. Further, the variety of exotic toxic materials such as PCBs, dioxins, and cyanide that are found in minute quantities in automobiles today undoubtedly comprise a small but deadly component of the noxious cloud of dust that constantly drifts over our facility. We feel strongly that the long-term health impact on our workforce will over time become extremely significant.

7-2
(CONT.)

In addition to the health concerns, we also have on our facility many expensive pieces of sophisticated cargo handling equipment. We have experienced chronic metallic dust infiltration in our electrically-powered equipment, especially our container cranes. This matter has been raised with the port on numerous prior occasions, without any meaningful alterations to date in HNPC's operations.

7-3

We are disturbed that there seems to be no acknowledgment by the Port, Hugo Neu-Proler or Foster -Wheeler Environmental of the impact of their operations on their immediate neighbors; indeed, we or Matson Terminals were not even to my knowledge contacted by any of the parties involved in the compilation of the draft EIS. It seems that the document seems more concerned over the impact of the operation on a small group of individuals living aboard yachts in the nearby marinas, than over the welfare of the two large, labor-intensive operations immediately to either side of HNPC.

7-4

We must object in the strongest terms to what we consider to be the overall incompleteness of the draft EIS, and demand that some efforts be made to address our concerns. At a minimum, we would insist that the following stipulations be added to the final version of the Environmental Impact Report:

1) That the perimeter wall of 4-high ocean shipping containers proposed for the eastern and northern boundaries (ref. figure 1.1-4, Draft EIR) be extended to cover as much as possible of the western (Yusen Terminals) boundary as well.

7-5

2) That the spraying activity that is presently only sporadically conducted by HNPC be made mandatory during all cargo stockpiling or reclaiming operations. As a comment, the Yusen Terminals Administration building looks directly over HNPC's yard, and the only spraying activity notable with any degree of regularity is that conducted in the vicinity of the turnings pile, between the crusher and the auto shredder. We see no spraying activity at all in the vicinity of the #1 HMS pile in the southwest corner of the yard, as well as very little spraying anywhere between the Harris shear and the pier line. These areas are all ones of constant metal stockpiling activity, and consequently dynamic sources of dust emissions.

7-6

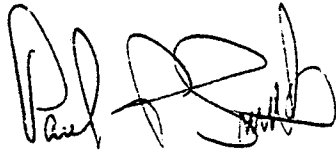
We look to the Hiuka scrap operation at Pier T in the Port of Long Beach as an example of a "good neighbor" type of scrap metals processing operation. They have erected an attractive wall that encompasses the perimeter of their facility (and is much more visually satisfactory than used ocean containers). Hiuka also conducts comprehensive spraying operations which render the airborne dust hazard environmentally insignificant. We would expect that Hugo Neu-Proler could at the least see fit to follow the example set by their competitor, and that the Port would see fit to sponsor a similarly proactive approach in dealing with this issue in the same manner as their sister port to the east.

7-7

7-8

We look forward to your earliest response with respect to our concerns.

Sincerely,
Yusen Terminals, Inc.



Paul F. Smith,
Vice President

CC: H. Meyn, K. Kobayashi

San Pedro & Peninsula Homeowner's Coalition
PO Box 1106
San Pedro, CA 90733

July 7, 1995

Mr. Don Rice
Port of Los Angeles
FAX (310) 547-4643

Dear Mr. Rice:

Ref.: Draft EIR 930-71074, Hugo Proler Lease on Terminal Island

The Coalition represents 25 homeowner's associations in the San Pedro and Peninsula area. Our constituents account for about 35,000 residents.

It has come to our attention that the Hugh-Proler Draft EIR has been released for the proposed 30 year lease renewal. This document has had cursory review by members of our group, and we have determined that we have not been allowed adequate time to review this report.

On behalf of our Coalition and members of the San Pedro community, I am requesting that consideration be given to a 30 day extension of the review process, and perhaps a workshop on this issue. This process must be given adequate time in view of the long-term lease being requested.

Thank you for your consideration. I look forward to a response from you.

Sincerely,



Karla Bittner
President

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802-4444
(310) 590-4945



June 29, 1995

[9]

Dennis Hagner, Environmental Scientist
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-151

HUGO NEU-PROLER LEASE RENEWAL DEIR

Dear Mr. Hagner:

The Department of Toxic Substances Control (DTSC) thanks you for the opportunity of reviewing and commenting on the Draft Environmental Impact Report (DEIR) for the Hugo Neu-Proler Lease Renewal. It should be noted that Section 3.2.2.2.3, page 3.2-14 and Section 3.8.1, page 3.8-1, should be amended to delete any reference to the DTSC. Since the Regional Water Quality Control Board (RWQCB) is to "direct and oversee" the site remediation, they are also able to certify the site with respect to both soil and water. In a Memorandum of Understanding between the DTSC and the RWQMB (when the RWQMB is the Lead agency with respect to the remediation), the RWQMB will provide the certification of the soil as well as the water, not the DTSC. Therefore, these two references to the DTSC should be deleted from the DEIR unless the Los Angeles Harbor Department enters into a Voluntary Clean-up Agreement with the DTSC for oversight of the clean-up

9-1

Thank you again for the opportunity of reviewing and commenting on subject DEIR. If you have any questions, please call Mr. Ken Payne at (310) 590-4935.

Sincerely,

Haissam Y. Salloum, P.E.
Unit Chief
Site Mitigation Operations Branch





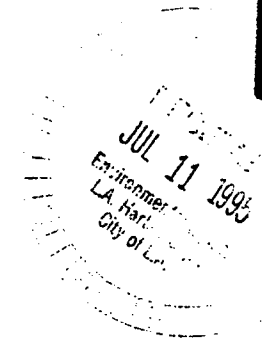
900607-574
Hugo Neu
EIR

HARBOR COMMUNITY DEVELOPMENT CORPORATION

P.O. BOX 1264 • WILMINGTON, CALIFORNIA 90748
TELEPHONE: (310) 549-0052 • FAX: (310) 549-0055

[10]

FILE COPY



BOARD OF DIRECTORS

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RAMON J. MADRIGAL
Executive Director

July 10, 1995

Mr. Don Rice
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes St.
San Pedro, CA 90733

Regarding: Hugo Neu-Proler Lease
Renewal -- Draft EIR

Dear Mr. Rice:

Having just become aware of the existence of the draft environmental impact report on the Hugo-Neu Proler facility, we ask the Harbor Department to allow more time for our organization and other members of the community to study and make comments on the report.

As an organization dedicated to youth and the community, we care about a safe and healthy environment here in Wilmington. Therefore, we want to better understand the facility's operations, any plans for clean up and the operations that Hugo Neu-Proler will be undertaking in the years ahead. We want to know more so we can make responsible comments on the environmental study. This cannot be accomplished by the July 14 deadline.

We also ask that the Department schedule a public hearing on the environmental report so the community can hear about the project first hand and have a chance to make comments at that time.

Thank you.

Sincerely,

Ramon J. Madrigal
Executive Director

10-1

1215 W. Mauretania
Wilmington, CA 90744
July 9, 1995

Don Rice
Los Angeles Harbor Department
PO Box 151
San Pedro, CA 90733-0151

Dear Mr. Rice and the Environmental Management Division,

I hope you will give the Wilmington and San Pedro community more time to examine the environmental impact report on the Hugo Neu-Proler project. Many people living in Wilmington may be interested in letting you know what they feel about the report. However, many are unaware or are on vacation. How about after Labor Day as then most of the kids will be back in school and families will be home?

] 11-1

Hearing a presentation about the Hugo Neu facility and the conclusions in the environmental report would help people in the community learn more about the situation. So how about a public hearing, as well? The community could then hear more and have an opportunity to speak out about the report.

] 11-2

Thank you.

Sincerely,



John Mendez

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

[12]

FILE COPY

July 14, 1995

JUL 12 1995

Enforcement
L.A. Harb
City of L.A.

TO: Donald Rice, Director of Environmental Management

FROM: Fire Department

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT - HUGO NEU-PROLER
COMPANY - LEASE RENEWAL [SCH NO. 93071074]

The project is described as the consideration of a 27-year lease renewal for a 26-acre site of land and water. The site is located at Berths 210 - 211, and is currently being used by Hugo Neu-Proler Company as a scrap metal receiving, processing, and export operation.

The project consists of the continued operations of the Hugo Neu-Proler Company; who receives ferrous and non-ferrous metals, including autos, turnings, household appliances, plate and structural steel, motor blocks, and other items by truck from throughout the Southern California region. The ferrous and non-ferrous metals are received from as far north as Fresno, and as far east as Las Vegas and western Arizona. The project also consists of improvements to existing structures and equipment.

Hugo Neu-Proler operations involves the on-site processing of metals by crushing, shredding, shearing, non-ferrous recovery, cutting, sorting, and storage. After processing, the metals are loaded onto ships via a bulk loading conveyor system for export to the Far East, Pacific Rim, and Latin America.

In addition to the lease renewal and continuation of current operations, Hugo Neu-Proler (pursuant to a Remediation Action Plan) will remediate soil and groundwater contamination at the site. The Remediation Action Plan will be approved by the Regional Water Quality Control Board -- Los Angeles Region, the California Department of Toxic Substances Control Division, and the Los Angeles City Harbor Department.

The following comments are furnished in response to your request for this department to review the proposed development:

A. FIRE-FLOW

The adequacy of fire protection for a given area is based on required fire-flow, response distance from existing fire stations, and this Department's judgment for needs in the area. In general, the required fire-flow is closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard.

The required fire-flow for this project has been set at 12,000 G.P.M. from eight fire hydrants flowing simultaneously.

Improvements to the water system in this area may be required to provide 12,000 G.P.M. fire-flow. The cost of improving the water system may be charged to the developer. For more detailed information regarding water main improvements, the developer shall contact the Water Services Section of the Department of Water and Power.

12-1

B. FIRE HYDRANTS

Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

12-2

C. RESPONSE DISTANCE

Based on a required fire-flow of 12,000 G.P.M., the first-due Engine Company should be within .75 mile the first-due Truck Company within 1.0 mile.

The Fire Department has existing fire stations at the following locations for initial response into the area of the proposed development:

Fire Station No. 40
Single Engine Company
330 Ferry Street
Terminal Island, CA 90731
Staffing - 4
Miles - 1.3

12-3

Fire Station No. 53
Single Engine Company
Paramedic Ambulance
438 North Mesa Street
San Pedro, CA 90731
Staffing - 6
Miles - 2.7

Fire Station No. 49
Single Engine Company
Boats 3 and 4
400 Yacht Street, Berth 194
Wilmington, CA 90744
Staffing - 12
Miles - 4.1

Fire Station No. 111
Fire Boat 1
954 S. Seaside Avenue, Berth 260
Wilmington, CA 90744
Staffing - 3
Miles - 2.5

The above distances were computed to the intersections of New Dock Street and Pennsylvania Street.

Based on this criteria (response distance from existing fire stations), fire protection would be considered inadequate. The response distance into the project area would be even further.

In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems will be required throughout any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.

12-3
(CONT)

D. ENVIRONMENTAL IMPACT

- Level-of-service of "E" or "F" at streets intersections, decreases the Fire Department's ability to provide timely fire suppression and emergency medical services.

12-4

- Soil remediation activities.] 12-5
- The potential blockage of emergency access during the construction of the rail spur, could cause delays in emergency response times.] 12-6
- Hazardous waste management and storage plans.] 12-7

E. MITIGATION

- Contingencies shall be formulated and implemented, prior to completion of the project, to ensure that the level-of-service for street intersections is no worse than "E" or "F".] 12-4
- Soil remediation activities shall be reviewed by the Underground Tanks Unit of the Los Angeles City Fire Department (LAFD). For additional information please call (213) 485-7543.] 12-5
- Prior to blocking streets contact the Operations Control Dispatch Section (OCDS) of the LAFD, and provide them with pertinent information. For additional information, please call (213) 485-6185.] 12-6
- Prior to implementation, all hazardous waste management and storage plans shall be reviewed by the Hazardous Materials Section of the LAFD. For additional information, please call (213) 485-8080.] 12-7

F. FIREFIGHTING PERSONNEL ACCESS

Access for Fire Department apparatus and personnel to and into all structures shall be required.

G. FIREFIGHTING APPARATUS ACCESS

Submit plot plans that show the access road and the turning area for Fire Department approval.

12-8

Construction of public or private roadway in the proposed development shall not exceed 15% in grade.

Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549.

Standard cut-corners will be used on all turns.

During demolition the Fire Department access will remain clear and unobstructed.

The width of private roadways for general access use and fire lanes shall not be less than 20 feet clear to the sky.

Fire lanes, where required, and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

12-8
(CONT.)

CONCLUSION

The Los Angeles Fire Department continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. The development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following:

1. Increased staffing for existing facilities.
2. Additional fire protection facilities.
3. Relocation of present fire protection facilities.

12-9

Donald Rice
July 14, 1995
Page 6

For additional information, please contact the Hydrant Unit, at (213) 485-5964.

WILLIAM R. BAMATTRE
Chief Engineer and General Manager

A handwritten signature in cursive script, appearing to read "Dal L. Howard".

Dal L. Howard, Assistant Fire Marshal
Bureau of Fire Prevention and Public Safety

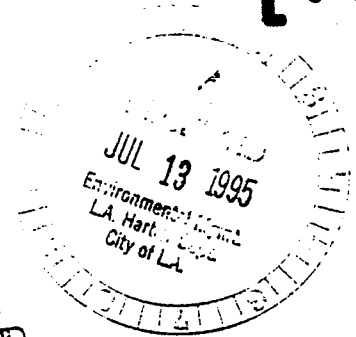
DLH:TW:lq:aihneu-pol.wp

cc: Councilman Rudy Svorinich, Fifteenth Council District
Environmental Affairs Commission

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DH

[13]



DATE: JUL 12 1995
TO: Donald W. Rice
Director of Environmental Management
Harbor Department

FROM: Dr. Ara J. Kasparian, Director *New Drafts, REA for*
Environmental Management Section
Department of Public Works, Bureau of Engineering

SUBJECT: Draft Environmental Impact Report SCH No. 93071074
(Hugo Neu-Proler Company Lease Renewal)

Environmental Management Section staff have reviewed the subject draft Environmental Impact Report, and suggest the following clarifications:

1) Terminal Island Treatment Plant Modification (table 2.2-1, item 18): this project was approved by the City Council on July 20, 1994. Reference: Council File 94-1183. 13-1

2) Construction-phase water quality impacts (page 3.4-9): the General Industrial Activities Storm Water Discharge Permit does not cover construction activities. If the project will result in a land disturbance of five or more acres, a Notice of Intent (NOI) must be filed with the State Water Resources Control Board (SWRCB) under the General Construction Activity Storm Water Permit. Guidance from the SWRCB is attached. 13-2

Staff appreciates the opportunity to provide comments. Please call Doug McPherson at (213) 847-8696 if you need additional information.

AJK:ND:DSM:\EXX11183\HUGONEU.EIR

ATTACHMENT

CC: STORMWATER MANAGEMENT DIVISION, MS 743 (W/O ATTACHMENT)

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING

301 P STREET

P. O. BOX 100

SACRAMENTO, CALIFORNIA 95812-0100

916/657-0941

FAX: 916/657-0932



SEP 8 1992

TO: Interested Parties

GENERAL CONSTRUCTION ACTIVITY STORM WATER PERMIT

Enclosed is a copy of the General Construction Activity Storm Water Permit (Permit), including the Fact Sheet, Notice of Intent (NOI) form, and NOI instructions, which was adopted by the State Water Resources Control Board (State Water Board) on August 20, 1992.

To be covered by this Permit, the owners of land where a construction activity occurs must submit the completed NOI form, with the appropriate fee, to the State Water Board. Permits are required for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of five or more acres. Storm water discharges from a construction activity that results in a land disturbance of less than five acres, but which is part of a larger common plan of development or sale, also require a permit. Permits are required until the construction is complete.

A permit must be obtained by October 1, 1992 for an ongoing construction activity that satisfies these criteria. For a new construction activity that begins after October 1, 1992, a permit must be obtained before construction starts.

The NOI must be sent to the following address:

State Water Resources Control Board
Division of Water Quality
Attention: Storm Water Permit Unit
P. O. Box 1977
Sacramento, CA 95812-1977

The NOI must be accompanied by the appropriate annual fee. The fee will either be \$250.00 or \$500.00 depending on the area of the construction activity. The NOI will not be processed if not accompanied by the fee. Enclosure 1 describes those areas in which the \$250.00 annual fee applies. Dischargers in all other areas of the State must pay the \$500.00 fee.

September 3, 1992

Enclosure 1

AREAS OF THE STATE IN WHICH THE \$250.00 ANNUAL FEE APPLIES

Municipality

Permitted Area

1. Alameda County

The permitted area of the county is the westerly side of the county which drains to San Francisco Bay.

2. Los Angeles County

The permitted area consists of the five hydrologic subbasins which drain into the Pacific Ocean as follows: Santa Monica Bay, Upper Los Angeles River, including Sycamore Channel, Upper San Gabriel River, Lower Los Angeles River, and Lower San Gabriel River, including Santa Clarita Valley. The permit does not cover the cities of Avalon, Lancaster, and Palmdale.

3. Orange County

The permitted area is delineated by the Los Angeles County line on the northwest, the San Bernardino County line on the north and northeast, the Riverside County line on the east, the San Diego County line on the south, and the Pacific Ocean on the southwest.

4. Riverside County

The permitted area is delineated by the San Bernardino County line on the north and northwest, the Orange County line on the west, the San Diego County line on the south, and the Santa Ana/Colorado River Basin Regional Boards' boundary line on the east (mountain crest).

5. Sacramento County

The entire county except for the incorporated City of Isleton.

San Bernardino County

The permitted area is delineated by the Santa Ana-Lahontan Regional Board boundary line on the north and northeast, the Santa Ana-Colorado River Basin Regional Board boundary line on the east, the San Bernardino-Riverside

STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD)
ORDER NO. 92-08-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000002

WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITY

The State Water Board finds that:

1. Federal regulations for controlling pollutants in storm water runoff discharges were issued by the U.S. Environmental Protection Agency (USEPA) on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The regulations require discharges of storm water associated with construction activity including clearing, grading, and excavation activities (except operations that result in disturbance of less than five acres of total land area and which are not part of a larger common plan of development or sale) to obtain a NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution.
2. This general permit shall regulate pollutants in discharges of storm water associated with construction activity (storm water discharges) except from those areas on Indian lands, the Lake Tahoe Hydrologic Unit, and where the storm water discharge is determined ineligible for coverage under this general permit by the California Regional Water Quality Control Boards (Regional Water Boards). Attachment I contains addresses and telephone numbers of each Regional Water Board office.
3. This general permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal Law.
4. To obtain authorization for current and future storm water discharges pursuant to this general permit, the owner of a site where construction activity occurs (discharger) must submit a Notice of Intent (NOI) and appropriate fee to the State Water Board. Dischargers who submit a NOI and appropriate fee are authorized to discharge storm water under the terms and conditions of this general permit.
5. If an individual NPDES permit is issued to a discharger otherwise subject to this general permit, or an alternative general permit is subsequently adopted which covers storm water discharges regulated by this general permit, the applicability of this general permit to such discharges is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent general permit.
6. This action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.

1/ In a recent ruling, the Ninth Circuit Court of Appeal invalidated the exemption granted by USEPA for storm water discharges from soil disturbances less than five acres but remanded to USEPA for fact of action. This general permit may be reopened, as necessary, to accommodate a redefinition of the types of storm water discharges that must be permitted.

C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:

1. All dischargers must file a NOI and appropriate fee for construction activities conducted at each site as required by Attachment 2: Notice of Intent--General Instructions.
2. All dischargers must develop and implement a Storm Water Pollution Prevention Plan in accordance with Section A: Storm Water Pollution Prevention Plan (SWPPP).
3. Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the SWPPP. Wherever feasible, alternatives which not result in discharge of non-storm water shall be implemented, in accordance with Section A.7 SWPPP requirements.
4. All dischargers must develop and implement a monitoring program and reporting plan in accordance with Section B: Monitoring Program and Reporting Requirements.
5. All dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Water Boards to local agencies.
6. All dischargers must comply with the standard provisions and reporting requirements contained in Section C: Standard Provisions.
7. The discharger may revoke (cancel) coverage under this general permit by submitting to the State Water Board certification, in accordance with the signatory requirements of Section C: Standard Provisions, Items 9 and 10, that construction activity has been completed, that all elements of the SWPPP have been completed, that construction and equipment maintenance waste have been disposed of properly, that the site is in compliance with all local storm water management requirements including erosion/sediment control requirements, policies, and guidelines. In addition, a discharger may revoke (cancel) coverage under this general permit when ownership of all or a portion of the project has been transferred. The new owner must comply with the provisions of Section A(2)(c) and 3(3)(b) of this general permit. The revocation should accompany the NOI from the new owner when possible.
8. This general permit will expire on August 20, 1997. Upon reissuance of a NPDES general permit by the State Water Board, dischargers subject to the reissued general permit may be required to file a revised NOI.

D. REGIONAL WATER BOARD AUTHORITIES:

1. Following adoption of this general permit, Regional Water Boards shall:
 - a. Implement the provisions of this general permit. Implementation of this general permit may include, but is not limited to, reviewing SWPPPs, reviewing monitoring reports, conducting compliance inspections, and taking enforcement actions.
 - b. Issue permits as they deem appropriate to individual dischargers, categories of dischargers, or dischargers in a geographic area. Upon issuance of such permits by a Regional Water Board, the affected dischargers shall no longer be regulated by this general permit.
2. Regional Water Boards may provide guidance to dischargers on SWPPP and Monitoring Program implementation.

Section A: STORM WATER POLLUTION PREVENTION PLAN

1. Objectives

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for each construction site covered by this general permit. The SWPPP shall be certified in accordance with the signatory requirements of Standard Provision C.9. The SWPPP shall be developed and amended, when necessary, to meet the following objectives:

- a. To identify pollutant sources that may affect the quality of discharges of storm water associated with construction activity (storm water discharges) from the construction site, and
- b. To identify, construct, and implement storm water pollution prevention measures (control practices) to reduce pollutants in storm water discharges from the construction site both during construction and after construction is completed.

2. Implementation Schedule

- a. For construction activity commencing on and after October 1, 1992, the SWPPP must be developed and implemented concurrent with commencement of construction activities.
- b. For construction activity commencing prior to and continuing beyond October 1, 1992, the SWPPP must be developed and implemented by October 1, 1992.
- c. For ongoing construction activity involving a change of ownership of property covered by this general permit, the new owner must accept and maintain the existing SWPPP.

3. Availability

The SWPPP shall be kept on site during construction activity and made available upon request of a representative of the Regional Water Board and/or local agency.

4. Required Changes

- a. The discharger shall amend the SWPPP whenever there is a change in construction or operations which may affect the discharge of significant quantities of pollutants to surface waters, ground waters, or a municipal separate storm sewer system. The SWPPP should also be amended if it is in violation of any condition of this general permit or has not achieved the general objective of reducing pollutants in storm water discharges.
- b. The Regional Water Board, or local agency with the concurrence of the Regional Water Board, may require the discharger to amend the SWPPP.

5. Source Identification

The SWPPP shall provide a description of potential sources which are likely to add significant quantities of pollutants to storm water discharges or which may result in non-storm water discharges from the construction site. The SWPPP shall include, at a minimum, the following items:

- vi. Methods of on-site storage and disposal of construction materials; and
- vii. The nature of fill material and existing data describing the soil on the construction site.
- d. A list of pollutants (other than sediment) that are likely to be present in storm water discharges in significant quantities. Describe the control practices (if different from Item 6 below) appropriate to reduce these pollutants in the storm water discharges.
- e. An estimate of the size of the construction site (in acres or square feet), an estimate of the runoff coefficient of the construction site before and after construction, and an estimate of the percentage of the area of the construction site that is impervious (e.g., pavement, buildings, etc.) before and after construction.
- f. A copy of the NOI.

6. Erosion and Sediment Control

The SWPPP shall include:

- a. A description of soil stabilization practices. These practices shall be designed to preserve existing vegetation where feasible and to revegetate open areas as soon as feasible after grading or construction. In developing these practices, the discharger shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other soil stabilization practices. At a minimum, the operator must implement these practices on all disturbed areas during the rainy season.
- b. A description or illustration of control practices which, to the extent feasible, will prevent a net increase of sediment load in storm water discharge. In developing control practices, the discharger shall consider a full range of erosion and sediment controls such as detention basins, straw bale dikes, silt fences, earth dikes, brush barriers, velocity dissipation devices, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other controls. At a minimum, sandbag dikes, silt fences, straw bale dikes, or equivalent controls practices are required for all significant sideslope and downslope boundaries of the construction area. The discharger must consider site-specific and seasonal conditions when designing the control practices.
- c. Control practices to reduce the tracking of sediment onto public or private roads. These public and private roads shall be inspected and cleaned as necessary.
- d. Control practices to reduce wind erosion.

7. Non-Storm Water Management

The SWPPP shall include provisions which eliminate or reduce to the extent feasible the discharge of materials other than storm water to the storm sewer system and/or receiving waters. Such provisions shall include, to the extent feasible, the collection and discharge in quantities which will have an adverse effect on receiving waters. Materials other than storm water that are discharged shall be listed along with the estimated quantity of the discharged material.

Section 3: MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. General

Dischargers are required to conduct inspections before and after storm events and to annually certify that they are in compliance with the general permit and their SWPPP. Other than reporting incidents of noncompliance, dischargers are not required to submit reports or certifications.

2. Required Changes

The Regional Water Board may require the discharger to conduct additional site inspections, submit reports and certifications, or to perform sampling and analysis.

3. Implementation

a. The requirements of this Section shall be implemented by October 1, 1992 or commencement of the construction activity. The discharger is responsible for implementing these requirements until construction activity is complete.

b. For ongoing construction activity involving a change in ownership of property covered by this general permit, the new owner must implement the requirements of this Section concurrent with the change of ownership.

4. Site Inspections

Dischargers shall conduct inspections of the construction site prior to anticipated storm events and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity and to evaluate whether control practices to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the general permit or whether additional control practices are needed. A record of the inspections must include the date of the inspection, the individual(s) who performed the inspection, and the observations.

5. Compliance Certification

Each discharger must annually certify that its construction activity is in compliance with the requirements of this general permit and its SWPPP. This certification should be based upon the site inspections required in Paragraph 4 of this Section. The first certification must be completed by July 1, 1993, and each July 1 thereafter.

6. Noncompliance Reporting

Dischargers who cannot certify compliance, in accordance with Paragraph 5 of this Section and/or who have had other instances of noncompliance, must notify the appropriate Regional Water Board. The notifications shall identify the type(s) of noncompliance, describe the actions necessary to achieve compliance, and include a time schedule, subject to the modifications by the Regional Water Board, indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30 days of identification of noncompliance.

7. Monitoring Records

Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years. With the exception of noncompliance reporting, dischargers are not required to submit these records.

7. Duty to Provide Information

The discharger shall furnish the Regional Water Board, State Water Board, or USEPA, within a reasonable time, any requested information to determine compliance with this general permit. The discharger shall also furnish, upon request, copies of records required to be kept by this general permit.

8. Inspection and Entry

The discharger shall allow the Regional Water Board, State Water Board, USEPA, and/or, in the case of construction sites which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this general permit;
- b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this general permit;
- c. Inspect at reasonable times the construction site and the related erosion/sediment controls; and
- d. Sample or monitor at reasonable times for the purpose of ensuring general permit compliance.

9. Signatory Requirements

- a. All Notices of Intent submitted to the State Water Board shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
3. For a municipality, State, Federal, or other public agency: by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).

- b. All storm water pollution prevention plans, reports, certifications, or other information required by the general permit and/or requested by the Regional Water Board, State Water Board, USEPA, or the local storm water management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative if:

1. The authorization is made in writing by a person described above and retained as part of the SWPPP;

15. Reopener Clause

This general permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 CFR 122.62, 122.63, 122.64, and 124.5.

16. Penalties for Violations of Permit Conditions

- a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this general permit is subject to a civil penalty not to exceed \$25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the CWA.

17. Availability

A copy of this general permit shall be maintained at the construction site during construction activity and be available to operating personnel.

18. Transfers

This general permit is not transferable. A new owner of an ongoing construction activity must submit a NOI in accordance with the requirements of this general permit to be authorized to discharge under this general permit. An owner who sells property covered by this general permit shall inform the new owner of the duty to file a NOI and shall provide the new owner with a copy of this general permit.

19. Continuation of Expired Permit

This general permit continues in force and effect until a new general permit is issued or the State Water Board rescinds this general permit. Only those dischargers authorized to discharge under the expiring general permit are covered by the continued general permit.

NOTICE OF INTENT (NOI) TO COMPLY WITH THE TERMS
OF THE GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

GENERAL INSTRUCTIONS

Who Must Submit

Discharges of storm water associated with construction activity (storm water discharges) that results in the disturbance of five acres or more of total land area or which is part of a larger common area of development or sale must be permitted. Construction activity includes clearing, grading, excavation, and reconstruction of existing facilities involving removal and replacement. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

The owner of the land where the construction activity is occurring is responsible for obtaining a permit. Owners may obtain coverage under the General Storm Water Permit to Discharge Storm Water Associated with Construction Activity (General Permit) by filing a NOI in accordance with the following instructions. Coverage for construction activity conducted on easements (e.g., pipeline construction), or on nearby properties by agreement or permission, shall be obtained by the entity responsible for the construction activity.

Construction Activities Not Covered by This General Permit

Storm water discharges in the Lake Tahoe Hydrologic Unit will be regulated by a separate permit(s) adopted by the California Regional Water Quality Control Board, Lahontan Region, and may not seek coverage under the State Water Board's general permit. Storm water discharges on Indian lands will be regulated by the U.S. Environmental Protection Agency.

Where to Apply

The NOI should be mailed to the State Water Resources Control Board at the following address:

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977

When to Apply

Owners of ongoing construction must file a NOI, along with the appropriate annual fee, by September 30, 1992. Owners of new construction (those beginning construction after September 30, 1992) must file a NOI prior to the commencement of construction. For ongoing construction activity involving a change of ownership, the new owner must submit a new NOI within 30 days of the date of change of ownership. Preferably, the NOI should be sent with the revocation prepared by the previous owner.

Fees

The current annual fee is \$250.00 for each construction site which discharges into a municipal separate storm sewer system regulated by an areawide urban storm water permit and \$500.00 for all other construction sites.

SECTION III--BILLING ADDRESS

To continue coverage under the general permit, the annual fee must be paid. Use this section to indicate whether the annual fee invoices should be sent to the owner, developer, or other party (include address).

SECTION IV--RECEIVING WATER INFORMATION

In Part A of this section, the owner is required to indicate whether the construction site's storm water runoff discharges to a separate storm sewer system, directly to waters of the United States, or indirectly to waters of the United States.

Discharges to separate storm sewer systems are those that discharge to a collection system operated by municipalities, flood control districts, utilities, or similar entities. Storm water discharges directly to waters of the United States will typically have an outfall structure directly from the facility to a river, creek, ocean, etc. Indirect discharges are those that may flow over adjacent properties or rights-of-way prior to discharging to waters of the United States.

Regardless of point of discharge, the owner must determine the closest receiving water for the construction site's storm water discharge. If discharge is to a separate storm sewer system, the owner of that system should know the receiving water. The name of the receiving water of a direct discharge should be easily available while the receiving water of an indirect discharge may require some effort to identify.

SECTION V--TYPE OF CONSTRUCTION

Indicate the type of construction taking place. Transportation should be checked for the construction of roads. Utility should be checked for installation of sewer, electric, and telephone systems.

SECTION VI--MATERIAL HANDLING/MANAGEMENT PRACTICES

Part A of this section requires identification of the type(s) of materials stored and handled outdoors. If materials other than those listed are maintained on site, please check "other" and describe the type of material.

Part B of this section requests information on proposed management practices to reduce pollutants in storm water discharges. Check the appropriate categories or list other control measures you will use at your construction site.

SECTION VII--SITE INFORMATION

List the size, in acres, of the facility and the percentage of the site that is impervious before construction and after construction is completed.

SECTION VIII--REGULATORY STATUS

Indicate whether the construction site's erosion/sediment control plan must be reviewed and approved by a local agency. If yes, identify the name of the local agency.

State of California
State Water Resources Control Board
NOTICE OF INTENT
TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ Order No. 92-08-DWQ)



MARK ONLY ONE ITEM	1. <input type="checkbox"/> Ongoing Construction 2. <input type="checkbox"/> New Construction	3. <input type="checkbox"/> Change of Information WOID # _____
-----------------------	--	---

I. OWNER

Name		Contact Person	
Local Mailing Address		Title	
City	State Zip	Phone	

II. CONSTRUCTION SITE INFORMATION

A. Developer		Contact Person	
Local Mailing Address		Title	
City	State Zip	Phone	
B. Site Address		County	
City	State Zip C, A	Phone	
C. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, name of plan or development	
D. Construction commencement date		E. Projected construction completion date	

III. BILLING ADDRESS

Send to: <input type="checkbox"/> OWNER <input type="checkbox"/> DEVELOPER <input type="checkbox"/> OTHER (Enter information at right)	Name		
	Mailing Address		
	City	State	Zip

IV. RECEIVING WATER INFORMATION

A. Does your construction site's storm water discharge to: (Check one)	
1. <input type="checkbox"/> Storm drain system - Enter system owners name _____	
2. <input type="checkbox"/> Directly to waters of U.S. (e.g., river, lake, creek, ocean)	
3. <input type="checkbox"/> Indirectly to waters of U.S.	
B. Name of closest receiving water _____	

STATE USE ONLY

WDID: _____	Regional Board Office: _____	Date Permit Issued: _____
RPDES Permit Number: _____	Order Number: _____	Fee Amount Received: \$ _____
CA _____	_____	Date NOI Received: _____

V. TYPE OF CONSTRUCTION (Check all that apply)

- Residential
 Commercial
 Industrial
 Reconstruction
 Transportation
 Utility
 99. Other (Please list) _____

VI. MATERIAL HANDLING/MANAGEMENT PRACTICES

A. Types of materials that will be handled and/or stored at the site: (Check all that apply)

- Solvents
 Metal
 Petroleum Products
 Plated Products
 Asphalt/Concrete
 Hazardous Substances
 Paints
 Wood Treated Products
 99. Other (Please list) _____

B. Identify proposed management practices to reduce pollutants in storm water discharges: (Check all that apply)

- Oil/Water Separator
 Erosion Controls
 Sedimentation Controls
 Overhead Coverage
 Detention/Desiltation Pond
 99. Other (Please list) _____

VII. SITE INFORMATION

A. Total size of construction site:

_____ Acres

B. Percent of site impervious: (Including rooftops)

Before construction _____ %

After construction _____ %

VIII. REGULATORY STATUS

Is the site subject to a locally approved erosion/sediment control plan? Yes No

If yes, name of local agency _____

IX. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with.

Printed Name: _____

Signature: _____

Date: _____

Title: _____

DEFINITIONS

1. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from raw material storage.
2. "Clean Water Act" ("CWA") means the Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC. 1251 et seq.
3. "Construction Site" is the location of the construction activity.
4. "Non-Storm Water Discharge" means any discharge to storm sewer systems that is not composed entirely of storm water except discharges pursuant to a NPDES Permit and discharges resulting from fire fighting activities.
5. "Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.
6. "Significant Quantities" is the volume, concentrations, or mass of a pollutant in storm water discharge that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and cause or contribute to a violation of any applicable water quality standards for the receiving water.
7. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage. It excludes infiltration and runoff from agricultural land.
8. "Pollution" means "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water". [Clean Water Act Section 502(19)]. Pollution also means "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either...the waters for beneficial uses...or facilities which serve these beneficial uses." [California Water Code Section 13050(l)]
9. "Contamination" means "an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease ... including any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected." [California Water Code Section 13050(k)]
10. "Nuisance" means "anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during or as a result of the treatment or disposal of wastes." [California Water Code Section 13050(m)]
11. "Local Agency" means any agency that is involved with providing review, approval, or oversight of the construction sites' (a) construction activity, (b) erosion and sediment controls, or (c) storm water discharge.

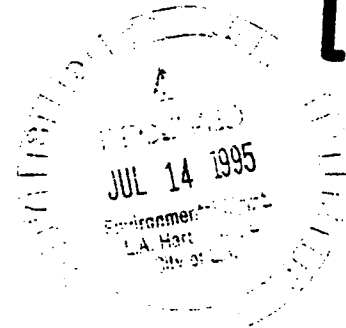
FILE COPY



DH/DWL/RGA
③ ② ① FYI.

900607-599
Hugo Neu-Proler
EIR

[14]



July 13, 1995

Re: Hugo Neu Proler EIR Lease Renewal

Don Rice
 Environmental Management Division
 Los Angeles Harbor Department
 425 S. Palos Verdes Street
 P.O. Box 151
 San Pedro, CA 90733-0151

Mr. Rice,

Wilmington North Neighborhood Association (WNNA) recommends a scheduling of bi-annual meetings of surrounding Home-Owner Groups, Boat Owners and interested parties for questions, answers, complaints, as a requirement of the granting of the EIR and 30 YR lease renewal of Hugo Neu Proler facility at Berths 210-211, on Terminal Island in the Port of Los Angeles.

14-1

Sincerely,

Gertrude Schwab, President
 310/834-2230
 FAX 310/835-1839

[15]

MOTHERS OF EAST LOS ANGELES-SANTA ISABEL
 720 Mott Avenue
 Los Angeles, California 90023
 (213) 263-8191

July 14, 1995

Mr. Don Rice
 Los Angeles Harbor Department
 Environmental Division
 VIA FAX - 1 page
 (310) 547-4643

Dear Mr. Rice:

Mothers of East Los Angeles-Santa Isabel is a community/grassroot organization that represents the environmental pollution concerns of minority residents in the Southern California region. This letter addresses the support to South Bay residents in relation to the Draft Environmental Impact Report (SEIR No. 93071074) for expansion of the Hugo Neu-Proler metal processing and recycling plant in the Inner Harbor at the Port of Los Angeles.

Given the large number of people opposing the project, we are dissapointed that your agency did not inform the general public about the deadline (July 14th) of public comments in a proper manner. In addition, the DEIR does not address the "environmental justice" concerns of minority populations living in communities such as San Pedro and Long Beach. On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898)". Generally speaking, there are growing concerns across the country that minority communities continue to be exploited environmentally.

15-1

15-2

We are hereby requesting that this letter be placed in the Final EIR and the public comments period for the subject DEIR be extended until August 31, 1995. This would allow the time needed by our organization to review, evaluate, and comment on the document. We thank you in advance for your consideration of our request.

15-3

If you have any questions, please call me at (213) 663-4551.

Very truly yours,
 MOTHERS OF EAST LOS ANGELES-SANTA ISABEL

Ruben A. McDavid

Ruben A. McDavid, REA

cc: Roger Gorke, Heal the Bay



National Headquarters
Berth 195
P.O. Box 1057
Wilmington, California 90748
Telephone (310) 835-6000

DISTRIBUTION and AUTO SERVICE, INC.

[16]

July 13, 1995

MHR-95-056

Mr. Donald W. Rice
Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

JUL 17 1995
LA 90733-0151

re: Hugo Neu-Proler Lease Renewal
Draft Environmental Impact Report

Dear Mr. Rice:

Distribution and Auto Service (DAS) reviewed the Draft Environmental Impact Report (DEIR) for the proposed lease renewal and facility upgrade of the Hugo Neu-Proler Company (HNPC) Port of Los Angeles Facility. DAS operates a new vehicle processing facility across the basin from the HNPC facility.

Based on the DEIR, DAS has two major areas of concern: the mitigation of noise from the HNPC facility and the impact of particulate matter less than 10 microns (PM10) on DAS's operations. Based on these concerns, DAS would like to see the following items addressed in a Revised Draft Environmental Impact Report:

- ♦ Inclusion of noise as a Significant Adverse Impact of the proposed HNPC expansion.
- ♦ A more complete discussion of the loud impulse noise generated as a part of HNPC ship loading operations.
- ♦ Additional noise mitigation measures to protect DAS employees.
- ♦ Inclusion of PM10 emissions as a Significant Adverse Impact of the HNPC proposed expansion, based on potential violation of SCAQMD rules and state ambient standards.
- ♦ Additional PM10 mitigation measures.

16-1

The following discussion presents these issues in detail:

1.0 Background

DAS is located on an 85 acre parcel covering Berths 195 through 199 in the Port of Los Angeles. The DAS facility is directly across the East Basin from the HNPC facility. DAS receives vehicles that are produced in the United States and abroad and prepares them for delivery to dealers. The DAS facility can store up to 13,000 automobiles. An average of 12,000 automobiles are processed each month at DAS. Vehicles are stored an average of one (1) month at DAS before they are shipped to dealers.

2.0 Noise

DAS has received complaints from its employees about the noise generated by ship loading operations at the HNPC facility. DAS would like to reduce the current level of noise from this operation, and is concerned about any increases in noise level.

The DEIR states that a noise study performed by HNPC revealed that current noise levels around the HNPC site are in excess of the applicable City Ordinance for noise in heavy industrial area (70 decibels - average, or 65 decibels - impulsive noises (e.g., the loading of ships). One of the receptors in this study was placed near the DAS facility (the Fire Boat Station - Receptor 3). This receptor (and others) recorded noise levels above the City Ordinance.

16-2

To mitigate this problem, the DEIR proposes two measures:

1. Building a container wall 32 feet high around portions of the facility (Page 3.7-8).
2. Redesigning how the material is loaded into ships. (Page 3.7-9).

— 16-3

— 16-5

2.1 Container Wall Proposal

According to the DEIR, the container walls will "be adjacent to the ramp and another nearer the dock crane" (Pages 3.7-8 & 9). Although there is no figure in the DEIR that shows this, it is DAS's assumption that the rectangular boxes shown in Figure ES-3 represent the proposed container wall. The DEIR estimates that the container wall will reduce noise around the facility by 16 decibels.

DAS has two concerns:

1. Due to the orientation of our facilities, there will be no sound barrier between the HNPC facility and the DAS facility.
2. The majority of the noise occurs during ship loading. Since there will be no sound barrier between the ship that is being loaded and the DAS facility, this option provides no reduction in

16-3

other points to mitigate the emission of PM10. DAS appreciates these efforts and would like to encourage their continued use and the implementation of additional PM10 control measures whenever possible.

16-7
(CONT)

3.1 Typographical Errors

DAS has noted the emission numbers in Section 3.3 do not match one another. It appears that the following typographical errors were made in the DEIR:

1. Table 3.3-4 "Summary of Existing HNPC Fugitive Emissions" lists Heavy Duty Equipment Exhaust at 94 lbs/day. It is our impression that this number should be removed from Table 3.3-4 and entered into Table 3.3-6 "Summary of Existing HNPC Mobile Source Emissions" under the category "On-site Mobile Equipment" (not the 190 lb/day that is currently listed). Note: Table 3.3-10 "Estimated Fugitive Emissions Based on Proposed Increase in Scrap Handling Capacity" does NOT list "On-site Mobile Equipment."
2. If this change is made, Table 3.3-4 will total 105.5 lb/day of current fugitive emissions.
3. Table 3.3-6 will then total 239 lb/day ($94 + 129 + 13 + 2 + 1$) as shown in the total. The numbers that are currently listed ($190 + 129 + 13 + 2 + 1$) add up to 335 lb/day.
4. If these two changes are carried into Table 3.3-7, the total will then be 347 lb/day ($105.5 + 2.8 + 239$), not the 442 lb/day listed. Please note, 347 lb/day is the same total PM10 emissions listed in Table 3.3-13 "Summary of Estimated Operation Emissions for Proposed Increase in Scrap Handling Capacity."

16-8

3.2 PM10 Significance Criteria

Section 3.3.2.1 of the DEIR (Significance Criteria) states that air quality impacts are considered significant if project emissions:

- ♦ Increase ambient pollutant levels from below the NAAQS and CAAQS to above the standards, or substantially contribute to an existing or projected air quality violation.
- ♦ Exceed SCAQMD daily CEQA significance thresholds.
- ♦ Create a CO hotspot which exceeds the State 1-hour or 1-hour standard for CO. If the state CO standard is already exceeded, a substantial increase in CO would be considered significant.
- ♦ Project could create objectionable odors at nearby sensitive receptors, residential or sensitive commercial receptors.

16-9

the level of sound that is currently being generated (as monitored by the Fire Boat Station receptor).

16-3
(CONT)

2.2 Material Loading Proposal

Appendix D contains the "Noise Special Effect Study" performed for the DEIR. Appendices B, C, and D of the Study graphically show the data collected during this study when ship loading operations were occurring. In all three (3) of the appendices of the study, there is a graph showing the peak hourly levels of noise recorded. The time periods covered by these graphs include: October 31-November 3, 1993; November 3-6, 1993; and November 11-13. Many of the peak hourly sound levels shown in these graphs for Site 3 - Fire Boat Station are above 90 decibels and there are a few occurrences that exceed 100 decibels with one occurrence approaching 120 decibels. Although these levels are briefly mentioned on Page 3.7-5 of the DEIR, DAS believes they should be more thoroughly discussed and additional mitigation measures implemented.

16-4

The DEIR states that HNPC is proposing to reduce noise from the deflector plate during ship loading by applying a damping material to the backside of the deflector plate (Page 3.7-9). The DEIR estimates that this will reduce noise during loading by approximately 6 to 8 decibels. This is a welcome mitigation measure; however, in the absence of other mitigation measures, it does not appear that this will reduce the noise level to levels less than applicable City Standards. If the current peak levels are frequently over 90 decibels and occasionally over 100 decibels, a reduction of 6 to 8 decibels will not reduce the noise level to the 65 decibel level for impulsive noises required by the City Ordinance. The DEIR must address conformance with the City Ordinance.

16-5

2.3 Noise as Significant Adverse Impacts

Section 3.7.2.1 of the DEIR lists the significance criteria for noise and Section 3.7.4 states that the proposed project will not exceed significance levels for this project. Because many of the peak noises are above 90 decibels (approximately 40% over the allowable limit of 65 decibels), the noise impacts should be included as a significant adverse impact of the project and mitigated to the maximum extent feasible.

16-6

3.0 PM10

DAS has experienced problems in the past with dust from the HNPC facility landing on and damaging the paint of vehicles while at the DAS facility. DAS spends considerable time and resources protecting the new vehicles from air pollutants. Because the vehicles are shipped to the showroom from DAS, the finish quality of the vehicles is of utmost concern to DAS's clients. Any increase in dust emissions that could affect air quality at the DAS site is a major concern.

DAS is aware (and the DEIR states) that HNPC currently uses covered conveyors on the auto shredder, curtains and spill plate on the bulk loader, and water-spray at various points on conveyor line and at

16-7

DAS agrees that the above are indeed significance criteria. However, DAS also feels that there are other significance criteria that are not utilized by the DEIR. These include:

- ♦ Projects where air quality modeling indicates a detectable change in ambient concentration equal to or exceeding limits set forth in SCAQMD Rule 1303. Attached is a fax received from the SCAQMD July 12, 1995 that discusses their current significance thresholds that supports this conclusion.
- ♦ Projects with the potential to be in violation of applicable SCAQMD rules.
- ♦ Projects that exacerbate existing air quality conditions where air quality standards are already exceeded.

16-9
(CONT)

DAS does not feel that the last three (3) significance criteria are studied appropriately by the DEIR and that the PM10 emissions from the proposed HNPC project will be significant based on these criteria. The following sections discuss these issues.

3.2.1 Increase in Ambient Concentration

SCAQMD Rule 1301 defines a significant change in PM10 concentrations in the surrounding community as either of the following:

1. An increase of more than 2.5 ug/m³ over a 24-hour averaging period, or
2. An increase of more than 1.0 ug/m³ over an annual average.

Modeling in the DEIR (Appendix B "Air Quality Special Study," Table 2-4) predicts the following maximum increases in PM10 concentration:

1. 86.8 ug/m³ over a 24-hour period, and
2. 83.5 ug/m³ on an annual average.

16-10

These increases are much greater than the thresholds of significant change listed in SCAQMD Rule 1303. The 86.8 ug/m³ increase over a 24-hour period alone is greater than the State Standard of 50 ug/m³ for 24 hours. Similarly, the 83.5 ug/m³ increase in annual average is more than the State Standard annual average of 30 ug/m³. DAS believes that increases in emissions that are greater than significant change emissions defined by the SCAQMD and by themselves greater than the State Standard, are significant. DAS believes that the increased PM10 emissions should be included in the list of significant adverse impacts in the DEIR and mitigated accordingly.

3.2.2 SCAQMD Rule 402

SCAQMD Rule 402-Nuisance prohibits "...damage to business or property" from air pollution sources. The analysis of the dust collected by the Hi-vol samplers presented in Section 4.0 "Summary of Sampling Results" in Appendix B "Air Quality Study Special Report" shows that the following metals are present in the dust collected: cadmium, chromium, copper, iron, lead, mercury, nickel, and zinc.

Metallic dust is very damaging to the finish on our clients' vehicles and can result in considerable cost to DAS to repair this damage. Vehicles are stored at DAS an average of one month; however, they may be on-site longer. Because of this, the vehicles can be exposed to significant dust and this is a concern of DAS.

In addition, the HNPC's lease renewal is for 30 years, and DAS would like to resolve the issues surrounding PM10 issues at this time so that DAS and HNPC can maintain a positive relationship in the future.

16-11

3.2.3 SCAQMD Rule 403

SCAQMD Rule 403-Fugitive Dust prohibits an increase of PM10 in-excess of 50 ug/m³ as measured from upwind of the facility to downwind of the facility. The modeling in the DEIR suggests that the increase in hourly maximum of PM10 concentrations from this project will be 188 ug/m³. This is in excess of the 50 ug/m³ allowed by SCAQMD Rule 403. This issue should be addressed in the DEIR.

16-12

3.2.4 PM10 as Significant Adverse Impact

DAS believes that based on the additional significance criteria discussed in Section 3.2 and the information presented in Sections 3.2.1, 3.2.2, and 3.2.3, the increased PM10 emissions from the proposed HNPC should be considered significant adverse impacts and mitigated to maximum extent possible. This conclusion is based on the following reasons:

1. The changes in emissions will exceed the SCAQMD levels of significant change (SCAQMD Rule 1303).
2. The proposed project will violate SCAQMD rules (Rule 402 and 403).
3. The proposed emissions will exacerbate existing air quality conditions where air quality standards are already exceeded.

16-13

4.0 Conclusion

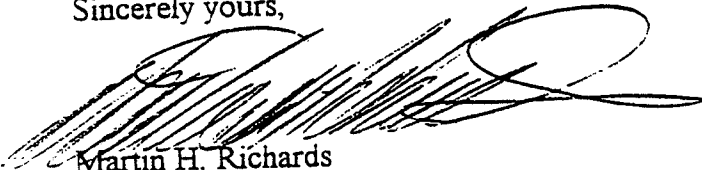
DAS processes a large number of new automobiles and other equipment for its clients and invests considerable resources in protecting vehicles from the effect of airborne pollutants, such as PM10. Any increase in PM10 is a significant concern to DAS. Additionally, DAS is concerned about the welfare of its employees from the effects of industrial noise in the workplace. DAS does not believe that the DEIR addresses these two (2) matters adequately. DAS believes that the concerns outlined in the letter are important and should be included in a Revised Draft Environmental Impact Report. DAS also believes that a Final Environmental Impact Report should not be certified until the concerns of this letter are properly addressed.

DAS respectfully requests that you respond to the concerns outlined in this letter in writing. DAS also requests they be included in all public information and meeting notices pertaining o this topic.

If you have questions or wish to discuss this matter further, please contact Mr. Claudio Molina or Mr. Bob Mancinelli at DAS (310) 835-6000.

We look forward to receiving your response to our concerns and wish you the best of luck in your proposed expansion.

Sincerely yours,



Martin H. Richards
Executive Vice President

MHR/ab

Attachment

cc: Commissioner Frank Sanchez
The Honorable Rudy Svorinich, Jr.

SCAQMD CEQA SIGNIFICANCE THRESHOLDS

Projects where construction emissions exceed the following significance thresholds are considered to be significant: VOC, 75 pounds per day (2.5 tons per quarter); NO_x, 100 pounds per day (2.5 tons per quarter); CO 550 pounds per day (24.7 tons per quarter); PM10, 150 pounds per day (6.75 tons per quarter); and SO_x, 150 pounds per day (6.75 tons per quarter).

South Coast Air Basin projects where operation emissions exceed the following significance thresholds are considered to be significant: VOC, 55 pounds per day and NO_x, 55 pounds per day. Projects located in the SEDAB where operation emissions exceed the following significance thresholds are considered to be significant: VOC, 75 pounds per day and NO_x, 100 pounds per day. Operation emissions for projects in both the Basin and SEDAB where operational emissions exceed the following significance thresholds are considered to be significant: CO, 550 pounds per day; PM10, 150 pounds per day; SO_x, 150 pounds per day.

If a project is subject to Regulation XIII - New Source Review, air quality modeling may be required. If air quality modeling indicates a detectable change in ambient concentration equal to or exceeding the value in Table 1, the project would be considered to have significant air quality impacts.

TABLE 1
Detectable Change in Concentration Significance Thresholds

Parameter	Detectable Change in Concentration Threshold
NO _x 1-hr Annual	1.0 pphm 0.05 pphm
CO 1-hour 8-hour	1.0 ppm 0.45 ppm
PM10 24-hour Annual	2.5 ug/m ³ 2.0 ug/m ³
SO _x 24-hour	1 ug/m ³

A project is considered to be significant for air quality if it exceeds any of the following thresholds:

1. It contributes to an exceedance (violation) of any state or national ambient air quality standard;
2. It generates vehicle emissions that create a CO hotspot;
3. Hazardous materials are located on the site that, in the event of an accidental release, have the potential to emit toxic/hazardous air contaminants that could threaten public health and safety;
4. Sensitive receptors (e.g., the old, the ill, and /or the young) are located within 0.25 mile from the project and the project emits any toxic/hazardous air contaminant listed in Rule 1402 - Control of Toxic Air Contaminants from Existing Sources, and /or creates a CO hotspot within the quarter-mile area;
5. The project emits toxic air contaminants listed in Rule 1402 that exceed a maximum individual cancer risk of 10 in one (10×10^6);
6. The project creates 0.5 or greater excess cancer cases in a population subject to a risk of greater than one in one million (1×10^6);
7. The project includes an individual permit unit for which a health risk assessment shows a hazard index greater than or equal to 1.0; and
8. The facility at which the project will be located shows a hazard index greater than 5.0.

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814



[17]

July 11, 1995

JUL 17 1995
RECEIVED
PLANNING & RESEARCH

DENNIS HAGNER
LOS ANGELES CITY HARBOR DEPARTMENT
425 SOUTH PALOS VERDES STREET
SAN PEDRO, CA 90731

Subject: HUGO NEU-PROLER LEASE RENEWAL SCH #: 93071074

Dear DENNIS HAGNER:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

"a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

Commenting agencies are also required by this section to support their comments with specific documentation.

These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact Mark Goss at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Michael Chiriatti, Jr.
Chief, State Clearinghouse

Enclosures

cc: Resources Agency

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, 120 SO. SPRING ST.
LOS ANGELES, CA 90012-3606
TDD (213) 897-6610



June 21, 1995

IGR/CEQA 5055
DEIR
30 year Term
Lease Renewal
SCH #93071074
Vic: LA-47-3.58

Dennis Hagner
Los Angeles City Harbor Department
425 S Palos Verdes St.
San Pedro, California 90733

Dear Dennis Hagner,

We have reviewed the above-referenced Document for the renewal of your thirty year lease and the remediation of the contaminated soil and groundwater.

Based on the information received we would like to make the following comments: Any transport of hazardous wastes or heavy construction equipment which require the use of oversize transport vehicles on State Freeways/Highways will require a Caltrans transportation permit. We recommend that large size trucks that are transporting construction materials, equipment, and exporting contaminated soil be limited to off-peak commute periods.

If you have any questions regarding this response, please call me at (213) 897-1338.

Sincerely

Original Signed By
Wilford Melton
Senior Transportation Planner
IGR/CEQA Coordinator
Office of Advance Planning

cc: State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

JUN 22

Notice of Completion

Appendix F

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916445-0613

See NOTE below
SCH # 93071074

Project Title: Hugo Neu-Proler Lease Renewal
Lead Agency: Los Angeles City Harbor Department
Street Address: 425 S Palos Verdes St.
City: San Pedro Zip: 90733
Contact Person: Dennis Hagner
Phone: (310)732-3675
County: Los Angeles

Project Location
County: Los Angeles City/Nearest Community: Terminal Island
Cross Streets: New Dock St./Henry Ford Ave.
Assessor's Parcel No.
Section: Twp. Range: Base:
Within 2 Miles: State Hwy #: 47 & 110 Waterways: Cerritos Channel/East Basin L.A. Harbor
Airports: NA Railways: Harbor BeltLine Schools: Wilmington Park; Hawaiian Ave., St Peter & PAUL

Document Type

CEQA: [] NOP [] Supplement/Subsequent [] Early Cons [] EIR (Prior SCH No.) [] Neg Doc [] Draft EIR [] Other
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other

Local Action Type

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc) [] Other Lease

Development Type

[] Residential: Units Acres
[] Office Sqft Acres Employees
[] Commercial Sqft Acres Employees
[] Industrial Sqft Acres Employees
[] Educational
[] Recreational
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type Watts
[] Waste Treatment: Type
[] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document

[x] Aesthetic/Visual [x] Flood Plain/Flooding [] Schools/Universities [x] Water Quality
[x] Agricultural Land [] Forest Land/Fire Hazard [] Sewer Systems [x] Water Supply/Groundwater
[x] Air Quality [] Recreation/Scenic [] Sewer Capacity [] Wetland/Riparian
[x] Archeological Resources [] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife
[x] Coastal Zone [] Noise [x] Solid Waste [] Growth Inducing
[x] Drainage/Absorption [] Population/Housing Balance [x] Toxic/Hazardous [] Landuse
[x] Economic/Job [] Public Services/Facilities [x] Traffic/Circulation [] Cumulative Effects
[x] Fish [x] Recreation/Parks [] Vegetation [] Other

Present Land Use/Zoning/General Plan Use

Project Description

HNPC's primary objective is the renewal of its lease for a 30 year term. In addition to the renewal of the lease and continuation of current operations, HNPC will be remediating the soil and groundwater contamination at the site, upgrading or replacing current facilities and equipment. HNPC proposes to add new facilities and equipment to the operation. HNPC will remediate soil and groundwater contamination pursuant to a Remedial Action Plan which is being approved by the Regional Water Quality Control Board-Los Angeles Region, the California Department of Toxic Substances Control Division, and the Los Angeles City Harbor Dept.

CLEARINGHOUSE CONTACT: Mark Goss (916) 445-0613

STATE REVIEW BEGAN: 8-26-75
DEPT REV TO AGENCY: 9-3-75
AGENCY REV TO SCH: 7-7-75
SCH COMPLIANCE: 9-1-75

- CMT SNT
Resources
Boating
Coastal Comm
Coastal Consv
Colorado Rvr Bd
Conservation
Fish & Game 5
Forestry
Parks & Rec/OHP
Reclamation
BCDC
DWR

- CMT SNT
State/Consumer Svcs
General Services
OLA (Schools)
Cal/EPA
ARB
CA Waste Mgmt Bd
SWRCB:--Grants
SWRCB:--Delta
SWRCB:--Wtr Quality
SWRCB:--Wtr Rights
Reg. WQCB # 4
DTSC/CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Energy Comm
NAHC
PUC
Santa Mn Mtns
State Lands Comm
Tance Rgl Plan

PLEASE NOTE SCH NUMBER ON ALL COMMENTS
PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 35 Resources: 3, 3

- Bus Transp Hous
Aeronautics
CHP
Caltrans # 7
Trans Planning
Housing & Devel
Health & Welfare
Drinking Wtr
Medical Waste

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, 120 SO. SPRING ST.
LOS ANGELES, CA 90012-3606
TDD (213) 897-6610



June 21, 1995

IGR/CEQA 5055
DEIR
30 year Term
Lease Renewal
SCH #93071074
Vic: LA-47-3.58

Dennis Hagner
Los Angeles City Harbor Department
425 S Palos Verdes St.
San Pedro, California 90733

Dear Dennis Hagner,

We have reviewed the above-referenced Document for the renewal of your thirty year lease and the remediation of the contaminated soil and groundwater.

Based on the information received we would like to make the following comments: Any transport of hazardous wastes or heavy construction equipment which require the use of oversize transport vehicles on State Freeways/Highways will require a Caltrans transportation permit. We recommend that large size trucks that are transporting construction materials, equipment, and exporting contaminated soil be limited to off-peak commute periods.

If you have any questions regarding this response, please call me at (213) 897-1338.

Sincerely

Original Signed By

Wilford Melton
Senior Transportation Planner
IGR/CEQA Coordinator
Office of Advance Planning

cc: State Clearinghouse

Notice of Completion

Appendix F

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

See NOTE below
SCH # 73071074

Project Title: Hugo Neu-Proier Lease Renewal

Lead Agency: Los Angeles City Harbor Department

Street Address: 425 S Palos Verdes St.

City: San Pedro

Zip: 90733

Contact Person: Dennis Hagner

Phone: (310) 732-3675

County: Los Angeles

Project Location

County: Los Angeles

City/Nearest Community: Terminal Island

Cross Streets: New Dock St. Henry Ford Ave.

Total Acres: 21

Assessor's Parcel No.

Section:

Twp.

Range:

Base:

Within 2 Miles: State Hwy #: 47 & 110

Waterways: Cerritos Channel/East Basin L.A. Harbor

Airports: NA

Railways: Harbor Belt Line Schools: Wilmington Park; Hawaiian Ave., St Peter & Paul

Document Type

- CEQA: [] NOP [] Supplement/Subsequent [] Early Cons [] EIR (Prior SCH No.) [] Neg Doc [] Other [X] Draft EIR [] NEPA: [] NOI [] EA [] Draft EIS [] FONSI [] Other: [] Joint Document [] Final Document [] Other

Local Action Type

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [X] Other Lease

Development Type

- [] Residential: Unus Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[X] Industrial: Sq.ft. Acres Employees
[] Educational
[] Recreational
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type Wats
[] Waste Treatment: Type
[] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document

- [X] Aesthetic/Visual [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Air Quality [X] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Archeological/Historical [] Minerals [X] Soil Erosion/Compaction/Grading [X] Wildlife
[] Coastal Zone [X] Noise [X] Solid Waste [] Growth Inducing
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [] Landuse
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Cumulative Effects
[] Fiscal [X] Recreation/Parks [] Vegetation [] Other

Present Land Use/Zoning/General Plan Use

M3

Project Description

HNPC's primary objective is the renewal of its lease for a 30 year term. In addition to the renewal of the lease and continuation of current operations, HNPC will be remediating the soil and groundwater contamination at the site, upgrading or replacing current facilities and equipment; and proposes to add new facilities and equipment to the operation. HNPC will remediate soil and groundwater contamination pursuant to a Remedial Action Plan which will be approved by the Regional Water Quality Control Board-Los Angeles Region, the California Department of Toxic Substances Control Division, and the Los Angeles City Harbor Department.

CLEARINGHOUSE CONTACT: Mark Goss (916) 445-0613

STATE REVIEW BEGAN: 5-26-75
DEPT REV TO AGENCY: 7-5
AGENCY REV TO SCH: 7-7
SCH COMPLIANCE: 7-7

- CMT SNT
Resources
Boating
Coastal Comm
Coastal Conserv
Colorado Rvr Bd
Conservation
Fish & Game 5
Forestry
Parks & Rec/OHP
Reclamation
BCDC
DWR

- CMT SNT
State/Consumer Svcs
General Services
OLA (Schools)
Cal/EPA
ARB
CA Waste Mgmt Bd
SWRCB:--Grants
SWRCB:--Delta
SWRCB:--Wtr Quality
SWRCB:--Wtr Rights
Reg. WQCB # 4
DTSC/CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Energy Comm
NAHC
PUC
Santa Mn Mtns
State Lands

PLEASE NOTE SCH NUMBER ON ALL COMMENTS
PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AGND/APCD: 5 (Resources: 5/3)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

[18]

Date:

RECEIVED
 JUL 17 1995
 Environmental Quality
 July 14, 1995
 City of L.A.

Berths 210-211
 Port of Los Angeles

To:

Donald W. Rice, Director of Environmental
 Management, Los Angeles Harbor Department

From:

Robert T. Takasaki
 Robert T. Takasaki, Senior Transportation Engineer
 Department of Transportation

Subject:

**DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR HUGO
 NEU-PROLER LEASE RENEWAL, STATE CLEARING HOUSE
 NO. 93-071074**

The Department of Transportation (DOT) has reviewed the DEIR for the Hugo Neu-Proler Lease Renewal project. In addition to the lease renewal to continue operating a scrap metal handling and shipping facility at Berths 210-211 in the Port of Los Angeles, the project proposes to remediate the soil and groundwater contamination at the site, upgrade or replace existing facilities and equipment, and add new facilities and equipment to the operation. The project also proposes to construct a railroad spur across New Dock Street to the project site. During construction of the railroad spur the DEIR proposes to mitigate the traffic impacts by requiring the contractor to construct the railroad spur across New Dock Street during the weekend, maintain one lane in each direction on New Dock Street and the project's access road and restrict queuing of trucks in the construction area.

DOT concurs with the conclusion of the DEIR that there will be no significant traffic impacts as a result of the implementation of the project, other than during construction. DOT also approves the DEIR's proposed mitigation measures during construction of the railroad spur across New Dock Street. It is requested that a work area traffic control plan be prepared for the railroad spur construction work and submitted to DOT for approval. The work area traffic control plan should be prepared by a professional engineer registered in the State of California to practice either Traffic or Civil Engineering. Prior to the start of preparation for the work area traffic control plan, the private engineer shall contact DOT's Design Division at (213) 580-5314, to arrange a pre-design meeting to finalize the requirements of the work area traffic control plan.

18-1

Donld W. Rice

-2-

July 14, 1995

If you have any questions or require additional information,
please contact Charles King at (213) 580-5203.

cgk/a:hugo

cc: Council District No. 15
Southern District Office, DOT
Design Division, DOT



HARBOR COMMUNITY DEVELOPMENT CORPORATION

P.O. BOX 1264 • WILMINGTON, CALIFORNIA 90748
TELEPHONE: (310) 549-0052 • FAX: (310) 549-0055

BOARD OF DIRECTORS

JOHN MENDEZ
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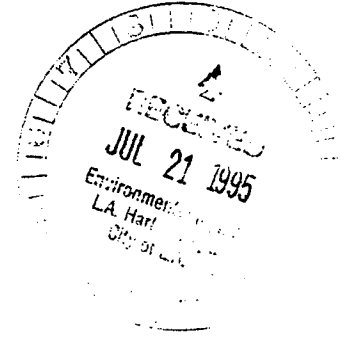
PHIL VACA
BOARD MEMBER

NORTH T. SELVEY
Board Member

RAMON J. MADRIGAL
Executive Director

July 20, 1995

Mr. Donald W. Rice
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
PO Box 151
San Pedro, CA 90733



Dear Mr. Rice,

Thank you for the time extension of five working days for review of the Hugo New-Proler's DEIR. This time has allowed us to review the document and submit the enclosed comments.

Sincerely,

Ramon J. Madrigal

**COMMENTS REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT --
HUGO NEU-PROLER LEASE RENEWAL -- NUMBER 93071074**

Prepared By: Harbor Community Development Corporation
PO Box 1264
Wilmington, CA 90748
Mr. Ramon J. Madrigal, Executive Director

Submittal Date: July 20, 1995

As an organization dedicated to youth and the community, we want to make sure that industrial facilities in our harbor communities are operated in a way that protects the environment and the people who work and live nearby. To that end, we have reviewed the DEIR on the Hugo Neu facility and provide the following comments.

Site Clean-Up: The EIR points out that the site is heavily contaminated with toxics, including lead and PCBs. The public's health must come first. No toxics on the property should be left untreated. If these toxic materials remain in the ground, these harmful substances can be expected to work their way into the groundwater and the Harbor itself. This is a potential disaster that must be averted.

19-1

If people are to be protected, the EIR must require that all contaminated soil on the site be treated, not just the top few feet.

The EIR is very vague about the particulars of the clean up. It is not enough to say that there will be a plan approved by several government agencies.

The specifics of the clean up must be provided and assessed by environmental experts so the community can then have the information needed to determine whether or not the site will be properly remediated and the community protected. The Harbor Department should not take any action on the lease until full clean up is accomplished.

19-2

Hugo Neu-Proler has been cited for contaminating the water and the air. Therefore, their operations, it would appear, have not been clean but, instead, harmful to the environment.

19-3

Before getting the green light to expand their operations in the future, the company should be required to take care of the problems of today and the past that are associated with the facility -- by fully cleaning up their property and the groundwater. And, there needs to be strict enforcement to ensure that ongoing operations adhere to strict standards. The community deserves no less.

19-3
CONT.

Shredding of Automobiles:

The shredding of automobiles at a water dock can cause real environmental problems -- lead particles flying into the air, contamination of Harbor waters and other hazards. The DEIR seems to dismiss these dangers.

19-4

The environmental experts should determine whether other Ports allow automobile shredding on the docks - and, if not - why shredding is not permitted. This information should be included in the final EIR.

Noise and Dust:

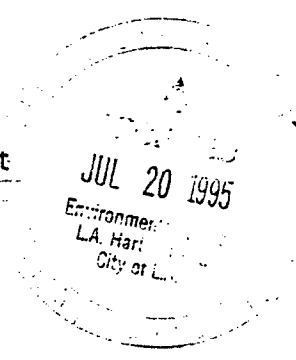
The DEIR seems to ignore the shiploading method that is most effective in controlling noise, the release of scrap materials into the water and leaded dust getting into the air. This method involves the use of cranes that do not drop the scrap from great heights but lower the materials down into the ship.

19-5

The company, it would appear, intends to rely upon a bulkloader which is not as environmentally sound as the crane method. Although the company says it MAY use cranes there is no assurance they will do so.

The EIR should assess the environmental benefits of the loading of materials by crane vis-a-vis bulkloader. The crane method should be a requirement.

Mr. Don Rice
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90733



July 20, 1995

Dear Mr. Rice:

I'd like to make some brief comments on the Draft Environmental Impact Report on the Hugo Neu-Proler proposed expansion.

I work a lot with kids in Wilmington, through the baseball program and many other programs that help keep our kids off the streets. There is a lot of community pride here in Wilmington. A clean environment and safe streets are important community goals.

Hugo Neu-Proler has an opportunity to make their facility better. However, the facility should not get just marginally better but should instead become the best operation it can be. As planned, it falls short of the mark.

Here are some thoughts.

- 1) The ships that will carry the scrap metal should be loaded in a way that protects the environment...in a way that keeps noise to a minimum...in a way that controls the dust and protects the Harbor. The best way to do this is by use of a crane that lowers the scrap metal directly into the ship. There should be a requirement to use the crane all the time, not some other method. 20-1
- 2) The property should be cleaned up now with all the contamination removed as quickly as possible. Doing the clean up over a period of several years is not acceptable. The community needs assurances that the toxics there are fully removed and not left in place for years to come. Otherwise, the health of our kids could be threatened. 20-2
- 3) I'd also like the EIR to present the best methods that make sure that no contaminated water flows into the Bay. 20-3

Thank you.

Sincerely,


John Mendez

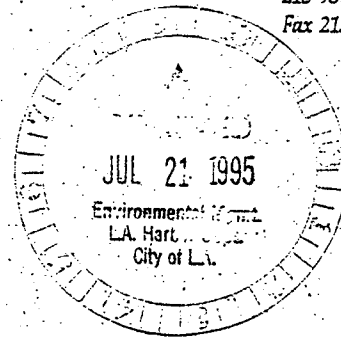


FILE COPY

Natural Resources
Defense Council

6310 San Vicente Blvd., Suite 250
Los Angeles, CA 90048
213 934-6900
Fax 213 934-1210

July 21, 1995



[21]

Mr. Donald Rice, Director
Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151

Re: Hugo Neu-Proler Lease Renewal Project DEIR

Dear Mr. Rice:

On behalf of the Natural Resources Defense Council and its members, we hereby join the comments submitted by Heal the Bay with regard to the Draft Environmental Impact Statement prepared for the project cited above. We believe that the proposed project poses significant adverse environmental consequences that have not been adequately addressed in the DEIR and that all reasonable alternatives have not been considered. Until the DEIR has been revised to correct these deficiencies, the proposed project may not be approved consistent with the California Environmental Quality Act.

21-1

Very truly yours,

Joel R. Reynolds
Senior Attorney

cc: Dr. Mark Gold
Executive Director
Heal the Bay



MADRES DEL ESTE DE LOS ANGELES
SANTA ISABEL

[22]

July 20, 1995

Mr. Don Rice
Port of Los Angeles
425 South Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151
VIA FAX- (310) 547-4643 (2 pages)

JUL 21 1995
Environmental
L.A. Harbor
City of L.A.

**Re: Draft Environmental Impact Report For the Hugo-Neu Proler Lease
Renewal. State Clearinghouse Number 93071074.**

Dear Mr. Rice:

Mothers of East Los Angeles-Santa Isabel ("MELASI") request that your Agency place this letter into the administrative record for the above draft environmental impact report ("DEIR"). Our comments are pursuant to the California Environmental Quality Act ("CEQA") Statutes and Guidelines (June 1986) Section 21151 and Section 309 of the Clean Air Act.

The Hugo Neu-Proler Company ("HNPC") has requested a renewal of its lease for a 30 year term. HNPC operations facility is located at Berths 210-211, on Terminal Island in the Port of Los Angeles. The facility leases a 26.7-acre site from the Port for the purpose of receiving, processing, storing and loading various types of ferrous and non-ferrous metals for recycling, processing and shipping. Some metals are processed at the site while other metals are stockpiled for export without processing. The metals are separated for storage, processing and shipment according to grade as defined by appearance and type of scrap and need for further processing. In addition, HNPC will be remediating the soil and groundwater contamination of the site, upgrading or replacing current facilities and equipment, and proposes to add new facilities and equipment to the operation.

Alternatives examined in detail are No Project, No Facility Operation Modifications and Non-feasible Alternatives. We commend the Port of Los Angeles' efforts to evaluate environmental issues in the DEIR and the HNPC commitment to remediation, mitigation and monitoring of the soil and groundwater clean-up activities pursuant to a Remedial Action Plan which will be approved by the Regional Water Quality Control Board - Los Angeles Region, the California Department of Toxic Substances Control Division, and the Los Angeles City Harbor Department.

Although we applaud the above efforts, based on our recent discovery of findings described in your letter July 18, 1995, CEQA Section 15147 mandates your Agency include information sufficient in the DEIR to permit full assessment of significant environmental impacts by reviewing Agencies and members of the public. We are very concerned with the accuracy of statements and omission of relevant data in order to verify the conclusions presented in the DEIR, in particular of the Air Quality Section Study and the impact to schools and young

22-1

children living in the area. Furthermore, we request that all similar relevant information be placed in the Final Environmental Report ("FEIR") to evaluate fully the information presented in the DEIR.

22-1
(CONT)

Because of the above concerns, MELASI has placed this DEIR following EPA guidelines as category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). In addition, we recommend that the alternative "No Facility Operation Modifications" be considered by your Agency if additional information is not included in the FEIR.

22-2

We appreciate the opportunity to comment on this DEIR. Please send one copy of the FEIR to my attention at the same time it is officially filed with the pertinent Agencies.

Very truly yours,

MOTHERS OF EAST LOS ANGELES-SANTA ISABEL

Ruben A. McDavid

Ruben A. McDavid, REA

Enclosures: (2 pages)

Port of Los Angeles Letter July 18, 1995
EPA Summary of Rating Definitions and Follow-Up Action

- cc: Bill Piazza, Los Angeles Unified School District
- Robert Singa, CalEPA DTSC Region 4
- Boys and Girls Club of Wilmington
- Roger Gorka, Heal the Bay
- Geoffrey Morton

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640. "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

7-19-1995 9:18PM FROM MELA SI 213 269 2446

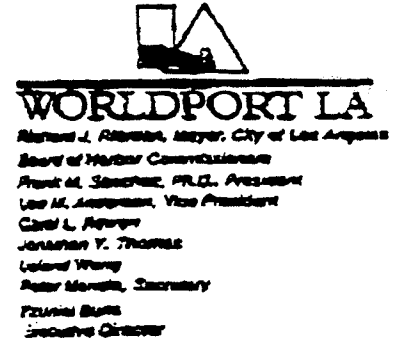
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P.1/1

July 18, 1995

VIA FAX (213) 663-4551

Mr. Ruben A. McDavid
Mothers of East Los Angeles - Santa Isabel
720 Mott Ave.
Los Angeles, CA 90023



**SUBJECT: HUGO NEU-PROLER LEASE RENEWAL DRAFT EIR
REQUEST FOR INFORMATION**

Dear Mr. McDavid:

We are in receipt of your July 17, 1995 letter requesting additional information on air emissions associated with the Hugo Neu-Proler Lease Renewal Project, and can provide the following information.

While we believe the Draft EIR contains information detailed enough to allow informed comment, additional technical data is available for your review. As part of the preparation of the Draft EIR an Air Quality Special Study was undertaken. The appendices of the Draft EIR (sent to you previously) has a summary of the results of this study. Additionally, the details of the methods and results of the special study have been placed into a separate volume that can be made available to you. This document can be reviewed in our office during regular business hours.

Please feel free to contact me directly at (310) 732-3679, or contact Dennis Hagner, the project manager for the project at (310) 732-3682 should there be any questions.

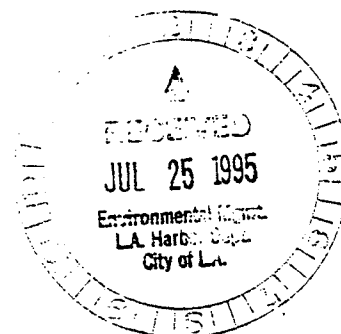
Sincerely,

DONALD W. RICE
Director of Environmental Management

DWR:PJ
ADP No. 910321-538

Sye

Los Angeles Harbor Boat Owners Association
5801 Meinhardt Road
Westminster, California 92683



Mr. Donald W. Rice
Director of Environmental Management
Port of Los Angeles
P. O. Box 151
San Pedro, Calif. 90733-0151

July 24, 1995

Subject: Response to Environmental Impact Report of Hugo Neu-Proler Corporation

Reference: Draft EIR for Hugo Neu-Proler Lease Renewal,
State Clearinghouse Number 93071074, May 1995

Contained herein are comments and suggestions, submitted by the Los Angeles Harbor Boat Owners Association concerning the referenced document.

LAHBOA represents members with boats located within the Los Angeles Harbor. The majority of our members maintain their boats within 2000 feet of the lease in question. Our main concerns are noise, dust, water quality, and access to the local marinas. The referenced document was reviewed with these concerns in mind.

The referenced EIR essentially addresses the affects in three areas: HNPC's present operation; proposed changes and improvements in their facility; and, by inference, allows variances to environmental requirements when the form of permitted operations even when they cannot meet legal requirements, with LAHD approval of the document as presently written, HNPC will be granted permission to upgrade and operate their facility accordingly, page 1-10 (ref. page 1-8)

cut grade material. This category is not defined within the EIR.

23-2

Page 1-16/17 Gantry crane replacement. What effect on dust and noise will result from it's operation? The EIR does not discuss this point.

23-3

Page 1-17 Asphalt/Concrete pad. Construction details are mentioned within the EIR. Possible pad leakage is also mentioned but is believed not to present a problem. We recommend a plastic sheet barrier, or other appropriate material, be included in pad construction.

23-4

Section 3.1 Harbor Sediment. No monitoring program is proposed to document contamination levels during future operations. We recommend that such a program be included in the EIR.

23-5

Section 3.3 Emissions. The EIR indicates that ROG and NOx emissions, during construction, will be above significant threshold levels.

The EIR states that ROG, CO and NOx emissions, during operation, will be above significant threshold levels. However, examination of Table 3.3-13 shows all emission categories are presently above these levels and proposed upgrades will increase these emission levels further. We strongly recommend expanding the proposed monitoring program to include SOx and PM10 (particulates).

23-6

23-7

HNPC includes steps it will take to control emissions from moving sources. However, alternate fuels are not considered.

23-8

We strongly recommend that HNPC consider and justify alternate fuels such as propane and compressed natural gas (CNG).

23-8
CONT.

Section 3.4 Storm water runoff. The EIR states that, under certain conditions, storm water will be released to drains which empty into the harbor or nearby ocean. No monitoring program is proposed to test storm water before release to drains. We strongly recommend that water testing for contamination levels be required before storm water can be released to the drains and that maximum allowable limits be included in the EIR.

23-9

Section 3.7 Noise. LAHBOA applauds the construction of a sound barrier to reduce continuous noise levels. However, the noise level soon returned to previous levels. Upon questioning the reason LAHBOA was informed that HNPC had not found an adhesive that would hold the damping material to the chute for more than a few hours of operation.

23-10

LAHBOA suggests that discussion as to how the impulse type noise will be reduced be included in the EIR. Further, that a monitoring program to document noise levels be included in the EIR, along with maximum sound levels permitted.

In summary, LAHBOA requests that the draft EIR not be approved as submitted. We request that the draft EIR be amended to include the above recommendations. We request that full compliance, without variances, be required of HNPC before approval of the EIR. LAHBOA also suggests that the

23-11

Page 4

LAHD include penalties for noncompliance in any lease granted
to HNPC.

23-11
CONT.

We thank the LAHD for the opportunity to comment and trust
that the suggestions and recommendations will be considered
by the LAHD and HNPC.



2701 Ocean Park Blvd.
Suite 150
Santa Monica, CA 90405
voice 310/581-4188 fax 310/581-4195
e-mail: htb@earthspirit.org

July 21, 1995

Mr. Donald Rice, Director
Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151

JUL 21 1995
Environmental
LA Harb
City of

[24]

Re: Hugo Neu-Proler Lease Renewal Project. Draft Environmental Impact Report

Dear Mr. Rice:

Heal the Bay is a non-profit environmental group working through a variety of research, education, public outreach, and advocacy programs to make Santa Monica Bay and Southern California's coastal resources safe and healthy once again for people and aquatic life. Heal the Bay respectfully submits the following comments on the Draft Environmental Impact Report (DEIR) for the Hugo Neu-Proler Lease Renewal Project.

I.

INTRODUCTION

The proposed Hugo Neu-Proler Lease Renewal Project (the "Project"), as defined in the DEIR, consists of the extension of the Project's lease for 30 years and includes the remediation of contaminated soil and groundwater on the site, and construction of new facilities that would increase operations. Heal the Bay submits that the DEIR does not adequately or consistently describe the proposed project so that the benefits of the project can be weighed against the environmental costs.

Also, the impact analysis for all resource areas does not consider the effects from the simultaneous operations of the facility, and construction and remediation activities. Cumulative impact analysis only considers incremental increases from individual activities, and does not consider the cumulative impact of multiple significant impacts.

The mitigation measures presented in the DEIR consistently represent actions that are required by regulation and would not in and of themselves reduce impacts to, or enhance the affected environment. Since the required actions include adherence to specific building codes, design criteria, and management practices, the actions should be described as either part of the existing operations or the proposed project. The impact analysis should be based on the effects of the proposed project with these actions included.

24-1A



Finally, the only alternative presented in the DEIR is the CEQA required No Project alternative. Since CEQA also requires that a range of reasonable alternatives be considered, the DEIR is not adequate in this regard. At a minimum, an alternative location for the proposed project and an alternative to extend the lease without expanding operations but requiring site remediation, implementation of a Storm Water Pollution Prevention Plan (SWPPP), and pollution prevention management practices, should be considered.

**24-1A
(CONT.)**

II.

THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROPOSED PROJECT

According to CEQA guidelines, an EIR should include a description of the proposed project's technical, economic, and environmental characteristics so that the affected population can analyze the Project's benefits against the environmental costs. Specific comments on the Project description are presented below.

- Section 1.5.1 Existing Facilities and Operations: In order to evaluate the impacts from existing operations plus proposed expansions, the project description must clearly outline the operations of the existing facility. This description should include sufficient information for the public to understand:

- the processes used to screen, sort, process, recycle and ship scrap metal
- the management practices used to prevent pollution and protect worker/public health and safety
- the specific types and quantities of hazardous materials used and hazardous wastes generated onsite

24-1

The following items are examples of facility operations/procedures inadequately described in the DEIR.

- The DEIR states that "Hazardous materials may be present in some loads delivered to the site" and that the loads are inspected to ensure that hazardous and radioactive materials are not accepted at the facility. The DEIR does not describe how the loads are inspected (i.e., manually, individually, etc.). The project description should include a summary of the written procedures Hugo Neu-Proler Corporation (HNPC) has implemented to ensure that loads are effectively screened.

- The DEIR states that ferrous and non-ferrous metals are stored in piles while awaiting shipment. The project description should state whether the piles are stored on bare soil, and if the piles are covered.

● The DEIR states that equipment and vehicle maintenance takes place onsite. The project description should state where the maintenance activities take place. Additionally, a general summary of the HNPC written procedures for the performance of maintenance activities that define how to collect and dispose of used motor and hydraulic oil also should be included.

24-1
CONT.

● Throughout the project description and the DEIR, HNPC activities are quantified using data from 1992. If the 1992 data is the most recent data available, it should be stated in the DEIR. If more recent data is available and was not used, the reason should be stated in the DEIR. At a minimum, water quality data from HNPC's storm water monitoring program for 1993 and 1994, as required under the state industrial storm water permit, should be available.

24-2

● The DEIR states that the auto shredder contains an in-line treatment unit to immobilize soluble metal. The treated metal is tested to determine hazardous constituents, and disposed as non-hazardous waste if the analysis results meet criteria. The discussion does not include a description of the in-line treatment unit including a discussion of the removal efficiency for contaminants of concern, a general summary of how and where the metals are tested, and what criteria are used to determine if the metals are non-hazardous.

● The DEIR states that materials are processed to separate ferrous, and non-ferrous metals by utilizing magnets and screens before entering the Steinert Building where a Steinert System is used to further separate the metals.

24-3

The description of the Steinert System is inadequate and does not indicate the size, capacity, and mechanics of the system. Nor does the project description define what is stored in the Steinert Building. If the maintenance activities that take place in the Steinert Building are important enough to mention in the project description, then a brief description of the activities should be included in the DEIR.

● The DEIR states that three types of waste streams are generated at the HNPC facility: auto-shredder residue, metal recycling residue, and non-ferrous metal residue. Currently, the auto-shredder residue and metal recycling residue are California-only hazardous wastes and disposed offsite in Utah. The non-ferrous metal residue is disposed in a local landfill. Throughout the DEIR metals processing and recycling activities are referenced. However, the project description does not include any flow diagrams or specific definitions of these processing and recycling activities. Since these activities create residues that are hazardous, a clear description of the processes generating these hazardous wastes should be included.

24-4

● The DEIR states that 8,900 gross tons of metal recycling residue were generated as a result of remediation activities in a portable treatment unit. CEQA requires that in the case of a Project where an action is required by the California Environmental Protection Agency-Department of Toxic Substances Control (DTSC) or the Environmental Protection Agency (EPA), for hazardous waste clean-up, the EIR must make the facts of the clean-up clear. It is not clear whether this particular activity was the result of an order on the part of the DTSC or the Regional Water Quality Control Board (RWQCB), what the contaminants were, or when

24-5

the clean-up activity took place. The project description should include these specific items.

24-5
(CONT.)

- The DEIR states that "Storm water runoff is allowed to collect in several depressions along the central corridor between scrap storage piles. The water in these depressions is pumped into water trucks and/or "Baker" tanks and used for dust control. When the storm water is in excess of the storage capacity it is pumped into the "Baker" tanks for additional retention and settling of solids. Excess storm water is allowed to overflow from the tank into a sump near the parking area where it is discharged into the Inner Harbor via a storm drain."

The DEIR does not clarify the current status of HNPC's National Pollution Discharge Elimination System (NPDES) Storm Water permit. If the description of storm water management provided in the DEIR is accurate, then HNPC is in gross violation of federal and state requirements for the management of storm water. The project description should be expanded to include specific information regarding the storm water permit (e.g., a Storm Water Pollution Prevention Plan (SWPPP), including a monitoring program and 1993 1994 monitoring results, and a description of existing Best Management Practices (BMPs)), a physical description of "depressions," a description of how the water is monitored for hazardous constituents, a specific definition of storm water storage capacity, a description of how solid residues are handled and disposed, and a definition of excess storm water.

24-6

- The DEIR includes a description of the existing contamination at the HNPC facility. As required in CEQA, the DEIR must make a clear statement regarding a site that a regulatory agency has identified as being affected by hazardous wastes or clean-up activities. The DEIR fails to clearly define the contamination at the HNPC facility in this section, and the types of clean-up activities that have taken place at the facility. In addition, the DEIR does not clearly state that a corrective action order has been issued by the RWQCB, and that a remedial action plan (RAP) has been submitted to the Board for review and approval.

24-7

- Section 1.5.2 New Facilities and Equipment: The description of new facilities and equipment provided in the DEIR also must clearly outline the specific operational and procedural changes in the Proposed Project. The description should include sufficient information for the public to understand:

- the new processes and how those processes integrate with existing operations
- whether specific pollution control technologies are required for certain equipment and facilities
- whether remediation activities will be required, and the nature and extent of those activities

24-8

The following items are examples of inadequate descriptions of the new facilities and equipment presented in the DEIR.

● The DEIR states that portions of the facility perimeter would be paved to accommodate placement of the sea containers. The project description should state which portions of the facility perimeter will require pavement. The description should also address how the paved areas will accommodate adequate drainage.

24-8

● The DEIR states that collection basins will be constructed to accommodate storm water runoff and that the entire site will be covered with concrete. Water will be pumped from the retention basins into a holding tank. The stored water will be re-used for dust suppression. Excess water will be pumped into an oil-water separator, filtered or treated, and then discharged into the storm drain.

The project description does not state the design criteria or capacities of the collection basins. The design criteria for determining the basin size and concrete cover drainage should be stated in the project description. The description should include a brief discussion of the size of the pumps that will be used, as well as a description of the monitoring plan for hazardous constituents. Heal the Bay believes that, at a minimum, the facilities should be designed to capture and treat up to a 10-year storm event.

24-9

If the water is held, then re-used for dust suppression, it is assumed that its use will be on unpaved surfaces, thereby exposing soils to potential contamination from hazardous constituents concentrated in the storage tank. The description should include a discussion of pollution prevention procedures.

24-10

The project description does not adequately explain the storm water treatment system. Flow diagrams for the system should be included in the DEIR. A monitoring program to ensure that any discharge into the storm drain is free from significant levels of hazardous constituents should be included in the project description.

24-11

● The DEIR does not include a description of the SWPPP including the BMPs that will be implemented to manage storm water. The DEIR does not address the requirement for an NPDES General Construction Permit. The HNPC site is larger than 5 acres, and is required by the Clean Water Act to develop a construction SWPPP and implement BMPs to reduce storm water pollution problems caused by construction activities.

24-12

- Section 1.5.4 Project Schedule: The schedule does not illustrate how the onsite remediation activities will integrate with upgrades and new construction. The schedule does not define which of the storm water control/treatment systems will be incorporated over the five year period presented, nor how the placement of the concrete cap will be phased. Also, the project schedule fails to clarify the timing of construction (e.g., dredging activities should not occur during fledging season, April through September).

24-13

III.

THE DEIR FAILS TO ADEQUATELY ANALYZE THE IMPACTS TO THE EXISTING ENVIRONMENT FROM THE PROPOSED PROJECT

- Section 3.1 Geology: Although a brief discussion of the harbor sediment contamination is presented in the DEIR, it does not clearly state that HNPC operations have contributed to the existing contamination, nor does it adequately describe what systems have been implemented to eliminate the problem.

24-14

The impact analysis does not discuss the potential for additional contamination to sediments from ongoing operations, or the proposed remediation and construction activities. The potential for dispersal of existing contamination from proposed dredging activities at Berths 210-211 is not discussed. The dredging activities described in the impact analysis are not included in the project description. The project description should include the dredging activities, permit requirements, contaminant concentrations, quantities of material for removal and/or disposal, etc., and how these activities integrate with the rest of the project schedule.

24-15

24-16

The impact analysis states that the volume of materials removed during the proposed dredging activities would be insignificant when compared to the volume of materials removed due to ongoing dredging activities in the Cerritos Channel for berth-access purposes. The DEIR does not substantiate this statement, and it is irrelevant to the analysis of impacts from the proposed project. Also, the analysis of cumulative impacts does not consider the effects of all dredging activities within the Channel or Harbor.

Several pages of the DEIR describe the seismic setting. However, the impact analysis fails to discuss the effects that would occur from erecting barriers consisting of sea containers and concrete block walls. The only mitigation measure presented for seismic impacts is that all new construction will be to code. Construction to code is required and should be considered as part of the proposed project, not a mitigation measure. Also, constructing to code does not address the stability issues associated with the materials proposed to construct the barriers.

24-17

- Section 3.2 Soil and Groundwater: The DEIR states that the HNPC facility dismantles, stockpiles, and recycles a variety of ferrous and non-ferrous materials. It further states that the nature of the processing on site leads to localized areas of contamination associated with specific materials (e.g., heavy metals and PCBs). The DEIR states that 60% of the site is paved.

The information included in this section should be presented in the project description. Additionally, if materials are stockpiled within the facility, the DEIR should describe the location of the stockpiles and whether the stockpile is in a paved or unpaved area. The environmental setting should also include a description of the methods used to prevent run-off to soil surfaces, storm drains, and the Channel.

24-18

- Section 3.2.1.1 Groundwater Setting: The DEIR describes the existing contamination to groundwater at the HNPC facility. The remediation activities proposed for the HNPC facility groundwater contamination and presented in this section should be summarized in the project description. Additionally, a copy of the Free Phase Product Recovery Work Plan should be made available for review as an appendix to the DEIR so that a reasonable analysis of the impacts from the existing operations plus proposed project activities can be made.

24-19

- Section 3.2.1.2 Soil Setting: The DEIR describes the soil contamination at the HNPC facility generally as being metals contamination in the top 2 feet of soil, and petroleum hydrocarbons in localized areas. These contaminants are found under paved and unpaved areas of the site.

The impact analysis for this resource is broken into three categories: project construction, project operation and remediation. The impact analysis for project construction concludes that the activities will not result in any significant impacts to soil or groundwater. The project description as well as the impact analysis fails to identify the quantity of soils that will be excavated as part of the construction activities, the location of excavation activities, and the specific actions that will be taken to prevent soil and dewatering activities from contaminating surface waters. Also, the analysis does not consider the potential for remaining contamination in soils to migrate due to tidal fluctuations.

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24-21

The DEIR admits that ongoing project operations will continue to create potential sources of soil and groundwater contamination. However, the DEIR fails to analyze the impacts of continued operations plus construction and remediation activities over the five year schedule. The DEIR again uses required design criteria and management practices to demonstrate that impacts from operations will be made less significant. It is Heal the Bay's position that these requirements are part of the proposed project and impact analysis should be based on their inclusion in the proposed project design, not as a mitigation measure. These requirements are legislated to control and prevent polluting activities. Therefore, for example, if the LAHD requires HNPC to prepare a source control program for fuel storage activities, it is not a mitigation measure, but part of the proposed project.

24-22

24-23

The DEIR is inconsistent in that it fails to summarize the remediation activities described in this section in the project description. Remediation activities are part of the proposed operation of the facility regardless of the lease extension and cannot be used to demonstrate mitigation of potential adverse impacts to soil and groundwater from operation or construction activities.

24-24

Since neither the RAP, nor the Free Product Recovery Work Plan were included for review in this DEIR, it is not possible for the public to assess whether the impacts from the remediation activities will be insignificant. Additionally, impacts resulting from simultaneous operations, and construction and remediation activities have not been addressed.

24-25

- Section 3.1.4 Mitigation Measures: The DEIR states that no mitigation measures for impacts to soil and groundwater are available beyond those required by federal, state, and local building codes.

24-26

Design criteria required by federal, state, and local codes are not mitigation measures. These criteria must be met regardless and should be included in the description of the proposed project. The design criteria required by law do not in and of themselves mitigate a significant impact to reduce the affects on, or enhance the existing environment.

- Section 3.3 Meteorology & Air Quality: The impact analysis for air quality is inadequate in that it does not include a dispersion model, but concludes that impacts will not be significant. Impacts from expanded facility operations are analyzed incrementally instead of additively; impacts from construction and remediation activities are analyzed separately, when, based on the schedule presented in the project description, these activities will occur simultaneously; impacts from mobile sources also are analyzed incrementally. Mitigation measures to reduce significant impacts are not presented.

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Since the impact analysis is flawed, it follows that the cumulative analysis also is inadequate. The DEIR states that current and planned projects within the Port of Los Angeles were considered, and cumulative emissions from the projects were determined to be insignificant. The DEIR does not present any data that supports this conclusion. Also, the cumulative analysis does not consider the combined effects of simultaneous operations, and construction and remediation.

24-30

- Section 3.4 Hydrology, Water Quality and Oceanography: Again, the impact analysis presented in this section fails to consider the combined effects of operations, construction, and remediation activities. The conclusion that impacts will not be significant is not supported by data presented in the DEIR. Since key documents such as the Free Product Work Plan, The RAP, and the SWPPP are not included in the DEIR, it is not possible to determine if the elements presented in these plans are adequate.

24-31

The description of the storm water treatment system is cursory and does not indicate that the system is even designed, let alone adequate. The analysis does not address the fact that the treatment system will not be in place for 5 years, and does not present any details of how the site will be managed for general operations, as well as for construction and remediation activities during the 5 year period.

24-32

Impacts to water quality from dredging activities are not considered cumulatively with other dredging activities, nor is PCB entrainment into the water column discussed. Even though the dredging activities for HNPC are limited to a small area, the insignificant impacts from many small dredging activities, could become significant. Especially since lead and PCB contaminants have been identified in the Channel and Harbor sediments.

24-33

It is Heal the Bay's opinion that without water quality data, an industrial or construction SWPPP, and design specifications for the water treatment facility, it is impossible to assess the impacts to the water quality in San Pedro Bay. The scrap metal recycling industries' storm water pollution has been a major concern of both EPA and the RWQCB. The DEIR has failed to adequately address or mitigate these pollution concerns.

24-34

- Section 3.5 Biota and Habitats: The impact analysis presented in the DEIR fails to consider the impacts from dredging and the potential re-suspension of contaminants into the water column that could effect endangered species (e.g., least tern and brown pelican). Considering the historic impact of biodegradable PCBs on the fecundity of predatory birds, this omission is especially disturbing. Again, the DEIR presents the SWPPP (a non-existent document) as a mitigation for impacts to habitat from operational activities. The cumulative analysis illogically concludes that even though related projects could result in significant impacts, the proposed project would not, and therefore would not contribute to cumulative impacts. The analysis does not consider that the cumulative effects of several insignificant impacts can be potentially significant.

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24-37

- 3.6 Traffic: Again, the DEIR fails to analyze the impacts from traffic created by simultaneous operations, and construction and remediation activities. The analysis looks at these activities separately and incrementally, when in reality the activities will occur simultaneously and therefore be additive.

24-38

- 3.7 Noise: The DEIR fails to analyze the impacts from noise due to operations, and construction and remediation activities. The analysis concludes that there would be no significant impacts, but does not present data to support the conclusion.

24-39

- 3.8 Public Health and Safety: The DEIR does not consider the impacts to public health and safety from simultaneous operations, and construction and remediation activities. The impact analysis only considers the incremental increase from each separate activity. Nor does this the analysis evaluate potential impacts on a regional basis, including the facility operations. The DEIR concludes that since the implementation of the proposed project and related projects will require compliance with SCAQMD rules and regulations, the cumulative impacts to the public will not be significant. However, if the facility is already non-compliant for a particular emission, even with the installation of BACT or control technologies, any incremental increase in that emission should be considered significant if it does not conform with the applicable standard. Therefore, the DEIR cannot state that cumulative health impacts would not be significant.

24-40

24-41

24-42

- 3.11 Utilities & Waste Management: According to the DEIR, the quantities of solid waste generated at the facility will increase. The DEIR fails to recognize that generators of hazardous waste are required to prepare waste minimization and source reduction plans as an ongoing effort to decrease the amounts of solid wastes disposed in landfills. The proposed project should include options for onsite treatment to reduce the amount of waste generated.

24-43

- 3.12 Recreation: Given the flawed impact analysis of other resource areas, it is not logical that the impact analysis for recreation is accurate. This resource should be re-analyzed after a more thorough evaluation of critical resource areas is performed.

24-44

IV.

ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires an EIR to describe a range of alternatives, including the No Project alternative, that would meet the same objectives of the proposed project. The merits of each alternative must be evaluated and compared to the proposed project and other selected alternatives.

The DEIR only analyzes the required No Project alternative. An alternate location for the proposed project was eliminated from consideration, but the basis for elimination is not stated. At a minimum the DEIR should include an alternate location for the proposed project. An alternative to renew the lease for existing operations with the stipulation of specified remediation activities, and improvements to existing facilities to reduce pollution and manage storm water should be evaluated.

24-45

V.

CONCLUSIONS

Based on the information presented in the DEIR, Heal the Bay believes that the proposed project is a significant threat to public health and the environment. Heal the Bay has determined that the DEIR does not adequately or consistently describe the proposed project so that the benefits can be weighed against the environmental costs. The impact analysis presented in the DEIR for all resource areas does not consider the effects from simultaneous operations, and construction and remediation activities. Air dispersion modeling and a health risk assessment were not performed, but impacts were determined not to be significant for these resource areas. Proposed mitigation measures consistently represent actions that are required by regulation/code, and should be considered as part of the proposed project. Therefore, the mitigation measures presented will not reduce impacts to insignificance. Finally, the DEIR does not consider a feasible range of alternatives.

24-46

Heal the Bay opposes the Project as presented in the DEIR, and strongly recommends that a decision on the DEIR be postponed until the RWQCB reviews and approves the remedial action plan. The DEIR should be substantially revised and additional analysis performed to include air dispersion modeling that analyzes the existing operations, and construction and remediation activities occurring simultaneously; a health risk assessment for existing operations, and construction and remediation activities occurring simultaneously; a cumulative analysis that fully considers the impacts to biota and habitat from all operations, but primarily dredging of contaminated sediments and the dispersion of PCBs and heavy metals. Based on the type of operation, it is essential that HNPC use a wide variety of both structural and non-structural

BMPs to mitigate the probable significant impact of storm water contamination on San Pedro Bay. After revision, the DEIR should be recirculated for public comment prior to certification.

We appreciate the opportunity to comment on the DEIR for the proposed Project. Heal the Bay would appreciate receiving all future notices concerning this Project, and requests that Heal the Bay be provided with a copy of any notice of Project approval (i.e., Notice of Determination) in accordance with Public Resources Code Subsection 21008 and 21152.

24-46
(CONT.)

If you have any questions on our comments, please call Jaque Forrest at (310) 581-4188, ext. 142.

Sincerely yours,



JAQUE FORREST
STAFF SCIENTIST



MARK GOLD, D. ENV.
EXECUTIVE DIRECTOR



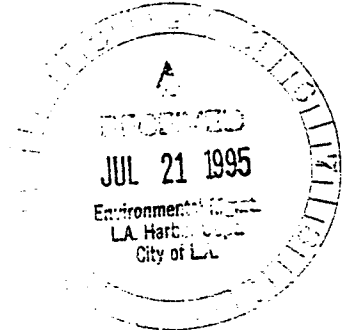
WILMINGTON HOME OWNERS

P.O. Box 1947 Wilmington, California 90748

[25]

July 21, 1995

Donald W. Rice
Director of Environmental Management
WorldPort LA
Post Office Box 151
San Pedro, Ca. 90733-0151



RE: Hugo Neu-Proler Co. - Lease Renewal
SCH No. 93071074

Sir:

Wilmington Home Owners (W.H.O.) takes this opportunity to offer introductory comments on this matter. Our organization reserves the right to comment further at the public hearing.

W.H.O. :

- 1) Asks for a "total clean up" of the site. All contaminated soil must be removed and replaced.] 25-1
- 2) BACT, Best available current technology must be installed to reduce sound levels during loading to acceptable City standards measured at the closest point where residents are living. In this situation the boating population.] 25-2
- 3) The establishment of a regular monthly, but unannounced, inspection schedule by City, State and Harbor Department agencies.] 25-3

W.H.O. offers these brief, but introductory comments on a situation that affects all of Wilmington. Many of our members, on the West side of Wilmington, report being able to hear the loading of ships at Hugo Neu-Proler. W.H.O. does not believe there should be a ceiling established on the public's quality of life.] 25-4

Jo Ann Wysocki

Jo Ann Wysocki
President, Wilmington Home Owners
Post Office Box 1947
Wilmington 90748

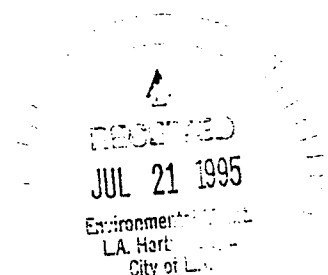
cc: S. Huykendell, R. Gyorinich, Jr., Los Angeles Harbor Boat Owners, file copy

[26]

**COMMENTS ON THE DRAFT
ENVIRONMENTAL IMPACT REPORT
FOR THE HUGO NEU-PROLER
LEASE RENEWAL AT THE
PORT OF LOS ANGELES**

Prepared by:

Roy F. Weston, Inc.
14724 Ventura Boulevard
Suite 1000
Sherman Oaks, CA 91403



20 July 1995



**COMMENTS ON THE DRAFT
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20 July 1995

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**EVALUATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE HUGO NEU-PROLER LEASE RENEWAL
AT THE PORT OF LOS ANGELES, CALIFORNIA**

Roy F. Weston, Inc. (WESTON®¹) has reviewed and evaluated the draft Environmental Impact Report ("EIR") for the proposed Hugo Neu-Proler Corporation ("HNP") lease renewal at the Port of Los Angeles, California. This report summarizes WESTON's evaluation of the document.

I. INTRODUCTION

HNP is involved in the processing and recycling of scrap materials in the Port of Los Angeles at Berths 210-211. The 26.7-acre site is leased from the Port for the purpose of receiving, processing, storing and loading various types of ferrous metals, non-ferrous metals and other materials used by a variety of industries. HNP is seeking to renew its lease for another 30 years; the draft EIR identifies this as HNP's "primary objective." HNP is also seeking to make improvements and operational changes to the facility. These anticipated improvements and changes include the remediation of existing soil and groundwater contamination, upgrading or replacing current structures and equipment, and adding new structures and equipment in order to expand the processing capacity of the plant from 950,000 to 1,300,000 gross tons of scrap per year.

26-1A

Foster Wheeler Environmental Corporation has prepared this draft EIR pursuant to the California Environmental Quality Act ("CEQA") under the supervision of the City of Los Angeles Harbor Department ("LAHD"), the lead agency for the project. This draft EIR was issued by the LAHD on May 26, 1995. The draft EIR is intended to inform the public, responsible agencies and public agency decisionmakers concerning, among other things: (1) the environmental impacts associated with the proposed project, (2) activities and specific mitigation measures to minimize those impacts, and (3) reasonable alternatives to the proposed project. The draft EIR is also intended to support the permitting processes of all agencies from whom discretionary approvals must be obtained for particular elements of the project.

These comments are primarily directed to and organized around Section 3 of the draft EIR, which addresses the environmental setting, impacts, mitigation measures and mitigation monitoring issues associated with the proposed HNP lease renewal and facility expansion. Based on our review of the draft EIR, we have prepared detailed comments relating to the specific impacts that have resulted from HNP facility operations and would result from the proposed project, including impacts on: (1) soil and groundwater; (2) hydrology, water quality, and oceanography; (3) meteorology and air quality; (4) geology; (5) biota and habitats; (6) noise; (7)

26-1B

¹ WESTON'S credentials and the resumes of the authors of this review are provided at the end of this report.

transportation and circulation; (8) public health and safety; (9) utilities and waste management; and (10) recreation. In addition to discussing these issues, we also provide a number of specific recommendations regarding the draft EIR which we believe must be fully addressed.

We have identified in these comments numerous technical and/or procedural deficiencies in the draft EIR. These deficiencies include the following:

- There is insufficient detail in the EIR to fully analyze environmental impacts, allow for meaningful public review and comment, and/or provide a basis for permit or other similar decisions by responsible agencies;
- The draft EIR relies on incomplete data and does not properly characterize the extent of soil and groundwater contamination on site;
- The draft EIR's approach to the assessment of impacts is not technically defensible;
- The draft EIR fails to consider all foreseeable impacts of the proposed project;
- Many conclusions in the draft EIR are not supported by adequate technical evidence (the draft EIR also contains many technical inconsistencies);
- The proposed mitigation measures will not reduce impacts to insignificance, will not be implemented in a timely manner, and are not measurable, verifiable and enforceable;
- All feasible mitigation measures have not been considered;
- The draft EIR contemplates the expansion of facility capacity before existing contamination is remediated and additional measures are in place to minimize further contamination; and
- The draft EIR fails to consider all feasible project alternatives.

Based on the limited information provided, we believe that the proposed HNP project as described in the draft EIR poses a significant threat to public health and the environment at this site and that additional mitigation measures beyond those identified in the draft EIR must be implemented. Some of our key overall concerns about this proposed project are as follows:

- The proposed remedy for soil contamination will not adequately protect public health and the environment in light of the very elevated levels of lead and other contaminants that HNP proposes to leave in the ground;

**26-1B
(CONT.)**

- The groundwater remediation strategy is ill-defined and lacks any reasonable assurance of success;
- The collection and treatment system proposed to handle contaminated stormwater will not adequately mitigate the significant impacts that may arise from the discharge of contaminated runoff;
- Wind-blown fluff from shredding operations, deposition of contaminant-laden particulates, metal falling into the water during ship loading operations, and resuspension of contaminated sediments during maintenance dredging will all contribute to degradation of surface water quality and these impacts have not been mitigated;
- The project will result in significant emissions of criteria pollutants, some of which the draft EIR asserts cannot be adequately mitigated;
- The project will result in significant acute hazards from air toxics such as polychlorinated biphenyls ("PCBs") and lead for which no mitigation has been proposed; and
- Proposed operations will continue to result in significant noise impacts such as disrupting the sleep of nearby residents even if proposed mitigation measures are implemented.

26-1b
(CONT.)

Our detailed comments on this draft EIR are as follows.

II. ANALYSIS OF MEDIA-SPECIFIC IMPACTS

A. Soil and Groundwater

One of the key deficiencies in the draft EIR is the manner in which it addresses the contaminated soil and groundwater conditions currently existing at the HNP site. As indicated in the draft EIR, there is significant soil and groundwater contamination at this site. Nonetheless, based on available information, the proposed cleanup approach specified in the draft EIR fails to adequately protect human health and the environment at the HNP site. While we make this determination, it is important to note that, given the available limited information, the draft EIR makes impossible any meaningful review of specific potential cleanup remedies at the site because it has failed to fully and properly characterize not only the extent of soil and groundwater contamination at the site, but also the specific actions that could be taken to address this contamination. Compounding this problem is the fact that the key documents that will form the basis for the final cleanup at the site have not been made available for public review or even adequately addressed in the draft EIR itself. Consequently, there is no basis for concluding that the proposed soil and groundwater remedies could be effective or that the discussion in the draft EIR is adequate in any significant respect. These specific issues are discussed further below.

26-1c

1. Soil Contamination At The HNP Site

a. Inadequacy of Proposed Remedy

Based on the limited information that has been made available, we believe that it is unlikely that the proposed soil remedy for the HNP site will, in fact, adequately protect public health and the environment. The draft EIR documents that significant soil contamination exists at the HNP site to a depth of 6 feet or more. For example, the sampling results reported by HNP's consultant Mittelhauser Corporation indicate that there are elevated lead levels of up to 9,600 milligrams per kilograms ("mg/kg" or "ppm") in the top two feet of the soils at the site and that toxic lead concentrations of up to 8,440 mg/kg occur as deep as 4-6 feet at the site.² See Draft EIR at 3.2-6. Moreover, the draft EIR documents that petroleum hydrocarbon contamination exists in the soils to a depth of at least six feet in concentrations exceeding 16,000 mg/kg. See Table 3.2-5.

26-1

In addition to these elevated levels of lead and hydrocarbons, the draft EIR further indicates (p. 1-13) that PCBs are among the "contaminants of concern" at the site. The draft EIR states (p. 3.2-1) that the industrial scrap metal processing activities on-site have led to "localized areas of contamination associated with specific materials," including PCBs, and indicates (p. 3.8-7) that PCBs are present in particulate dust generated at the site. However, the draft EIR does not contain any further discussion concerning where at the site these PCBs have been detected or in what concentrations. For this and other reasons discussed in further detail below, there is thus a clear basis for concluding that the soils at the site may be even more contaminated than is indicated in the draft EIR. Yet, despite this clear evidence of significant soil contamination at the site at deep subsurface levels, the draft EIR indicates (p. 3.2-14) that under "worst case" conditions, the proposed soil remedy at the site will only involve the excavation and treatment or disposal of the upper two feet of soils at the site.

Indeed, it is our understanding the HNP is attempting to convince the regulatory agencies to allow it to leave in place soil containing 2850 ppm of lead. This limited cleanup would be contrary to long-standing federal and state cleanup requirements and policy guidance, and would fail to adequately protect public health and the environment at this site. It has been a routine and long-standing practice and policy of the U.S. Environmental Protection Agency ("EPA") to require the remediation of all soils at a contaminated waste site whose lead content exceeds 500 to 1,000 parts per million ("ppm").³ See, e.g., EPA Office of Solid Waste and Emergency Response ("OSWER") Directive # 9355.4-02, "Interim Guidance on Establishing Soil Lead Cleanup Levels at Superfund Sites," September 7, 1989

26-2

² Table 3.2-6 of the draft EIR indicates that other heavy metal contaminants, including chromium, copper, mercury, nickel and zinc have also been detected in elevated concentrations at various levels in the soil at the HNP site. For instance, copper and zinc are found at elevated levels at 4-6 feet.

³ Measurements in "ppm" are equivalent to "mg/kg."

(establishing soil lead cleanup levels of 500-1,000 ppm at Superfund sites). In its more recent policy guidance, EPA established a soil lead "screening level" of only 400 ppm and indicated that lead concentrations above this level in soils would generally require further evaluation based on a full range of site-specific risk factors. See OSWER Directive # 9355.4-12, "Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities," July 14, 1994 ("Revised Guidance").⁴ Moreover, EPA Region IX has developed specific written policy guidance for implementing Preliminary Remediation Goals ("PRG") for contaminated site cleanups, including lead-contaminated sites. See Memorandum from Stanford J. Smucker, Ph.D., Region IX Toxicologist, concerning "Region IX Preliminary Remediation Goals (PRGs) First Half 1995," February 1, 1995 ("PRG Guidance Document"). These PRGs are, in essence, risk-based "target" cleanup levels that EPA Region IX uses for hazardous waste site cleanups. EPA Region IX's PRG Guidance Document expressly specifies that the PRGs for lead-contaminated soils range from 400 - 1,000 ppm.⁵ This same document indicates that the California state PRG for soil lead cleanups is only 130 ppm. Id.⁶ Although specific PRGs may potentially be modified based on an evaluation of one or more site-specific factors, they are nonetheless widely used by EPA and California state hazardous waste cleanup officials as de facto cleanup standards.⁷

26-2

Moreover, under applicable California hazardous waste regulations, soil which contains lead in concentrations that exceed 1,000 ppm is considered to be hazardous waste. See California Code of Regulations § 22-66261.24. According to the draft EIR, one of the key purposes of the cleanup is to remediate the site to below "hazardous waste threshold levels." Draft EIR at 3.2-14. Consequently, in light of applicable EPA and State of California policy guidance on soil lead cleanups, any proposed soil cleanup remedy at the site must remediate in an

26-3

⁴ This Revised Guidance document further notes that EPA's lead cleanup policy promulgated under the Agency's Toxic Substances Control Act ("TSCA") regulatory program recommends that "physical exposure-reduction activities may be appropriate" for soil lead concentrations of 400 ppm or higher and that "soil abatement is recommended" for any soil lead concentrations above 5,000 ppm. See Revised Guidance at 4.

⁵ These PRG levels are set forth at p. 5 of the PRG Table, dated January 1, 1994, which is attached to the PRG Guidance Document.

⁶ See also California EPA, "Preliminary Endangerment Assessment Guidance Manual," Department of Toxic Substances Control, 1994.

⁷ As noted below, the draft EIR indicates that a risk assessment has been performed in connection with the proposed cleanup of the site. However, this risk assessment has not been made available and has not been described in the draft EIR. The resulting inability of the public to comment on the risk assessment, including its assumptions, methodologies, and conclusions, is a serious deficiency given that the risk assessment will drive the selection of the remedy.

effective manner all lead contamination exceeding applicable clean-up standards that obviously exists at the HNP site.

The proposed approach is also not appropriate for remediating the high levels of petroleum hydrocarbon contaminants found at the site. Table 3.2-5 indicates that the vertical extent of petroleum hydrocarbon contamination may reach concentrations of 16,100 mg/kg at 4 to 6 feet and concentrations up to 5,000 mg/kg at depths over 6 feet. The RWQCB's Interim Guidance for Remediation of Petroleum Impacted Sites (January 1995) indicates that soils containing TPH above non-drinking water aquifers be remediated to levels equivalent to 100 times the MCL for BTEX and fuel additives, and to 1000 mg/kg for hydrocarbons in the C4 to C12 range, 10,000 mg/kg for C13 to C22 hydrocarbons, and 15,000 mg/kg for C23+ hydrocarbons. Diesel fuel hydrocarbons generally fall with the C11 to C21 range. Therefore, this guidance indicates that there is a strong possibility that soils will have to be remediated to a depth of 6 feet or below and that impacts associated with that additional excavation have been ignored.

26-4

In addition to these regulatory requirements, there are a number of relevant site-specific factors at the HNP site which indicate that the proposed soil cleanup approach that is outlined in the draft EIR would not adequately protect public health and the environment. These site-specific factors are as follows. First, as previously indicated, the soil lead concentrations at the HNP site which would not be addressed as part of the proposed cleanup approach are in excess of 8,400 ppm, which is more than 65 times the State of California soil lead PRG "target" level of 130 ppm. Moreover, it is important to note that the depth to groundwater at the HNP site is only seven to 10 feet below ground surface. Draft EIR at 3.2-1. Thus, soils with significant lead concentrations are located in very close proximity to the groundwater table at the site, and could therefore easily migrate into groundwater which would transport these and other contaminants into the Harbor.⁸ Further, given that the proposed cleanup at the site involves only a limited amount of soil excavation prior to surface capping, there is a strong likelihood that tidal fluctuations in the Harbor will cause seawater to rise within the contaminated soils layer at the HNP site, leach out the contaminants from the soil, and carry off these contaminants when the tide subsequently recedes from the

26-5

⁸ Such a result would clearly be contrary to the RWQCB's well-established policy which requires the non-degradation of the State's groundwater resources. Narrative Water-Quality Objectives, California Enclosed Bays and Estuaries Plan, 91-13 WQ, April 1991, California Water Resources Control Board. It should also be noted that there are several groundwater pumping operations currently underway on Terminal Island which could influence the direction and flow of groundwater in the area of the HNP facility. These operations include, among others, dewatering systems located at the former Union Pacific Resources Company site and the SCE Long Beach Generating Station, among others. In light of these significant nearby pumping activities, the EIR should identify all nearby dewatering projects and evaluate their impact on the lateral and vertical flow of groundwater, and also on the potential for contaminants to leach out of the soil into the groundwater beneath the HNP site.

HNP site. Inner Harbor sediments and water near the HNP property would also be contaminated by the flushing of tidal waters through the subsurface groundwater at this site. Consequently, any cleanup at the site which fails to require the excavation and treatment of soils with significant lead concentrations or any other contaminants susceptible to groundwater leaching at the site would clearly lead to potential impacts on water quality as discussed below.

26-5
(CONT.)

b. Lack of Proper Site Characterization

A second key reason why the proposed remedy is not appropriate and/or effective is that the extent of contamination at the HNP site has not been properly characterized. Consequently, we believe that the site is, in all likelihood, much more significantly contaminated than is indicated by the soil/groundwater section of the draft EIR. For example, the draft EIR relies on the 1994 Mittelhauser report for purposes of characterizing the extent of contamination. Draft EIR at 3.2-7. Since the Mittelhauser report summarizes the work of other consultants performed over several years, it is not possible to verify that the investigations were conducted appropriately. We believe that, based on available information, the 1994 Mittelhauser report may have significantly understated the actual extent of onsite soil/groundwater contamination. For example, the Geology section of the draft EIR references (at p. 3.1-4) another prior study, conducted by the LAHD itself (Long and Morgan, 1993), which indicates that elevated levels of chromium, lead, mercury, nickel, zinc, DDT and PCBs are present in Harbor sediments near the HNP facility (see Tables 3.1-1 and 3.1-2). However, a number of these contaminants which were specifically found to exist in the sediments located close to the HNP site (including DDT and PCBs) apparently were not analyzed for in any subsequent soil and groundwater investigations that were conducted at the site (see, e.g., Tables 3.2-2, 3.2-3, and 3.2-6 of the draft EIR).⁹ If these contaminants exist in the soils and have not been characterized, then the impacts of a limited remediation at the site are more severe than what is acknowledged in the draft EIR.

26-6

Moreover, the LAHD itself has previously indicated its concern that HNP has failed to adequately delineate the full extent of contamination at the site. In a prior letter to HNP, the LAHD expressed the view that the Remedial Action Plan Workplan that HNP prepared for the site appeared to be "based on an insufficient number of sampling locations." See Letter from Donald W. Rice, Director of Environmental Management, Worldport LA, to Mr. John Prudent, Hugo Neu-Proler Company, August 5, 1992 ("LAHD Letter") at p. 1. In this correspondence, the LAHD also

26-7

⁹ The treatment of PCB contamination in the draft EIR is also seriously deficient. In discussing site conditions, the draft EIR makes numerous brief references to PCB contamination at and near the site. The draft EIR states that PCB is one of the principal contaminants of concern in the soils at the site. Draft EIR at 1-13. The draft EIR also indicates that there are elevated levels of PCBs in the Harbor sediments near the site. Table 3.1-5. Similarly, the report suggests that PCBs are present in particulate dust generated at the site. Draft EIR at 3.8-7. Despite this clear evidence that the HNP project operations have generated PCB contamination in a number of forms, the draft EIR fails to address these PCB issues at the site.

noted that "no samples were taken from areas where mounds of scrap are usually located" even though "one would expect the soils under these mounds to contain high levels of contaminants, as compared to areas where scrap was not stored." Id. The LAHD further noted that, given the nature of scrap processing and recycling operations, it is reasonable to assume that "in earlier and less regulated times, the HNP site was contaminated by a number of different types of hazardous materials and waste entering the site, both intentionally and inadvertently." Id. at p. 2.¹⁰ In this Letter, the LAHD further states that the "development of a complete site characterization for the HNP site would likely require a wider range of analytic methods (e.g., EPA methods 8270, 8240, and the full range of EPA 8080) than was employed in previous site characterizations." Id. at p. 2. The LAHD further states in this Letter that the range of analytical tests for detecting chlorinated hydrocarbons in the soils at the HNP site should be expanded, and that the "Port's experience with shredder waste material from similar facilities is that it contains, in addition to DDT, a number of pesticides and chlorinated hydrocarbons." Id.¹¹

26-7
(CONT.)

Despite these significant criticisms of HNP's approach to characterizing the extent of site contamination, the draft EIR does not indicate whether or how HNP's consultants ever addressed these specific sampling and analytical deficiencies that were pointed out in the LAHD Letter. Moreover, the draft EIR does not indicate whether HNP's consultants ever in fact: (1) took a sufficient number of samples from all necessary and appropriate locations at the site; (2) actually used the full range of analytical methods requested by the Port; or (3) specifically tested for the presence at the site of DDT, pesticides and chlorinated hydrocarbons as requested by the LAHD Letter. Therefore, it is very probable that the site is more contaminated than is indicated in the draft EIR. Based on available information, additional environmental investigations at the site will be necessary to properly scope and outline the true extent of contamination at the site.

26-8

c. Lack of Critical Information

Another key defect in this section of the draft EIR is the lack of information concerning the basic technical analysis and assumptions that have been used to develop the proposed cleanup approach. The draft EIR does not specify or outline the selected cleanup remedy. Rather, the draft EIR merely indicates that HNP has agreed to remediate the contaminated soils at the site to levels which are acceptable to the Regional Water Quality Control Board ("RWQCB"), the

26-9

¹⁰ This Letter further notes that site characterization results from the "former National Metals and Steel (NMS) site revealed significant differences in contaminant concentrations between the NMS and the HNP sites." Id. at p. 1. The Letter adds that, considering that these two facilities "were similar in size (acreage) and type (scrap), one would also expect similar levels of contamination." Id.

26-7

¹¹ DDT has been found at elevated levels in the sediments adjacent to the site, Table 3.1-5, providing further confirmation that the LAHD's concerns are well-founded.

Department of Toxic Substances Control ("DTSC"), and the LAHD, and outlines a range of cleanup options that could be used for the soil remediation at the site.¹² Draft EIR at pp. 1-17, 3.2-14, 3.2-15. Without understanding what these agencies will require, it is impossible to evaluate the impacts associated with the remediation process.

26-9
(CONT.)

In lieu of providing any meaningful information concerning the proposed soil cleanup at the site, the draft EIR merely defers consideration of this issue until some future date, and suggests that the key decisions concerning the extent of soils remediation that will be required at the site will ultimately depend on a "risk-based" analysis that will be contained in a completely separate document -- the Remedial Action Plan ("RAP") -- that is not presented for consideration in or along with the draft EIR. The draft EIR indicates that this RAP has not yet been approved as a final document by the LAHD, the RWQCB or the DTSC, and the draft EIR further indicates that this RAP will not even be finalized until after the approval of the draft EIR for the site. Moreover, the draft EIR fails to outline the proposed RAP in any meaningful detail or to provide a reasonable basis for any of the technical determinations made in connection with the soil/groundwater conditions at the HNP site. Further, although the draft EIR indicates (p. 3.2-14) that a risk assessment will be performed as part of the RAP process, no risk analysis has been made available for review as part of the draft EIR. Our concern regarding lack of information is significant in that it is our understanding that much of the contamination will be left in place even though soil concentrations for lead exceed hazardous waste threshold levels (as noted on page 5).

26-10

Thus, the draft EIR fails to address the key issues associated with the proposed site cleanup. These issues include, among others: (1) what cleanup remedy will be required at the site; (2) how extensive or stringent the required cleanup will be; (3) whether the proposed cleanup will effectively address all contaminants, such as PCBs, that may exist in significant concentrations in the soils at the site; (4) whether remedial activities will be implemented in a timely manner; (5) whether the final site cleanup will be protective of public health and the environment; (6) what key assumptions and analyses will be utilized as part of the RAP's intended reliance on risk-based remediation criteria; and (7) whether the "worst case" soil remediation estimates made in the draft EIR are accurate.¹³ However,

26-11

¹² These listed options in the draft EIR are: (1) the excavation and on-site treatment of contaminated soil followed by the stockpiling of this treated soil for on-site use as base material; (2) the excavation and on-site treatment of contaminated soil followed by the disposal of this treated soil at an off-site landfill; and (3) the excavation and disposal of this contaminated soil at a permitted landfill. Draft EIR at 3.2-15.

26-11

¹³ For example, the draft EIR's conclusion that the "worst case" remediation will involve excavation of surface soils to a depth of only two feet is particularly troublesome inasmuch as Tables 3.2-5 and 3.2-6 of the draft EIR indicate that significant concentrations of both petroleum hydrocarbons and metals (and possibly

(continued...)

given that the draft EIR is, in essence, deferring to the findings and conclusions of the RAP and the risk assessment for purposes of determining the final soil cleanup remedy at the site, a detailed and timely review of the RAP and the risk assessment is very critical to the public's ability to review and comment on the proposed remediation project. Without this review, the conclusion cannot be made that impacts associated with the proposed project are insignificant. This public review and comment on the proposed cleanup plan should include full disclosure of any potential mitigation measures and/or alternatives associated with the proposed cleanup plan, as required by CEQA. Consequently, we believe that, consistent with the requirements of CEQA, further consideration of the draft EIR should be postponed until the public has an adequate opportunity to review the final RAP and the risk assessment for the site.¹⁴

26-11
(CONT.)

d. Need for Proper Feasibility Study

In addition to the need to make the RAP and risk assessment for the site available at this time, it will clearly be imperative for HNP to undertake a proper feasibility study which considers the full extent of contamination at the site and examines a full range of potential cleanup options using appropriate assumptions regarding cleanup standards. This feasibility study should include evaluation of alternative remediation strategies that have not been adequately addressed by the draft EIR, or, at minimum, a further examination of the proposed environmental risks that would be acceptable at the site. Without the opportunity to compare the relative

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¹³(...continued)

other contaminants) have been detected at up to six feet in depth in the site soils. Moreover, even if the site were contaminated to a depth of only two feet, calculations based on the surface area of the site shown in the plot plan indicate that the actual volume of contaminated soil to be excavated would likely be approximately 112,000 tons rather than the 65,000 tons estimated in the draft EIR (p. 3.2-14). It appears that HNP assumes that only unpaved areas of the site will need to be excavated. However, since there is no indication that contaminated soils dating back to the 1940s were removed prior to paving, it must be assumed that the entire site may require excavation. Indeed, given what is presented in the draft EIR regarding the nature of the contamination, the only feasible cleanup approach is excavation and treatment of the soils even if the site is ultimately capped. Thus, not only has the draft EIR likely underestimated to a significant extent the amount of soil that might be required to be excavated and treated at the site, it has also in all probability drastically underestimated the impacts (e.g., release of air toxics and other air pollutants) associated with the necessary soil excavation at the site.

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¹⁴ Similarly, this information clearly should be timely provided to the RWQCB and the DTSC so as to allow these agencies to perform their CEQA review functions prior to further consideration of the EIR. Based on available information, it does not appear that the LAHD has received any substantive guidance from either the RWQCB or the DTSC concerning the nature or extent of the soil and groundwater cleanup that will be required at the site.

26-11

merits of the selected remedial option to those of other measures, a meaningful evaluation of potential impacts is precluded. In particular, one of the most significant issues that should be addressed in the feasibility study is the nature and extent of the PCB contamination that may exist on-site, as well as the most appropriate and feasible approach for addressing such on-site PCB contamination. If prior or subsequent soil investigations indicate that PCBs are present in site soils in concentrations of approximately 1-5 ppm or higher, these PCBs will potentially have to be excavated and treated in a manner which is different from and/or inconsistent with the polysilicate treatment technology proposed as the treatment technology for contaminated soils at the site. See DTSC Fact Sheet - PCB Handling, Treatment and Disposal, July 1992. For example, these PCB-contaminated soils may potentially be required to be either taken off site and disposed in a TSCA-permitted landfill or incinerated, rather than being subject to the fixation treatment which may potentially be appropriate for lead-contaminated soils.¹⁵

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(CONT.)

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Other PCB-related issues that the feasibility study and the draft EIR should address in detail are: (1) whether the levels of PCBs in the excavated soils would affect the suitability of these materials for disposal at designated landfills in the state, and (2) whether additional treatment (e.g., incineration, soil washing and/or dechlorination) of PCB-laden soils will be required. Other overall remedial concerns that should be addressed in the feasibility study and the draft EIR include: (1) the effectiveness of the proposed chemical fixation/stabilization treatment system in reducing the high concentrations of lead in the soils to levels acceptable for land disposal;¹⁶ (2) the use of an appropriate methodology for evaluating "hot spots" in areas where past practices indicate the potential for increased contamination; (3) the development of remedial options that address the need for increased excavation and/or treatment of soils prior to disposal; (4) the use of perimeter air monitoring of dust generated during excavation and treatment to protect site workers from excess exposure to lead or PCBs; (5) the implementation of groundwater monitoring of the site over the entire period of the proposed facility lease to ensure that the remedial action has been effective in protecting groundwater resources; and (6) given the groundwater regime in the vicinity of the HNP site, the determination of whether any cleanup which allows contamination to remain on-site would be protective of the water quality and biotic resources within the Harbor.

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¹⁵ Under EPA's TSCA regulations, any concentrations of PCBs in soil derived from a release containing greater than 50 ppm PCBs must be either incinerated or landfilled at a TSCA-permitted facility. See 40 C.F.R. § 761.60.

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¹⁶ With respect to this issue, it should also be noted that under California hazardous waste regulations, any soils which exhibit Soluble Threshold Limit Concentrations ("STLC") of more than 5 mg/liter are deemed to be California hazardous wastes. See California Code of Regulations § 22-66261.24. Consequently, any future feasibility study should also evaluate whether the proposed cleanup will effectively accomplish the specified goal in the draft EIR of remediating the site to below hazardous waste threshold levels. Draft EIR at 3.2-14.

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Similarly, the draft EIR's proposal to delay the implementation of site cleanup for several years also appears to be contrary to long-standing federal and state hazardous waste regulatory practice. According to the draft EIR, HNP proposes to continue and even expand its operations prior to completing the soil remediation. Moreover, the draft EIR indicates that the actual soil remediation at the site would only be expected to be completed "within five years of the RAP approval and lease renewal," although there is no indication as to specifically when this activity would occur. Draft EIR at 3.2-15. Since disapproval of the project would result in cleanup within two years, this delay in implementation of the remedy is itself a significant impact which is not addressed in the draft EIR. Moreover, this delay is likely to result in increased levels of soil contamination (as a result of HNP's continued and even expanded facility operations prior to remediation) and increased groundwater and Harbor contamination (due to the potential for leaching of contaminants from the soils into the groundwater and tidal waters).

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Given the RWQCB's problems with regard to staffing, it is also possible that the cleanup will take even longer than what is presented in the project schedule - further delay would exacerbate existing impacts of contamination on soils and groundwater. Consequently, we believe that in light of the significant potential threat to public health and the environment that is posed by the contaminated soil at the site, this cleanup should be performed in a more timely and expeditious manner than is proposed in the draft EIR. In fact, strict deadlines for cleanup should be established that minimize further impact to public health and the environment.

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2. Groundwater Contamination At The HNP Site

In addition to its failure to properly address the known and probable soil contamination at the site, the draft EIR also fails to adequately address the groundwater problem at the site and to provide an effective groundwater remediation remedy. The text of the draft EIR focuses on the free-phase hydrocarbon contamination problem. The draft EIR acknowledges (p. 3.2-3) that there is a serious groundwater contamination problem at the site due to the presence of a "free-phase" petroleum hydrocarbon product "lens" or pool of diesel fuel (or related petroleum products) below ground at the site that apparently resulted from

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¹⁸(...continued)

extends to a depth of at least 6 feet at the HNP site, if HNP is only required to excavate to 2 feet (or less in some areas) as described on page 3.2-14, then the LAHD could potentially assume any potential future liability for the excavation, treatment and/or disposal of any additional volumes of contaminated soil at the site. In addition, if a subsequent tenant suffered health effects from any of these activities, the LAHD could be potentially responsible for this harm. Even if the LAHD were allowed to excavate and fixate the soils and then replace the soils onsite, the cost to the city would approach \$8.5 million. In light of the current financial status of the City of Los Angeles, there is a significant basis for questioning whether the LAHD should willingly expose itself to potential liabilities of this magnitude.

an underground pipeline leak at the site, and that the extent of this groundwater contamination has not been properly defined. Notwithstanding the recognition of this significant contamination, the groundwater remediation strategy that is discussed in the draft EIR (p. 3.2-14) is ill-defined, and lacks any reasonable assurance of success. The most significant uncertainties in the outlined groundwater strategy include, among other things: (1) the extent of the free-phase hydrocarbon plume; (2) the potential effectiveness of the existing extraction system to remove free product, particularly given the other groundwater pumping activities, noted above, that are occurring in the vicinity of the site; (3) whether other types of contaminants (e.g., PCBs) have been dissolved in this free phase hydrocarbon plume; (4) the nature and extent of dissolved constituents in the groundwater; and (5) the specific treatment approach that would be required to reduce concentrations of dissolved constituents to insignificance.

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(CONT.)

The draft EIR references a Free Phase Hydrocarbons Investigation Workplan ("Workplan") which is designed to characterize the extent of contamination at the site prior to the development of the remedial action for groundwater cleanup at the site. However, this Workplan is neither summarized in nor provided with the draft EIR, thereby precluding meaningful review and comment on the true extent of, and the most effective approach to remediating, the groundwater contamination at the HNP site.

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Thus, there is clearly a need for HNP to undertake additional work to characterize the extent of the groundwater contamination problem at the site. Depending on the findings of these studies, additional treatment measures (e.g., steam injection or more effective pump-and-treat technologies such as carbon adsorption or biofiltration) might be appropriate. At a minimum, an additional comprehensive groundwater monitoring investigation of the HNP site should be undertaken in order to determine more fully the extent of the groundwater contamination at the site and the best options for addressing this problem. This groundwater investigation should include, at the very least, the following components: (1) the use of monitoring wells at set intervals within the hydrocarbon plume to confirm that recovery is proceeding as anticipated through measurement of reductions in product thickness over time; (2) the installation of monitoring wells in locations of other contaminated areas that are associated with past industrial activities at the site; and (3) the installation of monitoring wells along the periphery of the groundwater plume, both upgradient and downgradient of the contamination, with sufficient coverage to confirm fluctuations in groundwater conditions associated with regional flow, tidal influences, and effects from nearby groundwater extraction activities.

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SUMMARY AND RECOMMENDATIONS

In order to correct the most significant deficiencies in the draft EIR relating to soil and groundwater contamination, the LAHD should:

- Make the RAP, the risk assessment and the Free Phase Hydrocarbons Investigation Workplan available in order to provide an opportunity for meaningful public review and comment on the draft EIR as required

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under CEQA. Moreover, further consideration of the draft EIR should be postponed pending a full public review of these background documents, as well as other relevant site-related workplans and remedial investigation data. Following this review, the draft EIR should be recirculated for comment with these documents incorporated as appendices.

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(CONT.)

- Require additional, comprehensive site characterization studies to fully delineate all potentially significant site contamination and to determine the scope and nature of all feasible and necessary soil/groundwater cleanup remedies.
- Solicit further guidance and input from the RWQCB and DTSC concerning the proposed soil/groundwater cleanup standards at the site.

Based on the information currently available, the proposed project would have a number of significant impacts:

- Expanding the operation prior to remediation would continue to contaminate the soils.
- Renewal of the lease will delay remediation three years longer than if the lease were not renewed.
- The project would leave contaminated soils in place when the concentrations of pollutants (particularly lead) exceed regulatory thresholds.
- The chosen remedial method could increase impacts to human health and the environment if PCB's are not considered.

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Recommended measures to mitigate significant impacts include:

- Establish a fast-track timetable for remediation of the site.
- Excavate and appropriately treat of all contaminated soils at the site, even if the site is ultimately capped.
- Complete soil remediation activities prior to expansion of operations at the facility.
- Require that the site cleanup be performed in a more expeditious and timely manner than the timetable currently proposed in the draft EIR.
- Require the implementation of a comprehensive groundwater remediation program at the site.

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B. Hydrology, Water Quality, and Oceanography

In addition to the soil/groundwater issues discussed above, information contained in the draft EIR suggests that the proposed HNP lease renewal and facility expansion would have significant impacts on the water quality of the Harbor, including Harbor sediments. However, the draft EIR fails not only to adequately address the potential for the continued contamination of Harbor waters due to current and proposed future HNP operations, but also to identify and analyze potentially appropriate mitigation measures. A key source of the water quality degradation in the Inner Harbor is contaminated stormwater runoff from the HNP facility. Although the draft EIR indicates that a proposed Stormwater Pollution Prevention Plan ("SWPPP") would be implemented at this site, this SWPPP has not been made available for public review or comment. Moreover, although HNP proposes to install a partial stormwater collection and treatment system, based on available information, this system does not appear to be able to properly and effectively treat contaminated stormwater before it is discharged into the Harbor. The draft EIR similarly provides no basis for concluding that other significant documented sources of Harbor contamination (including scrap metal which falls into the Harbor during ship loading operations and contaminated dust from facility materials and operations) have been properly identified, evaluated or mitigated.

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Another significant water quality issue is the proposed dredging of sediments in the Inner Harbor next to the HNP berths. The draft EIR indicates that this activity could have significant effects on the Harbor, yet the impacts of this proposed activity are not fully identified or evaluated. Each of these issues is discussed in further detail below.

26-28

1. Stormwater Controls

The draft EIR demonstrates that HNP has discharged contaminated stormwater into the Harbor. Draft EIR at 3.4-7. This stormwater is contaminated as a result of several factors, including: (1) the current hazardous waste storage areas at the HNP facility which are distributed throughout the facility, are not bermed or covered, and therefore have direct contact with precipitation; (2) the inadequate site grading at the facility that allows stormwater to discharge uncontrolled into the Harbor; and (3) operational areas such as fuel dispensers and maintenance areas which are uncontained and unprotected. See Draft EIR at pp. 3.4-7 and 3.4-8.

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Further, as discussed elsewhere in these comments, a number of scientific studies have shown the water quality of the Inner Harbor in the area of the HNP facility to be significantly degraded. These studies include, but are not limited to: (1) State Mussel Watch program mussel assays which have shown high concentrations of toxic metals and synthetic organic compounds near the HNP facility (Draft EIR at 3.4-3); (2) the study of Harbor sediments, conducted by the LAHD in 1993, which indicated that elevated levels of chromium, lead, mercury, nickel, zinc, DDT and PCBs are present in Harbor sediments near the HNP facility (Draft EIR at 3.1-4); and (3) other water-quality studies that were referenced in a Cleanup And

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Abatement Order that the RWQCB issued to HNP in 1991 (this Order is discussed below).¹⁹

Despite the significant impacts that have resulted from the HNP facility's uncontrolled discharges of contaminated stormwater, the draft EIR fails to provide any information which demonstrates that the facility is now or will be capable of properly and adequately managing its contaminating stormwater discharges. Instead, the draft EIR merely indicates (p. 3.4-7) that stormwater management issues are being addressed through HNP's Stormwater Pollution Prevention Plan ("SWPPP") without providing any technical support justifying this conclusion. This SWPPP, which HNP is required to prepare pursuant to the California State General Industrial Activities Stormwater Permit (the "General Permit"),²⁰ has two key purposes: (1) to help identify the sources of pollution that affect the quality of the facility's industrial stormwater discharges; and (2) to describe and ensure the implementation of practices to reduce pollutants in the HNP facility's stormwater discharges. However, the public has had no opportunity to review or comment on this SWPPP document because it has not been made available for review as part of the draft EIR process, and has not been described in any specific detail in the draft EIR itself. Consequently, the draft EIR fails to provide sufficient information which would indicate whether this SWPPP will effectively reduce the adverse impacts from HNP's stormwater discharges into the Harbor.

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Also conspicuously absent from the draft EIR are the results of the stormwater monitoring activities that HNP is required to perform under the General Permit. As the LAHD is aware, California state law requires that HNP sample and analyze the contents of its stormwater runoff. This General Permit specifically requires that facilities that are covered by this General Permit must collect and analyze their stormwater discharges (or participate in an approved group monitoring). See General Permit Section B(5)(d).²¹ The General Permit further specifies the types of analytical parameters which the HNP facility is required to monitor. These parameters include, among others: pH, total suspended solids ("TSS"), total organic carbon ("TOC") or oil and grease, and "toxic chemicals and other pollutants

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¹⁹ It is important to note that the Inner Harbor is not subject to the same degree of tidal fluctuations and flows that affect other areas of the Harbor. Consequently, contaminants which are discharged into the water in an area of the Inner Harbor such as the HNP facility are likely to remain more concentrated and less subject to dilution than would otherwise occur if these contaminants were discharged into other areas of the Harbor.

²⁰ The draft EIR indicates (p. 3.4-7) that HNP previously submitted a Notice of Intent to be covered by the terms of the General Permit.

²¹ According to the terms of the General Permit, HNP has been required to collect and analyze samples of its stormwater discharges from at least one storm event during the 1992/93 wet season (i.e., October through April) and two storm events during each subsequent wet season which produce significant stormwater discharge. Id.

that are likely to be present in stormwater discharge in significant quantities." Id. If HNP is in compliance with the General Permit, the results of this stormwater monitoring activity would obviously provide significant insight into the effectiveness of HNP's current stormwater control activities, including the types and quantities of pollutants that HNP is discharging to the Harbor. For example, since PCBs have been found to be present at the site, the SWPPP should be reviewed to determine whether the facility's monitoring program analyzes for PCBs at all appropriate discharge locations, and, if so, whether the analytical results indicate PCB discharges from the HNP facility to be a continuing problem. However, the results from HNP's stormwater monitoring activity are not provided -- or even discussed -- in the draft EIR.

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The draft EIR notes that, in addition to the measures contained in its SWPPP, HNP has proposed to manage its stormwater runoff through a collection and treatment system. Draft EIR at 3.4-8. However, the draft EIR fails to provide sufficient data on the stormwater containment and treatment system design or other controls which would indicate whether the proposed stormwater control system will, in fact, be able to effectively mitigate the significant environmental impacts that will arise from contaminated runoff at the HNP facility. Inasmuch as the specific nature of the proposed stormwater system design and the calculations that were used to engineer these proposed improvements are not included in the draft EIR, it is not possible to confirm whether the design is adequate for its intended purpose.

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However, based on our review of available information, including a rough comparison of total facility surface area to retention basin volumes (from Figure ES-3), it appears that the collection and treatment system proposed to handle contaminated stormwater at the site will not be sufficient. For example, Figure 1.1-4 of the draft EIR shows the Proposed Site Modifications to the existing facility. A comparison of this Figure with Figure 1.1-3 of the draft EIR indicates that the two stormwater retention basins depicted in Figure 1.1-4 would collect runoff only from the Plate and Structural Steel and #2 HMS piles. Although there are numerous other piles of material on the existing site, the proposed modifications to the existing site do not indicate that stormwater is either presently collected or is intended to be collected in the future from these other scrap material piles. Thus, it appears that the stormwater collection infrastructure is very limited in nature and that the capacity of both the collection system and its related treatment system are inadequate for the entire facility.²²

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Even if the proposed stormwater collection and treatment system somehow could be viewed as having adequate stormwater collection and retention capacity, we do

²² It should also be noted that the draft EIR presents inconsistent information concerning the extent of the proposed stormwater control system. For example, the text of the draft EIR states (pp. 3.4-9, 3.4-10) that three stormwater retention basins will be constructed at the site. However, as noted above, Figure 1.1-4, which purports to depict the physical locations of these retention basins, indicates that only two such basins would be built. This discrepancy should be explained in the draft EIR.

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not believe that it will be able to remove many of the most toxic pollutants that are likely to be contained in the stormwater runoff. For example, the brief description of the stormwater treatment system provided on page 3.4-10 of the draft EIR indicates that the system may only remove "suspended materials from the stormwater before it is discharged into a storm drain," but will not properly remove or treat any dissolved constituents (such as soluble metals and hydrocarbons) that may be contained in stormwater runoff. Given the nature of HNP's operations and the contaminants found on site, it is highly likely that the runoff will contain such dissolved constituents. Most particulates can be removed from stormwater by isolating the water and allowing the particulate to settle out. However, dissolved constituents would need more extensive treatment processes such as pH adjustment and flocculation in the case of metals, and carbon adsorption (or an equivalent removal process) in the case of dissolved organics. Inasmuch as the proposed HNP stormwater collection and treatment facility does not appear to be capable of removing these types of dissolved contaminants, it is likely that stormwater discharges will not meet applicable water quality standards. This contaminated stormwater would be discharged into the Harbor, potentially impacting benthic organisms and seabirds, as well as posing a public health threat to operators of pleasurecraft.

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Moreover, the draft EIR indicates (pp. 1-19, 3.4-8) that HNP proposes to use captured stormwater for dust control. Because the stormwater will be in contact with contaminated surfaces (equipment, scrap piles, contaminated ground surfaces, etc.), contaminants will be concentrated and then will be spread to other areas of the facility via dust control activities. This concentrated waste stream will then discharge to the storm drain during rainfall events due to the limited retention/treatment capability of the system. The impact to the Harbor water and sediments of this proposed use of captured stormwater was not evaluated in the draft EIR.

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It should also be noted that the implementation schedule for the proposed project as presented in Figure 1.5-2 will allow HNP to continue to discharge its contaminated stormwater into the Harbor for at least five more years before the proposed stormwater control system is fully in place. Thus, this aspect of the proposed project will allow HNP to continue and even increase its pollution of the Harbor for several years due to several related factors, including: (1) the delay in installation of these stormwater controls; (2) the delay in implementation of the soil cleanup remedy at the site (which will cause stormwater to come into contact with contaminated soils at the site for a lengthy period of time); (3) the inability of the existing stormwater control system to handle contaminated runoff during remediation activities; and (4) the proposed increase in the HNP facility's operating capacity. We believe that these factors, both individually and collectively, would be likely to result in significant adverse impacts on any fisheries in the Harbor, contrary to Tidelands Trust requirements. These factors are also likely to result in significant adverse impacts to other biota in conflict with the goals of RWQCB's Control Policy for Enclosed Bays and Estuaries. This delay is also contrary to the General Permit for stormwater discharges, which indicates that all discharges are required to begin as soon as possible to implement practices to prevent stormwater pollution and to operate and maintain their facilities so that stormwater discharges

26-37

do no cause or threaten to cause pollution or contamination or adversely impact human health or the environment.

In sum, there clearly is a strong potential for continued pollution of the Harbor by contaminated stormwater runoff from the HNP facility -- even if the proposed storm-water control measures are implemented. In order to ensure that contaminated stormwater runoff from the facility will be effectively managed, we believe that the design of HNP's proposed stormwater collection and treatment system, and the pollution prevention measures contained in the SWPPP, must be carefully evaluated in order to address their potential for reducing contaminated stormwater discharges from the facility. Specifically, we believe that the draft EIR should be revised and recirculated for public review in order to properly evaluate potential stormwater impacts and to identify all feasible mitigation measures and alternatives. In particular the draft EIR should document: (1) that adequate stormwater retention capacity is provided at the site; (2) that the proposed stormwater treatment system has sufficient capacity to treat the collected stormwater; (3) that the treatment system can effectively treat all contaminants, including but not limited to dissolved contaminants (e.g., through neutralization or precipitation techniques); (4) that the sludge from the treatment plant will be properly analyzed and disposed of at an off-site location; (5) that adequate pollution prevention measures will be included in the SWPPP; (6) that stormwater improvements will be implemented in an expeditious manner; and (7) that there has been proper consideration of the cumulative impacts of stormwater discharges from both the HNP facility and other facilities (this issue is not addressed in the draft EIR).

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2. Other Water Quality Concerns

In addition to these stormwater issues, the draft EIR indicates that there are other significant sources of contamination of Harbor waters due to HNP's current and proposed future operations. These other sources of Harbor contamination include: (1) scrap metal falling into the water during ship loading operations, and (2) airborne contaminants released during facility operations. Draft EIR at 3.4-7. Again, however, the potential impacts of these sources are merely noted in passing but are not adequately addressed in the draft EIR. For example, on page 3.4-8 the document references a Cleanup and Abatement Order that the RWQCB issued to the HNP in 1991. See RWQCB Cleanup And Abatement Order No. 91-062 (the "Order"), March 7, 1991 (Revised May 2, 1991). The draft EIR indicates that this Order was issued because the RWQCB found that HNP was "creating a condition of pollution through discharge of metal shredder waste into Los Angeles Inner Harbor waters and sediments." However, this Order also specifically found, among other things, that waste metal that was being loaded onto docked ships for export "via conveyor belt or crane" was falling into Harbor waters during loading operations, and that HNP did not have a permit to discharge waste to Harbor waters. Order at ¶ 2. The Order also noted that "debris deposited beneath the conveyor (on land) was heavily contaminated with PCBs." Id. at ¶ 5. Moreover, bottom sediments in the "immediate vicinity of the loader were also found to be heavily contaminated with PCBs," and the chemical composition of these sediments was "very similar to that of the conveyor debris on land, while being

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dissimilar to sediments from other parts of the harbor." Id. This Order also found that shredded automobile waste metal was entering the Harbor waters from the HNP facility through "airborne or waterborne (as during rainstorms) discharges." Id. at ¶ 2.²³ The Order further indicated that concentrations of PCBs that were found in the Harbor water near these HNP operations exceeded the EPA marine acute, marine chronic, and fish consumption water criteria. Id. at ¶ 9. Overall, as a result of these contaminating activities, the Order found that HNP was detrimentally affecting the Harbor waters for the beneficial uses of marine habitat and preservation of rare and endangered species. Id. at ¶ 12.²⁴ The draft EIR asserts (p. 3.4-8) that HNP subsequently implemented "specific operational and engineering changes at the facility," and that the Order was rescinded on June 21, 1994. However, no description of the improvements allegedly made by HNP is provided. Although the draft EIR indicates that a collector plate was installed to prevent scrap metal from falling into the water during skip loading, the effectiveness of this measure in eliminating the problem is not demonstrated. Consequently, it is impossible to verify that HNP's efforts to control its pollution of the Harbor were successful.

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Moreover, the air quality impact section of the draft EIR indicates (Section 3.3) that there will be a significant increase in dust associated with the proposed expansion of HNP's operations. As noted below, the draft EIR specifically predicts (in Table 3.3-13) that emissions of PM₁₀ (i.e., breathable particles that may include PCBs and heavy metals) will increase from 347 to 552 pounds per day (a 57% increase) as a result of the proposed facility expansion. This increase in dust emissions will also result in increased pollution of the Harbor through wind deposition. This potentially significant impact on water quality was likewise not analyzed in the draft EIR.

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Based on our review of the draft EIR, we believe that key potential mitigation measures need to be evaluated in connection with the facility's continued degradation of the Harbor. In light of the demonstrated potential for the bulkloader

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²³ It has been well-documented that automobile shredder residue frequently contains PCBs. For example, as part of recent regulatory policy guidance, EPA released the results of an Agency study concerning the extent of certain contaminants, including PCBs, in appliance and auto shredder residue, commonly known as "fluff." See EPA, Memorandum from Linda J. Fisher, Assistant Administrator, Office of Pesticides and Toxic Substances, to Don R. Clay, Assistant OSWER Administrator, dated May 28, 1991 (attaching shredder fluff study). This EPA study found, among other things, that PCBs were present in all sampled materials at all studied sites, and that over 98 percent of the PCBs in all shredder output were associated with fluff. The reported PCB concentrations in fluff ranged from 0.67 to 760 ppm. Id. at p. 12 of attached study.

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²⁴ The Order also referenced several findings from the state's "Mussel Watch" program and other RWQCB documents which suggested that the levels of PCBs found in mussel assays have been significantly higher -- as much as two to three times higher -- in the vicinity of the HNP site than in other areas of the Harbor. Id. at ¶ 3.

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at the facility to contribute to contamination of the Harbor, the draft EIR should evaluate whether there are reasonable and feasible alternatives to HNP's proposed continued use of its bulkloader for ship loading activities, such as the use of cranes. Moreover, in light of the significant potential of the automobile shredder to contaminate the HNP site and Harbor with PCBs and other highly toxic contaminants, serious consideration should be given to removal of the shredder from the site, moving the location of the shredder away from the Harbor's edge, or at least reducing the amount of time that it is used at the site.

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Another very significant water quality issue which receives only cursory mention in the draft EIR is the proposed dredging of sediments in the area of the Harbor adjacent to the HNP facility. The draft EIR indicates that this proposed dredging activity would be designed to increase the water depth at the HNP berths from 35 to 37 feet. Draft EIR at 3.4-9. Although the draft EIR suggests (p. 3.4-9) that the effect of this proposed dredging activity on water circulation and the Harbor "in general will be insignificant," in fact the potential impacts of the proposed sediment dredging in the Harbor have not been fully evaluated. These potential impacts include, among others: increasing turbidity and water column contaminant concentrations, decreasing water transparency and dissolved oxygen concentration, and resuspension of toxic constituents from the sediments. The draft EIR's discussion (p. 3.4-10) of the potential impacts associated with the resuspension of contaminants from this project is wholly inadequate and fails to discuss the cumulative impacts from other dredging projects in the Harbor (e.g., effect of release of buried PCBs in sediment on saltwater biota or other wildlife). This omission is particularly unjustified given that the draft EIR also documents that elevated levels of PCBs and other contaminants have been measured in the waters near the HNP site and elsewhere in the Harbor (p. 3.4-3) and acknowledges (p. 3.4-10) that these contaminants may be resuspended as a result of dredging activities. This resuspension is of particular concern in the Inner Harbor, where the HNP site is located. Since the Inner Harbor is not subject to tidal fluctuations and flows experienced by sites in the Outer Harbor, mixing in the Inner Harbor is greatly reduced. Therefore, resuspension of sediments may have a greater effect in the Inner Harbor because pollutants remain concentrated in the area of release. Further discussion of the potential impacts of this proposed dredging activity in the draft EIR is clearly warranted.

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SUMMARY AND RECOMMENDATIONS

In light of the very significant water quality issues discussed above, the LAHD should take the following steps to provide the public with critical information for evaluating impacts:

- The LAHD should make the SWPPP and its associated Monitoring Program, including any analytical monitoring data, available to the public in order to provide meaningful public review and comment on the draft EIR as required under CEQA. As noted above, further consideration of the draft EIR should be postponed pending a full public review of this information, and the draft EIR should be

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recirculated for comment with these documents incorporated as appendices.

- The LAHD should require that additional studies be performed to fully delineate the extent and source of contaminated stormwater runoff that is being or would be discharged into the Harbor from: (a) the HNP facility's current operations, and (b) its proposed expanded operations.
- The LAHD should require additional, comprehensive site characterization studies to fully delineate the extent and source of all potentially significant Harbor contamination near the HNP facility and to determine the scope and nature of all feasible and appropriate cleanup remedies.

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Although all necessary background documents are not available for review, it appears that the potential for continued pollution of the Harbor is great. Therefore, at minimum, the following mitigation measures should be imposed.

- The LAHD should evaluate the adequacy of HNP's proposed stormwater collection and treatment system and should require, if necessary, a number of changes in this system, including:
 - an increase in the capacity of the HNP stormwater collection system and retention basins;
 - an increase in the capacity of the stormwater treatment system;
 - the addition of treatment capability for all expected contaminants, including but not limited to dissolved constituents (e.g., neutralization and precipitation); and
 - the addition of a requirement that HNP arrange for the proper disposal of the treatment sludge at off-site locations.
- The LAHD should require that effective stormwater control measures be implemented in a significantly more expeditious and timely manner than the timetable currently proposed in the draft EIR and prior to any increases in the facility's operating capacity.
- The LAHD should ensure that HNP does not worsen its contamination of the Harbor by discharging highly-contaminated stormwater that has been repeatedly recycled for purposes of dust control.
- The LAHD should develop interim stormwater control measures for construction and remediation activities that will prevent contaminated discharge to the Harbor.

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- The LAHD should require that the site be paved with concrete which is underlain by a geosynthetic liner to prevent infiltration of contamination into the soils from future expanded operations.
- The LAHD should evaluate dust control measures to minimize particulate deposition into Harbor waters, including the use of a crane rather than bulk loader for ship unloading operations and moving the shredder operation away from the edge of the Harbor.
- Utilize silt screens or other devices as necessary to minimize the resuspension of contaminants during maintenance dredging.

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C. Meteorology and Air Quality

The draft EIR acknowledges that both project construction and operations will result in significant air pollution emissions. Draft EIR at 3.3-13, 17. The data in the draft EIR demonstrate that these emissions have a high likelihood of violating ambient air quality standards for all conventional pollutants and even creating new CO hot spots. However, the draft EIR minimizes the true significance of the air emissions from the proposed project.

The draft EIR acknowledges that emissions of reactive organic gases, carbon monoxide and NO_x from proposed operations exceed significance thresholds. Draft EIR at 3.3-17. However, the draft EIR erroneously concludes that impacts for SO_x and PM₁₀ are not significant by using an "incremental analysis" rather than analyzing the emissions from the plant as a whole. Table 3.3-13 summarizes the estimated operational emissions from existing operations and the expanded facility. The difference between existing and expanded facility emissions is then compared directly to significance thresholds. This approach is faulty since, in reality, the CEQA process in this case covers not only the expansion but also the lease renewal for the facility. Therefore, total project emissions should be compared to significance thresholds. If that comparison is made, air quality impacts for all criteria pollutants exceed the significance thresholds presented in the draft EIR several times over, and in some cases by several orders of magnitude. For example, the significance threshold for emissions of NO_x is 55 lb/day. The total emissions of NO_x from the project are estimated to be 3,324 lb/day, which is more than 5900% over the significance threshold. The daily emissions of SO_x from proposed operations exceed the significance threshold by over 700%, yet the draft EIR concludes that the emissions are not significant because it looks only at the increase in emissions from expansion of plant capacity. The daily operational emissions for PM₁₀ (458 lb/day)²⁵ exceed the significance threshold of 150 lb/day by over 200%.

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Moreover, a review of maximum modeled impacts for PM₁₀ in Table 2-4 of the Air Quality Special Study indicates that, not only are particulate emissions significant, but the particulate emissions from both current and expanded operations exceed

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²⁵ As noted above, this figure appears to be too low.

National and California Ambient Air Quality Standards (see Table 3.3.2 of the draft EIR). The National Ambient Air Quality Standard for a 24-hour period is 150 ug/m³. The state standard is 50 ug/m³. Modeled concentrations of PM₁₀ averaged 221.1 ug/m³, exceeding the federal standard significantly and the state standard several times over. Therefore, current operations cause significant violations of ambient air quality standards and expanded operations exacerbate those violations. These violations have significant public health implications: particulates irritate eyes and the respiratory tract. Particulates also produce haze and limit visibility. Moreover, as discussed in more detail below, these particulates are known to contain dangerous contaminants such as lead and PCBs. Unless adequately mitigated, these emissions may result in significant irretrievably adverse environmental changes.

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Based on the magnitude of emissions for existing and expanded operations presented in Table 3.3-13 of the air quality section, it is likely that other criteria pollutant emissions cause or exacerbate ambient air quality standard violations. However, since no air modeling has been performed for other criteria pollutants, there is no way of determining the extent of any further unreasonable risks to public health and the environment that these air emissions may create. Dispersion modeling is the primary technique used by preparers of CEQA documents to evaluate specific air quality impacts. Ambient concentrations of pollutants are modeled at specific locations around the facility to determine whether standards are violated. While the "CEQA Air Quality Handbook" published by SCAQMD allows some discretion in the selection of a model (it generally lists COMPLEXI, SHORTZ, and ISC2 for complex terrain in urban environments, and ISC2 for flat terrain in urban areas), SCAQMD always requires air dispersion modeling as part of an air impact analysis where screening significance thresholds are exceeded. Since this analysis was not performed, the air quality impact section of the draft EIR is flawed.

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Moreover, emissions from operations may be underestimated. The draft EIR asserts that fugitive emissions from wind entrainment of rust and metallic residue from scrap piles will not increase even though plant capacity is being increased by 37%. Draft EIR at 3.3-15. Emissions from scrap piles are a function of the surface area of the piles and the frequency with which materials are added to or taken from them. The larger the surface area and the greater the frequency of addition to or removal from the pile, the greater the potential for emissions. An increase in facility capacity should result in having larger piles with larger surface areas and therefore higher emissions and/or more frequent movement within the piles. Since the draft EIR does not adequately support its conclusion that emissions from scrap piles would not increase, it is possible that this significant emission source has been underestimated.

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The draft EIR further minimizes air impacts by analyzing the air emissions from construction and remediation separately even though these activities will occur simultaneously with operations. Construction and remediation are expected to last for five years. During that five-year period, the air emissions from the project will consist of the cumulative total of emissions from operations, construction and remediation. The draft EIR never examines these combined impacts. For instance,

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the draft EIR concludes that the emissions from remediation are expected to be insignificant. Draft EIR at 3.3-14. However, the draft EIR never examines the significance of these impacts when added to construction and operations emissions.

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(CONT.)**

Furthermore, the emissions related to remediation may be underestimated. The draft EIR considers only the emissions related to trucks used to haul contaminated soil off site. Draft EIR at 3.3-14. However, as discussed above, the amount of soil to be hauled off site may be substantially underestimated. As discussed in the soils and groundwater section, excavation of the upper two feet of soil will require that 112,000 tons be moved. This volume is substantially more than what was estimated in the draft EIR. In addition, this extra volume of soil will require a significant increase in the use of heavy equipment. Finally, the draft EIR fails to characterize fugitive emissions of organics or PM₁₀ from the excavated soil.

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Moreover, there appear to be several mathematical and procedural inaccuracies in the draft EIR's air quality impact analysis that undermine the validity of the analysis. Some of these problems are:

- Table 3.3-6 presents daily emissions from mobile source exhaust. The emissions listed on this table simply do not add properly; for instance, NO_x emissions total 3,950 lb/day, not 2,373. This table thus appears to underestimate emissions from existing operations.
- The air quality impact analysis (Table 3.3-10) fails to account for heavy duty equipment exhaust emissions in analyzing fugitive emissions due to the proposed increase in scrap handling capacity. The heavy duty equipment exhaust emissions from current operations are estimated at 94 lb/day in Table 3.3-4 (Summary of Existing HNPC Fugitive Emissions). Thus, fugitive emissions from proposed operations should be at least 252 lb/day, making total project emissions of particulates from operations at least 552 lb/day.
- Annual emissions are not presented in the section at all even though the applicability of certain regulatory requirements such as Title V operating permits is determined by annual emissions. Since marine vessels contribute significantly to annual emissions, the air impacts associated with a 50% increase in ship loading days on the surrounding community is not fully represented in the draft EIR.

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The analysis of CO hot spots in the draft EIR is also problematic. The analysis (p. 3.3-18) correctly focuses on traffic conditions. However, the air impacts of traffic are not fully analyzed. Most importantly, the analysis is based on the conclusions of the traffic impact study, which, as discussed further below, examines the impacts of the increase in traffic as compared to current operations instead of considering the traffic impacts of the project as a whole. Reliance on this improper traffic analysis undermines the conclusions with respect to CO hot spots.

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Furthermore, the traffic analysis is based on conditions in the year 2000, when improvements will already be in place to improve traffic flow. Draft EIR at 3.6-11. Thus, use of this traffic analysis as a basis for the CO hot spot analysis may fail to identify hot spots created in the early years of the project when project-related traffic is high due to construction, remediation and expanded operations and area road improvements are not yet in place.²⁶ Moreover, the draft EIR fails to consider CO impacts from trucks waiting at the HNP facility to be processed. Idling emissions from truck traffic will increase significantly under the proposed facility expansion and should be analyzed in terms of CO hot spots. In addition, the purpose of a CO hot spots analysis is to show conformity with Clean Air Amendments of 1990. Those amendments mandate an analysis which demonstrates that the project does not create violations of National Ambient Air Quality Standards for CO or exacerbate existing standard violations. Because these analyses were not performed, it is impossible to conclude that impacts are not significant. If new standard violations are exacerbations of existing violations and are triggered by project-related traffic in the early years of the project, then a significant impact has been overlooked in the draft EIR.

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The draft EIR also provides no support for the assertions (pp. 3.3-14, 18) that odor impacts from operations will be insignificant beyond the statement that the area is generally industrialized. This cursory approach fails to consider the facility's history of odor complaints, the fact that there are residents nearby, and the principle that increasing throughput would be expected to cause a corresponding increase in the frequency of odors. Moreover, the draft EIR fails to consider the combined odors from construction, remediation, and operations. Since these impacts have not been properly characterized, it is possible that odors may be a significant concern in the expanded facility.

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Finally, the draft EIR does not properly show that the proposed project is consistent with all applicable air quality planning requirements. Since the HNP site is in a severe non-attainment area, EPA requires the SCAQMD to develop Air Quality Management Plans (as part of the State Implementation Plan) in which an inventory of existing emissions is compiled and control measures for those sources are developed along with implementation schedules that show how the region will come into compliance with applicable standards. If the AQMP is not effective, EPA can decide to impose its own plan (Federal Implementation Plan). The draft EIR (p. 3.3-18) refers to the 1991 Air Quality Management Plan ("AQMP") in analyzing potential impacts on air quality of the proposed project, yet at the same time references the 1994 AQMP (p. 3.3-8) when discussing the general relationship of the proposed project to state, regional and local plans. It is unclear from either section of the draft EIR whether the proposed expansion is specifically included in the inventory of existing emission sources in the region in the 1994 AQMP or what control measures will be applicable to either the existing or the expanded operation

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²⁶ Postponing facility expansion until site remediation is done and stormwater control improvements are in place would have the effect of delaying expansion until road improvements are in place. This would minimize the potential for creation of any CO hot spots in the interim.

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as a result of adoption of the AQMP. EPA is currently reviewing the 1994 AQMP to determine whether it is acceptable or whether the FIP will have to be imposed. In the event the 1994 AQMP is not approved by EPA, the draft EIR also should demonstrate that the proposed project would be consistent with control measures outlined in the proposed Federal Implementation Plan ("FIP"). The draft EIR is currently deficient in this respect.

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(CONT.)

Given the above, the proposed mitigation measures for air impacts are suspect and may be insufficient to address the identified significant impacts. The only mitigation measures proposed for air quality impacts from construction (p. 3.3-19) call for HNP to "minimize" concurrent use of equipment, properly tune and monitor equipment and "encourage" contractors to implement other measures such as use of low NO_x engines and ride-sharing among employees. The proposed mitigation measures for operational impacts are not much more definitive. The draft EIR makes a vague reference to best available control technology being applied to storage tanks and remediation activities. Draft EIR at 3.3-19. Aside from this, the draft EIR identifies only a few measures that "could" be implemented, including operating on a 24-hour basis (which would exacerbate noise problems), and "encouraging" the use of other measures. Draft EIR at 3.3-20. Most of these measures are not enforceable as required by CEQA. Since the effectiveness of proposed mitigation measures has not been quantified (in terms of their ability to control emissions), it is impossible to determine whether any of the proposed mitigation measures can effectively reduce the significant risks posed by these emissions. This determination can only be made by quantifying the effectiveness of specific mitigation measures in reducing emissions and then remodeling those emissions to demonstrate that new standard violations or exacerbation of existing standard violations can be mitigated to insignificance. Given the available information in the draft EIR, air quality impacts remain a significant concern in both the existing and expanded operations.

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Having made a half-hearted effort to mitigate significant air emissions impacts, the air quality section concludes (p. 3.3-20) that since "no additional feasible measures are available . . . operational impacts cannot be mitigated to insignificance." This conclusion improperly focuses only on mobile sources at the facility. The draft EIR states that the mitigation analysis focuses on mobile sources because they are the main sources of operational emissions. Draft EIR at 3.3-19. The draft EIR ignores the fact that point sources -- essentially the shredder -- are the principal contributor to emissions of reactive organic gases, and that fugitive emissions account for a substantial portion of particulates. Table 3.3-13. These sources are not addressed at all in terms of mitigation.

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There are other mitigation measures addressing other emission sources that have not been considered. Additional mitigation measures that may be feasible that were not identified include: crane electrification, cold ironing of marine vessels instead of hotelling, abandoning plans to expand the operations, and regulating the hours of operation during certain seasons when violations are likely to occur. Crane electrification and marine vessel cold ironing techniques would decrease criteria pollutant emissions substantially. Limiting expansion and hours of operations would reduce both criteria and air toxic pollutant concentrations and

26-62

should be seriously considered. Substituting crane loading for bulkloading techniques and relocating auto shredding activities and shredded metals storage piles away from the wharf would also decrease ambient impacts of PM₁₀ on local residents and workers on adjacent properties. These measures should also be considered.

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(CONT.)

SUMMARY AND RECOMMENDATIONS

To correct the defects in the flawed analysis of impacts from air emissions, the LAHD should:

- Prepare a new analysis of air emissions impacts that includes an evaluation of both existing and expanded operations modeling for all criteria pollutants, corrects mathematical errors and omissions, and considers the combined impacts of construction, remediation, and operations.

Even with the problems in the analysis it is clear that the emissions of all criteria pollutants are significant and must be mitigated to the extent feasible. Other mitigation measures that should be considered include:

- Dust suppression techniques, such as covered conveyors and chemical suppression methods,
- crane electrification,
- substitution of cranes for the bulkloader,
- cold ironing of marine vessels,
- relocation of shredded metals,
- rejection of expansion plans,
- restriction of hours in operation during the times of the year when violations are most likely to occur, and
- The LAHD should also ensure that mitigation measures for air quality are effective and enforceable.

26-62A

D. Geology

The Faults and Earthquakes section of the geology impact analysis (section 3.1.1.6) indicates that there are at least eight active and potentially active faults in the vicinity of the site (p.3.1-7). Therefore, the potential for seismic hazards is high. Indeed, the draft EIR states that "it is highly probable that the Los Angeles Harbor area will be affected by future earthquakes" and identifies seismic hazards as a significant impact of the project. Draft EIR at 3.1-17. In areas of seismic

activity, adequate construction techniques are paramount in ensuring the protection of industrial property and worker safety to the greatest extent possible.

The draft EIR implies that HNP will comply with federal, state and local building codes in order to mitigate seismic hazards impacts. However, the draft EIR is deficient in that it does not specifically evaluate whether structural improvements would withstand the effects of strong ground motion. In the Northridge earthquake, hundreds of millions of dollars of earthquake damage were attributed to unreinforced masonry. HNP proposes to enclose the perimeter of the site with sea containers and to utilize concrete block berms for hazardous waste containment. Unless these structures are amply reinforced, they will create significant hazards in the event of seismic activity at the site. However, there is no indication in the draft EIR that such reinforcement is contemplated or has even been considered. The potential for discharge of hazardous materials into the Harbor during a seismic-event would be significantly increased if berms and barrier walls are not reinforced.

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Other methods and materials of construction should be evaluated in order to minimize seismic impacts, particularly with respect to the proposed barrier wall. These construction techniques should include footings designed to withstand dynamic forces (both live and dead loading). Live loading includes such forces generated during earthquakes and major (30-year) windstorms and dead loading refers to the inherent weight of the materials of construction. A geotechnical investigation would be necessary to determine the appropriate size of the footings. Given the surface area of the proposed sea container configuration and maximum expected loading over 30 years, the size of the required foundation would be formidable. As a result, other barrier configurations may prove more feasible.

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SUMMARY AND RECOMMENDATIONS

In order to provide an adequate analysis of impacts, the LAHD should provide a more complete discussion of seismic hazards in the draft EIR and provide documentation that structural improvements can withstand strong ground motion.

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A major concern associated with seismic hazard is the barrier wall construction. Therefore, the LAHD should evaluate other methods and materials of construction for the barrier wall that provide footings capable of withstanding maximum loads over the 30-year project life.

E. Biota and Habitats

The draft EIR identifies various significant impacts on biota and habitats that would arise from the proposed HNP project. For example, the draft EIR suggests that there is potential for significant damage to saltwater organisms from metals and other contaminants generated as a result of construction (p. 3.5-6). As discussed above, there are numerous contaminants in the soils on site and in the sediments near the HNP site as well as in the scrap and other materials processed by HNP, and they undoubtedly occur in the stormwater that has been and will continue to be discharged into the waters of the Harbor. These contaminants include lead and

26-65A

other metals, petroleum hydrocarbons, and PCBs. The draft EIR acknowledges some sources of these contaminants, including stormwater discharges and maintenance dredging. Draft EIR at 3.5-6,7. Although not identified in the biota impacts section, deposition of windborne dust from scrap handling operations is also a source of contaminants, as is metal falling into the water during ship-loading operations. Many of the contaminants occur at elevated levels in the sediments near the HNP site. See Table 3.1-1. Research on aquatic hazards from ocean discharge indicates that both the liquid and suspended particulate phases of discharge are considered potentially hazardous to water column organisms, whereas the solid phase is regarded as a threat to benthic organisms (Rose and Ward, 1981). The damage to saltwater organisms would be exacerbated by the five-year delay both in stormwater improvements and the remediation of contaminated soils and groundwater, which would lead to increased contamination of waters adjacent to the HNP facility through discharges of contaminated stormwater and the leaching of contaminants from the soil.

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The draft EIR states that implementation of the SWPPP will ensure that impacts to biota and habitats from construction activities are not significant. Draft EIR at 3.4-6. However, given that the SWPPP will not be fully implemented until the end of the construction period, there is no assurance that the SWPPP will in fact prevent adverse impacts to biota from contaminated stormwater discharges. Moreover, as discussed above, there are serious questions regarding the effectiveness of the SWPPP in preventing discharges of contaminated stormwater. In spite of the potential adverse impacts to the biota, the draft EIR fails to provide adequate mitigation measures.

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The biota section of the draft EIR also states that impacts from maintenance dredging will be insignificant because they will be limited to a small area and will be short-term. Draft EIR at 3.5-6. This conclusion ignores the fact that periodic maintenance dredging will be required over the life of the leases. Draft EIR at 1-10. It also ignores the fact that other dredging projects in the area will also stir up sediments and their associated contaminants. Moreover, the assertion that maintenance dredging provides a net benefit by removing contaminated sediments (p. 3.5-6) ignores the fact that pollutants continue to be discharged into the Harbor, resulting in continuing contamination of sediments. As noted above, these contaminants include elevated levels of PCBs, lead and other contaminants. Table 3.1-1. Nevertheless, the draft EIR contains no discussion of potential impacts to biota associated with the resuspension of PCBs during maintenance dredging, even though the report (p. 3.4-10) specifically indicates that the resuspension of contamination of bottom sediments degrades water quality in the Harbor. Chemicals such as PCBs which are present in low concentrations in Harbor waters may be chronically hazardous to aquatic organisms because these pollutants may concentrate in the higher trophic level of fish (Lee, Jones and Newbry, 1979). Documented effects of PCBs on fish in polluted environments include deposition of PCBs in eggs and liver cancer in subsequent embryos (Hendricks, et al, 1981). The draft EIR does not adequately consider these impacts on fish species and the related impacts on birds. The draft EIR indicates that 61 avian species in the area are water-dependent. Draft EIR at 3.5-3. A number of sensitive bird species are identified as feeding off fish in Harbor waters, fish which may have accumulated

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PCBs. These bird species include the endangered California Least Tern and California Brown Pelican, as well as the Elegant Tern. If, for instance, the Northern Anchovy (a main food source for the California Least Tern according to p. 3.5-4) is accumulating PCBs in its tissues, then the impact on the Least Tern could be very significant. The impacts of dredging on these species must be considered.

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The draft EIR does not adequately consider the impacts of the proposed project on endangered species, even though these impacts may be significant. The significant water pollution and noise that has been and will continue to be generated by the HNP facility may potentially impact the California Least Tern. The draft EIR states that a major nesting colony for this endangered species is located on the south side of Terminal Island, approximately a mile from the HNP site. Draft EIR at 3.5-4. The draft EIR also states that one of the main food sources for the Least Tern -- the Northern Anchovy -- is abundant in the Inner Harbor, but indicates that no surveys have been conducted to determine the extent to which Least Terns may forage in the Inner Harbor. Id.

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The draft EIR goes on to analyze potential impacts on the Least Tern only in terms of ship traffic. Draft EIR at 3.5-6. This analysis ignores potential impacts from contaminants such as PCBs and from noise. Documented effects of PCBs on birds include reproductive effects such as lowered hatchability of eggs and behavioral effects and liver and kidney damage (Dahlgren, Under and Carlson, 1972). In addition, the U.S. Fish and Wildlife Service ("USF&W") is currently revising the California Least Tern Recovery Plan, which should be published within the next month. Recent studies performed by USF&W in southern San Diego Bay and San Francisco Bay in connection with the recovery plan indicate that there is a strong association between the water quality degradation from industrial discharge and egg shell thinning and chick viability in many endangered and sensitive species in California, including the Least Tern. Another critical aspect that affects chick viability is the availability of certain "bait" species during hatchling feeding periods. Where industrial pollution reduces the numbers of bait species available during that critical feeding period, the secondary effects on chick viability are substantial (Personal Communication, USF&W, July 11, 1995). Contaminants that have been identified as contributing to these impacts include PCBs and lead. PCBs may also be affecting the endangered California Brown Pelican, which was originally placed on the endangered species list because of the impacts of DDT and which uses the Harbor on a regular basis. Surveys are necessary to assess the potential impacts of contaminants from the HNP site on these protected species; these surveys should have been conducted as part of the baseline of existing conditions for this draft EIR. Moreover, the draft EIR provides no indication that the LAHD has consulted with the Department of Fish and Game on any potential adverse impacts to the California Least Tern or the Brown Pelican as required by the Fish and Game Code.

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The draft EIR's assertion that project operations will not significantly impact other wildlife and biota is also not supported. The draft EIR recognizes that such impacts may occur as a result of stormwater runoff, but states that the SWPPP will reduce potential impacts to a level of insignificance. Draft EIR at 3.5-6, 7. As discussed above, there are substantial concerns regarding the ability of the SWPPP (which is

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not available for review) to ensure that contaminated stormwater is not discharged to the Harbor. Moreover, the SWPPP does not address contaminants that reach the Harbor through other means, e.g., windborne contaminants from scrap piles and shredding operations, contaminant-laden particulates, and metals that fall into the Harbor waters during ship-loading operations. The cumulative impact on biota of exposure to these various contaminant sources, including contaminants in sediments, must be addressed.

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(CONT.)

The analysis of cumulative impacts to biota is also deficient. The draft EIR avoids analyzing cumulative impacts in this area by claiming that the project would not result in adverse impacts to biota and therefore would not contribute to cumulative impacts. Draft EIR at 3.5-7. No justification is provided for this statement, and in fact it is contradicted by the preceding text of the biota section. That text acknowledges the potential for impacts to biota from both construction and operations, although it claims that such impacts are insignificant. Even if they were insignificant when improvements are in place, the impacts of existing operations contribute to potential adverse impacts on biota and these impacts will be increased if expansion is allowed before other improvements are in place. When combined with individually insignificant impacts from other projects, these impacts may be cumulatively significant and may require mitigation. Thus, both dredging and the continued discharge of pollutants in the Harbor are particularly sensitive issues which should be fully analyzed in the cumulative impacts section of the draft EIR.

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SUMMARY AND RECOMMENDATIONS

In order to provide an adequate analysis of impacts on biota that fulfills its mandate under CEQA, the LAHD should:

- Examine the potential impacts of PCBs, metals and other contaminants on biota resulting from delays in implementing stormwater improvements, expanded facility operations, and performing maintenance dredging of the Harbor.
- Conduct baseline surveys to allow a determination of the potential impacts of the project on the California Least Tern and the California Brown Pelican.
- Analyze cumulative impacts on biota, including impacts resulting from exposure to PCBs and other contaminants.

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Although the impact analysis was not fully implemented, it is clear that stormwater discharge, dust emissions, scrap metal releases and maintenance dredging have the potential to harm the biotic resources of the Harbor. Therefore, additional mitigation measures must be discussed in the draft EIR, including:

- More stringent dust control techniques.
- Implementation of site improvements prior to expansion.
- Dredging techniques that minimize resuspension of contaminants.

F. Noise

The draft EIR does a poor job of analyzing the significant noise impacts from the proposed project. The noise impacts from current operations are substantial. The draft EIR describes noise from several sources at the HNP facility. These sources include noise from shredding operations and the noise from ship loading operations. The most objectionable noise from ship loading operations is in turn traced to three specific activities related to the bulkloader: trucks dumping loads of metal onto the ship loading conveyor receiving floor; metal falling from the conveyor onto the ship loader deflector chute; and metal dropping onto other metal within the holds of ships. Draft EIR at 3.7-4. The draft EIR describes the impulsive noise from ship loading operations as "highly intrusive and disruptive to activities such as conversation and sleeping" and acknowledges that these operations "produce a noise environment that has resulted in noise complaints." Draft EIR at 3.7-5, 6.

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The draft EIR also acknowledges that there are significant exceedances of the applicable noise criteria set forth in the Los Angeles Noise Ordinance during ship loading operations. Draft EIR at 3.7-5. This conclusion is amply documented in the draft EIR. The Noise Ordinance establishes a maximum allowable limit of 65 dBA for impulsive noise in heavy industrial areas. Id. Table 3.7-2 (Long-Term Equivalent Noise Levels) shows that long-term equivalent noise levels from ship loading during noise monitoring studies exceeded allowable levels at the nearby marina, where a number of owners sleep on their boats (69.3 dBA on the deck of the Cherokee), and at the fire boat station, where firemen are required to sleep (67.3 dBA). Table 3.7-3 (Maximum 1-Hour Equivalent Noise Level During Ship Loading Operations at HNPC) shows even more dramatic exceedances on the deck of the Cherokee (78.5 dBA) and at the fire boat station (72.5 dBA), as well as exceedances on another boat at the marina (67.0 dBA on the McCorkle boat). As stated in the draft EIR, even this does not adequately characterize the very impulsive noise from ship-loading operations; the draft EIR notes that there were many hours where "levels above 90 dBA were experienced at the receptors" based on the noise monitoring study conducted by HNP, Draft EIR at 3.7-5, and that independent HNP data show levels of 80 dBA at the marina, Draft EIR at 3.7-8.²⁷

The existing noise problems will obviously be exacerbated by the proposed increase in facility throughput capacity. The draft EIR indicates that the proposed expansion will result in an increase in ship visits that will in turn lead to a 50% increase in ship-loading days, from 154 days to 234 days. Draft EIR at 1-18. When ships are being loaded, the loading operations are conducted on a 24-hour basis. Thus, nearby residents will be subjected to the highly intrusive ship-loading noise around the clock an average of 4.7 days a week if plant capacity is expanded. Moreover, the noise related to shredding operations, which typically begin at 4 a.m. Monday through Saturday (p. 1-10) will also be experienced much more frequently. The

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²⁷ These noise levels appear to violate the prohibition against operating machinery causing noise levels on any occupied premises to exceed the ambient noise level (65 dBA) by more than 5 dBA. City of Los Angeles Municipal Code Ch. XI, Art. 2, §112.04(b).

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draft EIR estimates that the added noise will result in an increase in long-term noise levels of 1.4 dBA. Draft EIR at 3.7-8.

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[CONT.]

Thus, the draft EIR documents that the noise impacts from the proposed project will exceed several of the significance thresholds set forth in the noise section. Ship loading clearly results in exceedance of the applicable levels in the Noise Ordinance, as the draft EIR itself acknowledges. This exceedance triggers one of the significance criteria. Draft EIR at 3.7-6. Moreover, ship-loading noise increases the ambient noise levels by more than 5 dBA. For instance, the background noise level on the deck of the Cherokee was measured at 61.5 dBA. Table 3.7-2. Noise levels from ship-loading operations were measured at 78.5 dBA, an increase of 17 dBA. Table 3.7-3. Similarly, the background levels on the McCorkle boat were measured at 53.1 dBA while ship-loading noise was measured at 67.0 dBA, an increase of nearly 14 dBA. Background levels at the fire boat station were 58.6 dBA while ship-loading noise measured 72.5 dBA, again an increase of nearly 14 dBA. All these increases qualify as significant noise impacts under the criteria set forth in the draft EIR.

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Moreover, increases in noise levels from scrap metal processing also triggers the significance criteria. The long term-equivalent noise level for scrap processing on the deck of the Cherokee was measured at 66.0 dBA. At the increased processing levels proposed, this noise level should increase to 67.4 dBA (66.0 dBA + 1.4 dBA increase). This would represent an increase over ambient levels of 5.9 dBA, which would be considered a significant increase under the criteria set forth in the draft EIR. The increase at the other receptors (the McCorkle boat and the fire boat station) would likewise be considered significant.

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Nevertheless, the draft EIR inexplicably finds that the noise impacts from the proposed project are insignificant. This statement is clearly contradicted by the evidence in the draft EIR. Even if the long-term increase in noise levels from the project (an estimated 1.4 dBA, according to the draft EIR) were in itself insignificant, the relevant question is whether current operations plus the proposed increase in capacity will result in significant noise impacts. The only possible conclusion is that these noise impacts are significant.

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The draft EIR appears to try to avoid this result by taking this position that "the proposed project will result in a reduction in the maximum noise levels from daily activities at the site." Draft EIR at 3.7-10. This statement presumably refers to the assertion that the proposed barrier wall will reduce noise from current operations. Even assuming this is the case--as discussed below, no support is provided for this assertion--the draft EIR does not assess whether the resulting noise levels from operations at the site are significant when compared to background levels. Since the barrier wall will not enclose the dock, it will have no effect on noise receptors affected by ship loading activities. Given that the barrier wall will not mitigate the noise impacts from ship-loading operations, the resulting noise levels will undoubtedly still be significant according to the criteria in the draft EIR. Indeed, the draft EIR states that the noise impacts from metal hitting the deflector plate and noise produced within the hold of the ship--neither of which will be addressed at all by the proposed barrier wall--is 71 dBA. This noise level is still

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in excess of allowable levels under the noise ordinance and represents an increase of nearly 10 dBA over background levels, and therefore would be considered significant.

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In short, the noise impacts from the proposed project are significant by any acceptable analysis. Indeed, the draft EIR states that "HNP is aware of the excess noise created by their activities." Draft EIR at 3.7-8. By declaring that noise impacts are not significant, the draft EIR jeopardizes the prospects for meaningful public comment because the public will not comprehend the magnitude of the noise impacts. This approach also deprives the public of the opportunity to comment on measures that will need to be proposed to mitigate the significant noise impacts.

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Because the noise impacts are significant, the LAHD must seek to mitigate them to the maximum extent feasible. The draft EIR identifies two proposed mitigation measures for noise impacts but does not provide any basis for their asserted effectiveness. First, HNP proposes to construct a noise barrier to a height of 32 feet. Draft EIR at 3.7-8. The draft EIR asserts that this barrier will reduce the noise generated by dumping metal onto the conveyor belt of the bulkloader by 16 dBA. Id. However, the draft EIR provides no evidence to support this claim.

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Moreover, the draft EIR does not discuss the expected diffraction and bending of sound waves over the top of the barrier and the impact of these phenomena on the noise levels at the marina and the fire station. As is well understood by acoustical experts, the general relationship between the effectiveness of a barrier and its height is quite complex. This relationship has not been addressed in the draft EIR. In addition, empty sea containers (which are hollow and constructed primarily of metal) are not constructed with the most effective noise attenuation materials and are reflective, not dampening in nature. Other materials should be considered for perimeter wall construction that more effectively mitigate noise impacts, if the barrier approach is shown to be effective at all.

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The draft EIR also indicates that HNP is proposing to apply dampening material to the back side of the deflector plate. Draft EIR at 3.7-9. The draft EIR claims that this measure is expected to reduce noise from the deflector plate by 6-8 dBA. However, no support is provided for this assertion. Beyond this, the draft EIR says only that a noise consultant for HNP is studying other ways to reduce noise. There is no indication what measures might be proposed and whether they would be effective. Whatever they might be, the public will not have an opportunity to comment on them. Other mitigation measures are certainly needed and are available. The draft EIR should consider measures such as restricting hours of operation for ship-loading and/or shredding operations and using cranes instead of the bulkloader system currently in use. Limiting ship loading operations to daylight hours will eliminate sleep disruption associated with impulsive noise about which neighboring residents have complained. The use of cranes instead of the bulkloading system will eliminate the distance metal drops prior to hitting the deflector plate and thus reduce impulsive noise impacts significantly.

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In addition, the draft EIR includes many inconsistencies in analyzing noise impacts that need to be fully resolved. For example, although the draft EIR indicates that the plant hours of operation are not scheduled to increase under the proposed

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expansion plan, Draft EIR at 1-18, it specifically states that there will be a significant increase in ship visits and that when ships are present loading operations will continue on a 24-hour basis for an average period of four to five days per ship visit. Id. This increase in the number of ship visits will result in a 50% increase in ship-loading days--from 154 to 234 days--and therefore a 50% increase in round-the-clock operations. Thus, exceedances of the Noise Ordinance standards will increase from nuisance level to an almost constant condition (4.7 days a week).

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(CONT.)

Finally, the draft EIR's analysis of cumulative impacts is inadequate. The draft EIR simply assumes that cumulative noise impacts will not be significant because the general area is industrialized without providing any reasonable basis for this assertion.

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SUMMARY AND RECOMMENDATIONS

In order to satisfy its obligations under CEQA, the LAHD should:

- Recognize the noise impacts resulting from the project as significant;
- Correct inconsistencies in the draft EIR; and
- Provide a more detailed analysis of cumulative impacts.

26-86A

Furthermore, in mitigating these impacts, the LAHD should:

- Provide support for the asserted effectiveness of mitigation measures such as the barrier wall and damping material on the deflector plate.
- Restrict hours of ship loading and shredding operations.
- Use cranes instead of the bulkloader to reduce impulsive noise.

G. Transportation and Circulation

The draft EIR fails to properly analyze the significant traffic impacts associated with the proposed project. As in other sections, the draft EIR analyzes the operations phase traffic impacts only in terms of the net increase in traffic resulting from expanded operations over current operations, rather than the entire operations of the HNP project as a whole. However, because the primary focus of the draft EIR is on whether the lease should be renewed, the draft EIR must assess the significance of the traffic impacts generated by the current level of operations as well as the increase in traffic from the proposed expansion of facility capacity. The draft EIR states that the net increase in traffic from operations is 268 daily trips. Draft EIR at 3.6-14. However, the proposed project as a whole is estimated to generate 954 average daily trips. Id. This represents a significant number of trips when compared to traffic volumes for some of the roadways in the area of the HNP site. For instance, Table 3.6-7 (Project Impact on Daily Traffic Volumes, Terminal Island Roadways) shows a 2.9% increase in daily traffic volumes on New Dock

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Street east of the project site as a result of the proposed project. In reality, the project will account for 954 of the estimated 9,468 daily trips in 2000, or 10.1% of the total. Thus, Table 3.6-7 substantially understates the traffic impacts of the proposed project. The same is true of Table 3.6-6 (Project Impact on Intersection Levels of Service).

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Moreover, the draft EIR fails to consider the combined impact of construction and operational traffic during the construction period. The draft EIR concludes that construction traffic would not result in significant impacts since the traffic volume would be less than that generated during operation (p. 3.6-12). However, since the facility will continue to operate during the implementation of site improvements, traffic volumes (and impacts) would obviously be additive during the construction period, which will last for five years. The draft EIR states that construction activities are expected to add up to 160 daily trips.²⁸ Draft EIR at 3.6-12. When considered with the 954 daily trips from proposed operations, the project as a whole would add as many as 1,114 daily trips to the area roadways. This volume of traffic may well generate significant impacts.²⁹ Consequently, the draft EIR should examine the impact of traffic during the construction period by considering the effects of construction traffic in addition to traffic resulting from operations.

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The draft EIR fails in other ways to examine the full impact of the project on traffic conditions. For example, Table 3.6-6 is supposed to present the project's impacts on traffic at intersections within the vicinity of the HNP facility. Existing traffic conditions are presented, but no data are shown as to how traffic will increase at those intersections in the early years of the project (1995-99). Instead, the comparison focuses on incremental increases in levels of service in the year 2000. Table 4 of the Traffic Study Special Report lists the related projects used to evaluate cumulative traffic impacts. These projects were assumed to have been implemented in the year 2000 and are accounted for in level-of-service estimates presented in Table 3.6-6. A close analysis of these projects reveals that many involve traffic improvement projects that will decrease the intersection traffic in future years. This analysis is confirmed by the draft EIR at 3.6-11. Therefore, the draft EIR's conclusion that traffic impacts are insignificant is based on taking credit for traffic improvements associated with other projects. In reality, the traffic impacts associated with the expansion are potentially significant in the early years of the project and this impact should be quantified (and mitigated) in the draft EIR.

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²⁸ It is not clear whether this includes truck traffic related to remediation activities.

²⁹ Given that traffic volumes would be lower during the construction period than during the year 2000, the traffic volume from the project would represent a larger percentage of total traffic. For instance, the combined total of 1,114 trips represents 13.9% of the current traffic volume on New Dock Street east of the project site.

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Even the current flawed analysis in the draft EIR indicates that the proposed project will result in significant impacts by causing the level of service for several intersections to be lowered. Most importantly, Table 3.6-6 (Project Impact on Intersection Levels of Service) indicates that the Ocean Boulevard/Terminal Island Freeway intersection will be downgraded from level of service D (Fair) to E (Poor) for the p.m. peak hour as a result of the project. The draft EIR states that both the LAHD and the Los Angeles Department of Transportation consider level of service D to be the "threshold of acceptability." Draft EIR at 3.6-2. The fact that the project causes an intersection to have an unacceptable level of service must be considered a significant impact. In addition, the Ocean Boulevard/Gate 3 intersection will drop from level of service C (Good) to D (Fair) for the a.m. peak hour. The draft EIR fails to discuss these significant impacts or any appropriate measures for mitigating these impacts.

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The analysis of cumulative traffic impacts is also inadequate. The draft EIR concludes that cumulative traffic impacts may occur if the construction of the Terminal Island Container Transfer Facility occurs simultaneously with HNP construction. Draft EIR at 3.6-21. The draft EIR also identifies potential cumulative impacts from the proposed Alameda highway/rail transportation corridor project. For purposes of conducting a worst-case analysis, the draft EIR should acknowledge that these cumulative impacts will occur, quantify those impacts and determine whether the impacts are significant, and either propose feasible mitigation measures or explain why the impacts are not significant.

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In addition, the draft EIR fails to properly demonstrate that the proposed project is consistent with the L.A. County Congestion Management Program ("CMP"). The draft EIR initially concludes (p. 3.16-19) that the proposed project is consistent with the CMP by looking only at the increase in traffic as a result of expanded plant capacity. However, Table 3.6-5 (Project Generated Traffic) indicates that the proposed operations will actually add 162 trips during the a.m. and p.m. peak hours. This is well in excess of the threshold of 50 trips established in the CMP for preparing a traffic analysis which examines all intersections on the CMP network. Draft EIR at 3.6-19. Thus, when viewed properly, the traffic impacts from the proposed project require further analysis and review to determine if the project is, in fact, consistent with the CMP.

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SUMMARY AND RECOMMENDATIONS

In order to comply with CEQA, the LAHD should:

- Prepare a new traffic impact analysis that examines the traffic impacts from the project as a whole and determines whether they are significant;
- Re-examine the impacts associated with heavy duty trucks during remediation;
- Examine the significance of cumulative traffic impacts; and

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- Conduct the required analysis to determine whether the proposed project is consistent with the CMP.

If a proper analysis of traffic had been performed in the draft EIR, it would have most likely concluded that impacts from the proposed project are significant.

Therefore, the draft EIR should:

- Develop measures to mitigate significant impacts, particularly in the early years of the project, including delaying expansion until construction and remediation are complete.

H. Public Health and Safety

The draft EIR documents the significant risks to public health and the environment that are posed by air toxic emissions generated from the HNP facility, yet the draft EIR fails to acknowledge these risks and gives no indication of how these risks will actually be mitigated.

In essence, the draft EIR attempts to address this compelling documented evidence by inaccurately asserting that the total air toxic risks from the proposed project are insignificant. Draft EIR at 3.8-13. In fact, air toxic risks would be expected given the high levels of particulates emitted by the facility, see Table 3.3-13, and the contaminants known to be present at the site. In fact, a variety of contaminants, including PCBs, lead, and other metals, were found to occur in the particulates from the facility. Table 3.8-5. These contaminants come from HNP's metal recycling operations and wind-blown fluff from auto shredding activities among other sources. Lead is particularly significant from an air toxics standpoint. Lead has been shown in epidemiologic studies to adversely affect the respiratory, digestive, and renal systems in humans as well as to damage the central nervous system (Cooper, 1976). The SCAQMD CEQA Air Quality Handbook (p. 3-2) indicates that chronic exposures to low level lead concentrations during infancy and childhood can result in decreases in IQ performance, psychomotor performance and reaction time, and growth.

Not surprisingly, then, the data in the draft EIR indicates that the project does have significant air toxics impacts. Statements in the draft EIR on air toxics risk to the contrary are misleading because the analysis (summarized in Table 3.8-6, p. 3.8-12) focuses solely on risks associated with increased capacity rather than the total risk associated with the operations of the facility as a whole. In fact, according to the draft EIR (Table 3.8-6), the proposed project would cause the predicted acute hazard index to increase from a background level below one to above one, the threshold for reproductive developmental effects established by the California Air Pollution Control Officer Association (CAPCOA) guidelines for industrial facilities under A.B. 2588, the Air Toxic Hot Spots Act. These figures may even understate the risk because the draft EIR's air toxic risk analysis fails to account for the potential adverse risks associated with exposure to toxic and carcinogenic contaminants during construction and remedial activities, even though these activities will occur during facility operation. Exposures during cleanup activities

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can occur from inhalation of dust particles during excavation of soil, and emission of organic compounds during groundwater extraction and treatment efforts. In short, the draft EIR demonstrates that significant air toxic impacts will occur if the HNP project is approved. However, no reasonable mitigation measures are either proposed or evaluated.

**26-95
(CONT.)**

The analysis of cancer risks is also misleading. On Page 3.8-3 of the draft EIR, the requirements of SCAQMD Rule 1401 are summarized as they apply to the project. According to this section, "construction of new or modified sources without the use of best available control technology for toxics ("T-BACT") would be granted only if their installation would result in a maximum individual cancer risk of less than one-in-million (1×10^{-6}) at any receptor location," and "Permits for construction of new or modified sources with the use of T-BACT would be granted only if their installation would result in a maximum individual cancer risk of less than ten-in-million (1×10^{-5}) at any receptor location." This section goes on to use ten-in-a-million as a significance criterion (p. 3.8-4), compare predicted maximum individual cancer risk to this criterion (Table 3.8-6), and conclude cancer risk associated with the expansion is insignificant. However, use of ten-in-a-million as a significance criterion presupposes that T-BACT has been applied to all sources that contribute to cancer risk (which in this case are primarily dust emissions). The mitigation sections for health risk or air quality do not list dust mitigation measures, nor does the "Summary of Significant Adverse Impacts, Mitigation Measures and Reporting Requirements" table in the Executive Summary of the document. Therefore, the draft EIR provides no information to indicate that T-BACT has been applied to project sources and the significance criteria for air toxic impacts should be ten times more restrictive than listed in this section. In the absence of T-BACT, the impacts of the project on cancer risk from air toxics would exceed significance thresholds of 1×10^{-6} .

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Given the significant and unreasonable impacts that are directly associated with the proposed project expansion plans, the draft EIR's findings clearly suggest that other alternatives, such as the renewal of HNP's lease at existing operational levels, is a superior alternative to the proposed project and should be fully evaluated. In addition, further dust control measures should be considered to reduce public health risks associated with the expansion to insignificance. Control measures such as modifications to or restrictions on the bulkloading operation and auto shredder should be given particular scrutiny, given that these are significant sources of airborne toxics. Chemical additives to water used for dust control should also be considered to suppress dust from scrap piles.

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Finally, the draft public health and safety analysis fails to provide any justification for some of its conclusions. For example, the draft EIR indicates that HNP has had a history of fires and odor problems associated with the processing of auto shredder waste at the site (p. 3.8-6). While the draft EIR suggests that construction of the auto shredder waste storage area will ensure that the potential for fires and explosion will decrease, it nevertheless provides no justification for reaching this self-serving conclusion.

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SUMMARY AND RECOMMENDATIONS

In order to satisfy its obligations under CEQA, the LAHD should conduct a proper analysis of health risks, analyzing the combined effects of expanded operations and remedial activities. Even with this deficient analysis, it should be recognized that the project will result in significant air toxics impacts with respect to acute hazards.

Therefore, the LAHD should:

- Examine feasible mitigation measures for these significant environmental impacts, including:
 - use of crane versus the bulkloader,
 - operational limitations or change in location of the shredder,
 - use of chemical dust suppressants, and
 - imposition of operational constraints that will reduce health risk to insignificant levels over the life of the project.
- Consider lease renewal without expansion as a mechanism to avoid significant air toxic impacts.
- Provide more detail as to how the auto shredder storage area will decrease the potential for fire and explosion hazards.

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I. Utilities and Waste Management

The draft EIR's analysis of utilities and waste management impacts (Section 3.11) fails to consider the need to dispose of increased amounts of solvents and other hazardous wastes that may be generated through maintenance activities which are required to keep existing equipment operating at increased throughput levels. In addition, the need to dispose of contaminated materials generated during maintenance dredging activities is not considered. This material should be tested for contaminants using methods similar to those utilized for contaminated soils and then disposed of or treated accordingly.

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SUMMARY AND RECOMMENDATIONS

The analysis of waste management in the draft EIR does not characterize increased waste volumes generated by maintenance activities and dredging operations. Therefore, the LAHD should examine the potential impacts and develop measures to ensure that this waste is minimized and properly handled and disposed.

J. Recreation

The analysis of the impacts of the project on recreation is flawed because it relies for its conclusions on three other sections of the impact analysis which are deficient: noise, air quality, and water quality. The draft EIR states that recreational users in the project area currently experience high noise levels from the existing HNP facility. Draft EIR at 3.12-2. The draft EIR argues that the proposed project will reduce levels of noise to insignificance. Id. However, as discussed above, the draft EIR understates the significance of the noise impacts from the proposed project and provides no support for the assertions that the barrier wall and the dampening material on the deflector plate would be effective in reducing noise to acceptable levels. Thus, the potential impacts of noise on recreational users remain to be determined.

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Similarly, the draft EIR states that emissions of dust from the project are not expected to exceed the significance levels established by the SCAQMD. Id. The draft EIR therefore concludes that no significant impacts to recreational users are expected. However, as demonstrated above, the stated premise is simply incorrect: when properly analyzed, emissions of particulates from the project will exceed the significance levels several times over. Thus, the draft EIR's conclusion that there will be no significant air emissions impacts on recreational users is without support.

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Finally, the draft EIR states that no significant impacts on recreational users are expected with respect to water quality because the proposed project will ensure that there are no discharges from the facility to the waters of the Harbor. As discussed above, there are serious doubts about the ability of the proposed stormwater control system to ensure that there will be no discharges of contaminated stormwater to the Harbor. Thus, this conclusion regarding impacts on recreational users is without adequate support.

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In short, the analysis with respect to recreation is based on flawed premises drawn from other sections of the draft EIR. As a result, the analysis of impacts on recreational users is also inadequate.

SUMMARY AND RECOMMENDATIONS

The proposed project has the potential to impact recreational users through increases in frequency of impulsive noise, dust emissions and contamination of Harbor waters. The LAHD should reexamine the potential impacts of the project on recreational users once it has completed proper analyses of the project's impacts in the areas of noise, air quality, and water quality.

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III. CONCLUSIONS

Despite conclusions presented in the draft EIR, the proposed project poses a significant threat to public health and the environment. In addition, the critical technical inconsistencies in the draft EIR mask the fact that these threats are more significant than currently outlined in this report. These inconsistencies should be

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corrected using the techniques discussed in these comments and the draft EIR should be recirculated for public comment.

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(CONT.)**

The draft EIR fails to include proper and reasonable mitigation measures as required by CEQA. Additional mitigation measures must clearly be evaluated in order to address the significant environmental impacts from this project that have not been fully identified or analyzed. Examples of these measures include: use of cranes versus bulkloader, relocation and operation restrictions on shredder, use of electric cranes, cold-ironing of marine vessels during unloading operations, restricting HNP to the use of vessels which can utilize the dampening plate for noise control, and use of chemical dust suppressants on scrap piles, use of silt screens during maintenance dredging, and structural reinforcement of the barrier wall. In addition to these physical controls, operational constraints should also be considered where appropriate. Moreover, existing mitigation measures should be quantified and translated into enforceable conditions of lease renewal so that the environmental acceptability of the proposed HNP project is ensured.

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CEQA requires that a more complete range of project alternatives must be developed and properly analyzed, particularly if identified mitigation measures are not capable of reducing project impacts to insignificance. Alternatives that are environmentally superior to the proposed project and should be analyzed include: 1) continuing the existing operation and implementing site improvements and remediation, but prohibiting plant expansion; 2) implementing site improvements and remediation prior to operational expansion; and 3) relocating the facility in order to expedite cleanup and subsequent use of the HNP site.

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The LAHD should solicit further guidance and input on critical environmental issues identified in the draft EIR such as the impacts of exposure of nearby residents to increased air toxics and noise from the proposed project, the risks of the proposed cleanup remedy for the site, appropriate stormwater discharge requirements, and endangered species impacts from other responsible governmental agencies prior to producing a final CEQA document.

26-109

The LAHD should make key background documents (e.g., site characterization studies; the RAP and accompanying risk assessment; the free-phase Hydrocarbons Work Plan; and the SWPPP for this site) available in order to provide meaningful public review and comment on the draft EIR as required under CEQA. Further consideration of the draft EIR should be postponed pending a full public review of these background documents, as well as other relevant site-related workplans and remedial investigation data. Following this review, the draft EIR should be recirculated for comment with these documents incorporated as appendices.

26-110

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Roy F. Weston, Inc. (WESTON®) has been providing quality services to clients for 35 years. An innovative leader in the environmental field, WESTON provides diversified environmental engineering, design, and consulting services and has successfully completed projects throughout the world. WESTON provides complete assistance in air quality management, hazardous waste management, process safety, emergency planning and management support, process design and hazard analysis, regulatory compliance analysis and other related services.

WESTON's staff of more than 2,800 employees provide, through its 45 offices and laboratories nationwide, the technical talent, specialized expertise, physical resources, and requisite facilities that are necessary to efficiently and effectively comply with complex regulations, to reduce or eliminate potential liabilities, and to control the rising cost of environmental and safety management programs.

WESTON's experts have extensive experience in National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) document preparation and review. WESTON's work in environmental impact assessments began over 30 years ago. Since then, the firm has successfully completed over 1,000 EA/EIS assignments for government agencies and industrial clients including small and large-scale projects. In the last four years, WESTON conducted over 300 permitting projects and nearly 150 regulatory compliance audits for industry. WESTON experts also have extensive experience communicating technical information, in assembling results from complex environmental into documents for public review, and in coordinating interdisciplinary scientific and engineering project teams.

WESTON's leadership in the environmental services industry is clearly based on the technical expertise and quality of its staff. Full professional profiles of the WESTON staff members who participated in the review of the draft EIR are included in Appendix A to this report.

APPENDIX A

RESUMES

JEFFREY BANNON, R.G.

Registration

Registered Geologist in the State of California (1992)

Fields of Competence

Hydrogeologic/hazardous materials investigations, including environmental assessments (EAs), site investigations, and remedial investigations/feasibility studies (RI/FSs) at solid waste, hazardous waste, and radioactive waste facilities; technical mentoring; site management; project management; proposals and costing; underground storage tank (UST) management and compliance; health and safety compliance and training; design and installation of groundwater monitoring systems; aquifer testing; drilling and sampling techniques (auger, mud rotary, air rotary, rock coring, and Hydropunch • sampling); field screening techniques and instrumentation; and physical oceanography, stratigraphy, and geologic mapping.

Experience Summary

- Seven years of environmental consulting experience in hazardous materials investigations. Participated in federal Environmental Protection Agency (EPA), Department of Energy (DOE), Department of Defense (DOD), Department of Interior (DOI), and state, municipal, and industrial site assessments and RIs.
- Project manager on several RI/FSs, UST site assessments, remedial actions, and preliminary endangerment assessments (PEAs).
- Site management of soil and groundwater investigations to delineate and characterize contamination at sites involving hydrocarbon fuels, solvents, metals, polychlorinated biphenyls (PCBs), explosive compounds, semivolatiles, and sanitary waste.
- Section manager responsible for the performance of the Los Angeles Geosciences Group.
- Project manager/technical manager for over 20 Phase II investigations primarily involving real estate transactions.
- Experience on projects involving contamination associated with USTs (including sumps, clarifiers, piping, trenches, etc.), landfills (sanitary and hazardous), mining activities, spills, manufacturing activities (metal plating, solvent recovery, machining, and refining), and wastewater ponds.

JEFFREY BANNON, R.G.
(continued)

Experience Summary (continued)

- Field experience in drilling and sampling techniques, monitor and extraction well installations, soil gas screening, air sampling, drum sampling, and use of remotely operated equipment for explosive soils, groundwater sampling, and aquifer testing.
- Prepared health and safety plans (HASPs), work plans, and technical reports for various soil and groundwater studies.
- Regional Safety Officer involved in the implementation of federal health and safety requirements for company personnel, review and approval of site safety plans, and conduct of training programs. Certified to supervise field activities in EPA Levels of Protection C and B.
- Two years of experience in geologic research on a National Science Foundation (NSF)-funded program.

Credentials

M.S., Geology — University of Southern California (1987)
B.A., Geology — University of Northern Colorado (1983)
Hazardous Waste Site Health and Safety Training, WESTON (1987)
Hazardous Waste Site Health and Safety Coordinator Training, WESTON (1988)
Personnel Air Monitoring Training, WESTON (1991)
Construction Safety Training, WESTON (1991)

Employment History

1987-Present WESTON
1986-1987 NSF Research Assistant
1983-1986 University of Southern California

Key Projects

Project Manager for a Pilot Study of the German-made UVB Vacuum Vaporizer Well Technology at March Air Force Base, Riverside, California. The UVB is an innovative remedial technology for in-situ treatment of contaminated aquifers, particularly for VOCs. The high-profile study has run for over one year and has required developing comprehensive plans (Quality Assurance Project Plan, Field Sampling Plan, Work Plan, Health and Safety Plan), design of the well and off-gas treatment system, installation, and system monitoring and maintenance. A preliminary report has been submitted for the study. The study is

JEFFREY BANNON, R.G.
(continued)

Key Projects (continued)

being evaluated concurrently under the U.S. EPA's Superfund Innovative Technology Evaluation (SITE) program for which WESTON is the lead.

Project Manager Remediation of Metals- and Solvent-Contaminated Soils, Confidential Foundry Facility. Approximately 45 yd³ were remediated by removal and off-site disposal in a limited access area between buildings. Project required coordinating activities between a number of parties, including the property owner, the client (a former tenant responsible for remediation by a court settlement), the current tenant, the property owner's consultant, and the Cal-EPA/Department of Toxic Substances Control (DTSC). Work required submittal of a PEA to DTSC.

Project Manager for Site Characterization and Remedial Action Plan Development for Soil and Groundwater Contamination at the Base Service Station, China Lake Naval Air Weapons Station, California. The contamination was delineated with one phase of field investigation using the Hydropunch screening technique coupled with minimal monitoring wells installed after plume delineation. A mobile laboratory was used to allow for real-time evaluation during drilling. An aquifer test and groundwater capture zone modeling using the U.S. EPA Well Head Protection Model was performed. The remedial action recommended was vapor extraction with thermal oxidation for the soil, and pump-and-treat with tray aeration and thermal oxidation for groundwater.

Project Manager for Site Characterization and Development of a Remedial Action Plan for Diesel-contaminated Soil Associated with USTs, Confidential Glass Manufacturing Facility, Huntington Park, California. Managed the characterization and remedial design for diesel-contaminated soil. Closure activities were performed on 13 USTs and associated piping. The remedial design evaluated in-situ bioventing due to site access limitations and the composition of the diesel fuel (No. 4 diesel). Agency oversight was handled by the Los Angeles County Waste Management Division, Local Oversight Program.

Project Manager for Remediation of Soil Contaminated with Metals, Confidential Glass Manufacturing Facility, Huntington Park, California. Project involved removal and off-site disposal of 220 cu-yd of soil containing high concentrations of cadmium and cyanide. Responsible for all agency interaction and successfully obtained a "No Further Action" position from Cal-EPA/DTSC using the PEA process.

Project Manager for Site Investigation, Confidential Electroplating Facility California. Assessment of solvent-contaminated soil beneath an operating facility using innovative technology (limited-access high-torque drill rig; air rotary slant boring used to install nested soil-gas sampling ports at depth).

JEFFREY BANNON, R.G.
(continued)

Key Projects (continued)

Site Safety Officer/Project Geologist, Operating Industries, Inc. (OII) Landfill, Monterey Park, CA, EPA Alternative Remedial Contracts Strategy (ARCS) Project. Responsible for implementing safety protocols at a large Superfund site. In addition, involved as site geologist for a geotechnical study of the landfill's stability. Managed several field assignments conducted in Level B protection in atmospheres containing concentrations exceeding IDLH levels for hydrogen cyanide and hydrogen sulfide.

Project Geologist for Extensive RI, California, Pharmaceutical Manufacturing Facility, Confidential Client, Project Geologist. Responsible for the installation, development, and sampling of monitor and extraction well networks. Managed the installation of three soil vapor extraction systems. Involved in an aquifer testing program for the design of a groundwater treatment system. Involved in the preparation of work plans, technical reports, and site safety plans. Involved in regulatory negotiations for NPDES permits

Site Safety Officer/Project Geologist for RI (Verification Phase), Seal Beach NWS, California. Responsible for compliance with Occupational Safety and Health Administration (OSHA) regulations and personnel safety in performing the RI on nine sites. Level B and C protection was required on several sites, and soil sampling using remote-controlled equipment was necessary for one site containing explosives rinse water. Oversight of sampling procedures and protocol for soils and groundwater testing. Monitored wells for tidal influence. Responsible for hydrogeologic interpretation of complex, tidally controlled groundwater regime. Responsible for the preparation of technical reports and follow-up work plans for numerous sites at the facility.

Site Manager for Removal of Lead-Contaminated Soil, Confidential Used Oil Refinery, San Diego, California. Responsible for contractor oversight, verification sampling and final site closure report.

Site Safety Officer for RI/FS, Los Angeles, CA, California Department of Transportation (CDOT). Project involved soil-gas sampling, geophysical screening, soil borings, monitor well installation, and exploratory trenching of a dump site located along the Century Freeway corridor.

Project Geologist for Hydrogeologic Investigation at a Confidential Valve Manufacturing Facility, Long Beach, California. Responsible for the installation, development, and sampling of a monitoring well network. Involved in the installation and operation of a soil venting system. Vent installation was performed in Level B protection. Assisted in final closure activities for several USTs. Performed a detailed literature search on a contaminated aquifer for other potentially responsible parties (PRPs).

JEFFREY BANNON, R.G.
(continued)

Key Projects (continued)

Project Geologist for three Site Investigations, DOI, Bureau of Land Management (BLM), Nevada. Three sites were ranked for possible Listing as an NPL site using the USEPA Hazard Ranking System. The sites included a pesticide container disposal site, a mine tailings site, and a buried rail car containing residual elemental phosphorus.

Project Manager for Water Supply Development, Long Beach Unified School District, Camp Hi-Hill, San Gabriel Mountains. Project involved the design, permitting, and installation of one groundwater supply well to supplement this remote facility's current, unreliable water supply (a spring).

Task Manager for two Site Investigations, San Bernardino, CA, USEPA. Responsible for site investigations and Hazard Ranking System scoring for two sites in San Bernardino (a metals-plating facility and a foundry).

Project Manager for Industrial Hygiene Support, California Department of Health Services (DOHS), California. Assisted DOHS personnel in the inspection of the BKK landfill. Responsible for air sampling and monitoring for suspected air emissions.

Extensive Hydrogeologic Site Characterization at a Nuclear Weapons Facility, Confidential Client, Geologist. Conducted environmental sampling, well log analysis, well design, and installation required for the analysis of chemical, low-level radioactive, and mixed radioactive chemical waste contamination.

Research Assistant for Geochemical, Geophysical, and Limnological Research, California, University of Southern California. Assisted in soft sediment coring for geochemical, geophysical, and limnological research on several Sierran lakes and paleomagnetic research offshore of California.

Research Assistant for Regional Stratigraphic/Tectonic Study, Southern California and Baja California, University of Southern California. Conducted a regional stratigraphic/tectonic study of southern and Baja California strata. Included extensive field work, proposal writing and generation, and interpretation and presentation of results.

Publications

Bannon, J.L., Chu, R.J., and Sabol J.R., 1994, "In-situ Groundwater Treatment Using the UVB Vacuum Vaporizer Well." Presented at Hazmacon, San Jose, California.

JEFFREY BANNON, R.G.
(continued)

Publications (continued)

Bannon, J.L., D.J. Bottjer, S.P. Lund, and L.R. Saul. 1989. "Campanian/Maastrichtian Stage Boundary in Southern California: Resolutions and Implications for Large-Scale Depositional Patterns." *Geology*, Vol. 17, pp. 80-83.

Bannon, J.L., D.J. Bottjer, and S.P. Lund. 1986. "Magnetostratigraphy of Peninsular Ranges Terrain Upper Cretaceous Strata: Maastrichtian Reversal in the Point Loma Formation, San Diego, California." *Geol. Soc. Amer. Abstracts With Programs*, Vol. 18, p. 534.

MICHAEL GREENSPAN, P.E.

Registration

Registered Professional Engineer in the states of California (No. M28037) and New Jersey (No. 23721)

Fields of Competence

Plant engineering and design in refinery/petrochemical/utility industries; hazardous waste; cogeneration; project management and engineering management; facilities revamp and expansion; NDPEs permitting; regulatory agency interface; wastewater treatment; air toxics; energy conservation and system design.

Experience Summary

- Over 25 years of technical and managerial experience in environmental consulting, engineering, and the construction industries.
- Established corporate philosophies and standards in wastewater treatment and air toxics which included the safe disposal of hydrocarbons in petrochemical plants and refineries to limit air and wastewater emissions, condensation of hydrocarbons, flare and point source radiation levels; treatment of power plant emissions (i.e. flue gas desulfurization) to meet Environmental Protection Agency (EPA) stationary source requirements.
- Executed projects in hazardous waste, petroleum refining, utilities, chemical, manufacturing, and public sectors in various engineering, project, and engineering management positions.
- Responsible for technical and administrative management for projects ranging from \$4 to \$200 million for the utility and petrochemical industries.
- Strategized with clients, regulators, environmental attorneys and other interested parties in what objectives are necessary and how best to achieve those objectives.
- Responsible for detailed engineering, design and specifications and their associated quality assurance.

Credentials

B.S., Chemical Engineering — Columbia University (1966)

Graduate Studies, Chemical Engineering — Columbia University (1967)

Lecturer, California State University, Long Beach, Continuing Education Program (1993, 1994)

MICHAEL GREENSPAN, P.E.
(continued)

Employment History

1994-Present	WESTON
1990-1994	The MARK Group, Inc.
1988-1990	James M. Montgomery, Consulting Engineers, Inc.
1987-1988	H.W. Campbell & Associates
1973-1987	M.W. Kellogg
1971-1973	AIRCO/BOC
1970-1971	Davy Powergas
1966-1970	M.W. Kellogg

Key Projects

Engineering Design, Installation and Operation of Wastewater Treatment Systems, Southern California, Numerous Clients including Monsanto, City of Los Angeles, and Xerox, Engineering Manager, Project Director, and Manager of Engineering/Design. Conducted investigations leading to the subsequent engineering design, installation and operation of wastewater treatment systems for various projects. The projects have remediated existing facilities to comply with newer regulations including OCPSF, Regional Water Quality Control Board (RWQCB), and EPA discharge requirements.

Engineering Design and Construction, Southern California, Broad Base of Facilities and Plants for Numerous Petrochemical, Utility and Municipal Clients including Shell Oil, Texaco and ARCO, Engineering Manager, Project Director, and Manager of Engineering/Design. Responsible for conceptual process design as well as the detailed engineering for these projects which included interfacing with the regulatory and permitting authorities.

Remedial Design/Construction Management, Water Treatment Plants Burbank and Glendale, California, Project Director. Both facilities were part of Superfund cleanup in the San Fernando Valley of separate operable units. Scope of Work for the Burbank facility included:

- Conceptual and detailed design.
- Construction management.
- Operations and maintenance training.

City of Glendale activities include:

- Review of conceptual process design.
- Determination of adequacy of existing water facilities.

MICHAEL GREENSPAN, P.E.
(continued)

Key Projects (continued)

Future phases include:

- Detailed design.
- Construction management.
- Operations and maintenance training.

Turnkey Engineering and Construction, and Compliance Testing, Monrovia, California, Xerox Medical Systems, Project Manager. Performed detailed engineering and construction management for this fast-tracked wastewater project. Also performed compliance testing and quarterly reports for industrial wastewater discharges.

NPDES Permitting, Southern California, Landfills, Manufacturing Facilities, and Chemical Plants, Project Director. Performed site inspections and authored pollution prevention plans and monitoring programs for numerous industrial facilities. Provided Quality Assurance/Quality Control (QA/QC) on annual reports.

Air Toxic Inventories, Southern California, Huntway Refining and Morton Chemicals, Project Director. Responsible for projects involving air toxic inventories and plans for submittal to Southern California Air Quality Management Department (SCAQMD).

Site Characterizations, Southern California, Broad Base of Facilities including Chevron, Techalloy, Morton Chemical, Project Director. Established strategy and provided quality assurance for numerous projects with environmental attorneys and clients and represented company in negotiations with RWQCB, Department of Toxic Substance Control (DTSC), and EPA on the client's behalf.

Regulatory Review and Compliance, Simi Valley, California, Waste Management of North America, Project Manager. Conducted studies to evaluate compliance with California Title 22 in accordance with the classification of materials as hazardous waste.

MARGARET M. LOBNITZ, Ph. D.

Registration

Registered Environmental Assessor, State of California, REA 00747

Fields of Competence

Air pollution control; regulatory compliance; risk assessment; permitting; impact analysis; environmental liability audits; hazardous waste management; and expert witness support.

Experience Summary

- 18 years of experience in management of multidisciplinary environmental assessment programs in Southern California.
- Strategic environmental planning support to industry in Title V and Clean Air Act conformity issues.
- Air Quality Program Management for a major Southern California refinery.
- Air permit negotiation and CEQA/NEPA support for offshore oil development along the Pacific coast.
- Superfund program experience in risk assessment, regulatory negotiation and enforcement support.
- Comprehensive hazardous materials and waste management programs for automotive industry and educational/research institutions.
- Audit program development for environmental compliance, health and safety, vendor liability, and real estate transfer purposes.

Credentials

Ph.D., Environmental Science and Engineering — University of California, Los Angeles, 1983

M.S., Biological Science — California State University, Northridge, 1979

B.S., Biological Science — University of California, Los Angeles, 1974

MARGARET M. LOBNITZ, Ph.D.
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Employment History

1995 - Present	WESTON
1991-1994	Radian Corporation
1987-1991	ICF Kaiser Engineers
1984-1987	Jacobs Engineering
1981-1984	Ralph M. Parsons Co.
1979-1981	UCLA ES&E Program
1977-1979	China Lake Naval Weapons Center
1977-1979	UCLA NPI Medical Genetics Laboratory

Key Projects

Strategic Environmental Planning Support, Various Industries, Project Manager. Title V and other Clean Air Act strategic compliance support in the aerospace, petroleum, and transportation industries. Support included Title V training, detailed planning functions, applicable requirements analysis.

NEPA/CEQA Regional CO Conformity Analysis, Los Angeles, Alameda Corridor Transportation Authority, Project Manager. Evaluated carbon monoxide conformity issues associated with rail transportation and traffic resulting from surface street infrastructure improvements using modified CALINE modeling techniques. Prepared EIR/EIS air quality technical appendices for a major rail transportation project.

Air Quality and Regulatory Compliance Programs, Southern California Oil Refinery, Project Manager. Project included AB 2588, SARA, NESHAPS, Proposition 65, and source and ambient air monitoring programs.

Air Pollution Policy Evaluation, Republic of China, Taiwan Environmental Protection Administration, Project Manager. Directed the evaluation of air pollution policy and control technology in the United States for use in subsequent rule-making in Taiwan.

Technical Support and Hearing Testimony, California, City of San Diego, NEPA/CEQA Expert Witness. Services focused on air quality implications associated with a proposed merger between two major California utilities.

Project Management and Technical Support, California, Santa Barbara County Air Pollution Control District, Project Manager. Project involved the evaluation of permit applications for major oil and gas development projects in the Santa Barbara Channel. Support included emissions verification and air dispersion modeling, BACT/LAER analysis, offset evaluation and AQAP consistency determination.

MARGARET M. LOBNTZ, Ph.D.

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Key Projects (continued)

Oil and Gas Development Consolidation Study, California, Santa Barbara County Resource Management Division, Project Manager. Evaluated the air quality implications of consolidating oil and gas development in selected sites within Santa Barbara County. The results of the study were used to support policy decisions on future oil and gas development.

NEPA/CEQA Provided Technical Assistance and Public Hearing Support, California, Department of Energy, the Department of the Interior, the California State Lands Commission, and a Variety of Local Governments, Project Manager. The assistance included the analysis of air quality and noise impacts related to mining, oil and gas development, and uranium mill tailings remedial action projects.

Air Toxics Inventory Plans, Southern California, Various Industries, Project Manager. Prepared plans pursuant to AB 2588 for companies in the aerospace, chemical, pharmaceutical, electronics, and energy industries.

SCAQMD Air Quality Management Plan Adequacy, Los Angeles, Western Oil and Gas Association, Project Manager. Evaluated the plan with respect to EPA SIP guidelines for control measures.

Evaluation of Historic and Current Trends in U.S. air pollution policy and control technology for criteria pollutants, Republic of China, Taiwan EPA. Evaluation focused on appropriate regulatory mechanisms and pollution control technologies applicable to Taiwan industries.

Control Measure Development, Los Angeles, South Coast Air Quality Management District, Technical Advisor. Evaluated possible process changes to be required by South Coast Air Quality Management Plan as control measures for a variety of industries, including the foundry, cast metal, and refining industries.

Solar Energy Siting Issues, Los Angeles, Department of Energy, Task Manager. Studied technical and health and safety issues related to siting of four major solar thermal power systems.

Feasibility Study, Platform Electrification, California, San Luis Obispo County Planning Department, Project Manager. Evaluated feasibility issues associated with the retrofit of a turbine powered offshore platform to grid power. Issue areas included air quality, safety, reliability, and energy efficiency.

MARGARET M. LOBNITZ, Ph.D.

(continued)

Key Projects (continued)

Development of Pollution Control Technologies, California, Santa Barbara County, Project Director. The control technologies developed were used as interim strategies for attaining air quality standards prior to their Air Quality Attainment Plan update.

Flare Gas and Spill Containment Systems Design, Alaska, Sohio Endicott, Task Leader. The projects supported the design of an offshore crude oil production/processing facility on the north slope of Alaska.

Regulatory Negotiation Support, Arizona, Goodyear Aerospace, Task Manager. Developed and implemented a regulatory negotiation permitting program for a groundwater remediation project at a major Superfund site.

Landfill Investigation, San Diego County, California, Hillsboro Homeowners, Project Director. Coordinated a site investigation and directed a team of experts in developing a remedial action plan and cost estimate for a closed municipal landfill. Conducted a post-closure review of as-builts to ensure remedial action was implemented properly.

Risk Assessment Protocol Development, Idaho, EPA Region X, Task Manager. Developed a risk assessment protocol for EPA Region X as part of remediation activities at a lead smelter Superfund site.

RCRA Part B/Closure Plan, Vernon, California, Norris Industries, Technical Advisor. Directed preparation of RCRA Part B and closure plan for a metal finishing waste TSD in Vernon, California. Other services included accidental releases analysis and health risk assessments supporting facility permitting efforts.

Coal Conversion RCRA Part B, Henderson, Kentucky, W.R. Grace & Co., Senior Engineer. Directed waste characterization and RCRA Permitting activities as well as participated in public hearings for a coal-to-methanol-to-gasoline plant in Kentucky.

Hazardous Waste Management Program, Los Angeles, California, Los Angeles Unified School District and Nissan, Project Manager. Prepared comprehensive hazardous materials/waste management programs, which included regulatory background and policy, a primer for waste generators, and detailed technical practice documents.

Responsible Party Searches, Arizona, EPA Region IX, Project Manager. Directed a team of evaluators conducting responsible party searches of companies suspected of contributing to groundwater contamination at Superfund sites.

MARGARET M. LOBNITZ, Ph.D.
(continued)

Key Projects (continued)

Site Investigation, Los Angeles, California, Los Angeles Unified School District, Project Manager. Managed a site investigation and risk assessment of a property under consideration for an elementary/high school in an industrial redevelopment area. Presented project status reports at school board meetings.

Permitting Study, California, Southern California Edison, Project Manager. Managed a study of permitting considerations related to siting of a commercial hazardous waste incinerator.

CEQA Evaluation, Los Angeles and San Diego Counties, California, Industry Coalitions and Citizens Groups, Project Manager. Assessed the adequacy for public review process and process design for hazardous waste incinerators.

Emissions and Waste Inventories, Nationwide, Various Clients, Project Engineer. Compiled inventories for major coal conversion projects, Pacific Coast oil and gas development projects, and chemical munition facilities.

Regulatory Analysis and Permitting Plan, Weldon Spring, Missouri, Department of Energy, Compliance Coordinator. Provided regulatory analysis and permitting plan for radioactive and hazardous waste (mixed waste) remedial action site.

Pollution Control and Permitting, Fernald, Ohio, Department of Energy (DOE), Environmental Coordinator. Services were provided during the engineering phase of the pollution control revamp of the DOE Feed Materials Production Center.

Environmental Audits, Nationwide, Various Industries, Project Manager. Industries included aerospace, oil refinery, railroad, aluminum extrusion, wood products, furniture manufacturing, wire coating, electronics, retail automotive, television, and pharmaceutical and audits were conducted for the purpose of divestiture or acquisition of property, or for developing long-term corporate compliance strategies.

National TSDF Audit Programs, Various Locations, Chevron and Lockheed, Program Manager. Directed multi-year TSDF audit program for corporate petroleum and aerospace clients. Services included coordination of international and domestic audits, development of the vendor ranking system and corporate support on strategic issues such as financial responsibility and litigation.

Environmental Compliance Services, Various Locations, Various Industries, Project Director. Provided technical direction in the area of environmental compliance to electronic manufacturers, aerospace firms, automotive distribution centers, munition production

MARGARET M. LOBNITZ, Ph.D.
(continued)

Key Projects (continued)

facilities, and television stations; services included regulatory review, control technology assessment, permit preparation and negotiation, waste minimization, compliance audits, hazardous waste management, and training.

Environmental Management System Evaluation, Palo Alto, Electric Power Research Institute, Task Manager. Designed a strategic environmental health and safety compliance program for the research arm of the utility industry. The project included the identification of key areas of potential liability, audits of representative research facilities, and development of management systems to provide long term environmental protection to the institute.

Pollution Control and Permitting Support, Central and Southern California, Wilmar, Minnesota, Energy Projects, Environmental Coordinator. Generated environmental design criteria and siting analysis and implemented permitting requirements for a variety of cogeneration facilities requiring CEC review and approval, and for a coal gasification/fuel cell and cogeneration plant.

Permitting Support and Environmental Monitoring Plan, Uintah, Utah, White River Oil Shale Project, Task Manager. Work products included an environmental assessment of a stormwater runoff retention pond, NPDES permitting of waste water treatment plant, and a multimedia environmental monitoring plan for the processing plant.

Risk Assessment and Permitting Support, Glendale, California, Furahe Products, Environmental Coordinator. Directed air toxics risk assessment, and air and waste water discharge permit activities for a resin manufacturing facility in Glendale, California.

Publications

Lobnitz, M.M. 1993. "Environmental Compliance in the Warehouse Industry." Proceedings, Warehouse Education Research Council, Annual Meeting, Huntington Beach, California.

Lobnitz, M.M., B. Sokolow, and M. Peterson. 1991. "Lenders' Environmental, Regulatory and Legal Liability Seminar." American Women Banking Association, El Segundo, California.

Lobnitz, M.M. 1990. "Current Developments in Environmental Assessment Techniques for Property Transactions." Pettit and Martin, Legal Seminar, Laguna Beach, California.

MARGARET M. LOBNITZ, Ph.D.
(continued)

Publications (continued)

- Lobnitz, M.M., and M. Peterson. 1990. "Environmental and Legal Liabilities in Real Estate Appraisal." Present to National Association of Real Estate Appraisers, Las Vegas, Nevada.
- Lobnitz, M.M. and J. Witz. 1989. "The Role of the Environmental Consultant; Stemming the Legal Torrent." Toxic Torts Seminar, Center for Continuing Legal Education, Los Angeles, California.
- Lobnitz, M.M. 1986. "Turbine Versus Grid Power: controversy in California Offshore Oil and Gas Development." Proceedings, 9th World Energy Engineering Congress, Atlanta, Georgia.
- Smokler, P.E., M.M. Lobnitz, and S.M. Byers. 1985. "Environmental Protection Strategies for the First Arctic Offshore Oil Production Island." Proceedings, ASCE Specialty Conference, "Arctic 1985: Civil Engineering in the Arctic Offshore," San Francisco, California.
- Lobnitz, M.M. 1984. "Monitoring Pollutants in the Emerging Oil Shale Industry." Proceedings, International Chemical Congress of Pacific Basin Societies (American Chemical Society), Honolulu, Hawaii.
- Lobnitz, M.M. and M.G. Webb. 1984. "Synthetic Fuel Combustion in Utility Boilers: Trade-offs in the Emissions of Non-Criteria Pollutants." Presented at Air Pollution Control Association Meeting, San Francisco, California.
- Smokler, P.E. and M.M. Lobnitz. 1984. "Environmental Engineering in an Arctic Region." Proceedings, ASCE National Conference on Environmental Engineering, Los Angeles, California.
- Lobnitz, M.M. and P.E. Smokler. 1984. "Meeting Regulatory Constraints in an Arctic Environment." Presented at Association of Environmental Professionals Conference, Sacramento, California.
- Lobnitz, M.M. and M.G. Webb. 1983. "Solving Environmental Challenges of Indirect Liquefaction: W.R. Grace & Co., CMG Plant." Proceedings, AIChE Diamond Jubilee Meeting, Washington, D.C. (also published in Environmental Progress, 1984).
- Bailey, D.A. and M.M. Lobnitz, et al. 1983. "High Temperature Fluid Wall Reactor" Permitting Considerations for Commercialization." Proceedings, 2nd Conference on Municipal Hazardous and Coal Waste Management, Miami Beach, Florida.

MARGARET M. LOBNITZ, Ph.D.
(continued)

Publications (continued)

Morris, P.J., M.G. Webb, and M.M. Lobnitz. 1983. "A New Coal-to-Methanol-to Gasoline Plant: Clean Coal Conversion Using Innovative Environmental Technology." Presented at Association of Environmental Professionals Conference, Asilomar, California.

Lobnitz, M.M., B.J. Loren, and J.A. Firley. 1982. "Environmental Impact of Solvent Refined Coal Processes." Proceedings, 17th Intersociety Energy Conversion Engineering Conference, Los Angeles, California.

Sokolow, B., and M.M. Lobnitz. 1981. "A Critical Review of Siting Issues for Major Solar Thermal Energy Systems." Proceedings, America Section, International Solar Energy Society, Philadelphia, Pennsylvania.

Zembal, R., C. Gall, M.M. Lobnitz, and D. Kruska. 1979. "An Inventory of the Vascular Plants and Small Mammals of the Coso Hot Springs Area of Inyo County, California." Natural Resources Management Office, Public Works Department, China Lake Naval Weapons Center, NWC Ad Pub 202.

CARL J. RONER, P.E.

Registration

Registered Professional Engineer in the State of California

Fields of Competence

Geotechnical and soils engineering; analysis of groundwater flow, movement, and contamination; landfill design and construction; inspection and evaluation of hazardous waste treatment, storage, and disposal facilities (TSDFs); state and federal regulatory analysis consultation and auditing; permitting; construction observation; solid waste disposal; large-scale triaxial testing; and railroad ballast mechanics.

Experience Summary

- Eight years of technical and managerial experience in the environmental and geotechnical fields.
- Geotechnical and regulatory aspects of solid and hazardous waste treatment, storage, and disposal.
- Construction observation and management experience in both contaminated and uncontaminated environments.
- Development of waste-related permit applications, closure plans, drawings, and specifications for state and federally regulated hazardous waste units.
- Development, design, and implementation of remedial measures for contaminated sites.
- Auditing of industrial and institutional facilities for regulatory compliance.

Credentials

M.S., Civil Engineering (Geotechnical) — University of Massachusetts (1985)
B.S., Civil Engineering (Structural) — Oregon State University (1983)
American Society of Civil Engineers (ASCE)

Employment History

1991-Present WESTON
1989-1991 Harding Lawson Associates
1987-1989 Jacobs Engineering Group, Inc.

CARL J. RONER, P.E.
(continued)

Employment History (continued)

1986-1987 IT Corporation
1985-1986 Rockwell Hanford Operations
1983-1985 University of Massachusetts

Key Projects

Hazardous Waste Treatment and Storage Facility Permitting, Colton, CA, General American Transportation Corporation (GATC), Project Manager. Preparation of a Resource Conservation and Recovery Act (RCRA) Part B submittal operations plan to reflect addition of new treatment and storage facilities. Upgraded operations plan to comply with state seismic requirements; developed new and modified existing waste handling procedures; provided regulatory support for other permitting issues relevant to facility expansion; participated in public hearings; obtained a recycling exemption for railcar washwaters and secured a downgraded fee category and permitting requirements for the nonhazardous evaporation basins; developed information letters for GATC regarding the impact of the new used oil regulations and the California backflow prevention requirements; negotiated with the state to accelerate the Part B application review process; and provided professional engineering certification for waste units. Part B submittal was approved by the Department of Toxic Substances Control without the issuance of a Notice of Deficiency.

Wastewater Treatment and Compliance Evaluation, Pittsburg, CA, Praxair, Inc., Project Manager. Advised client on various treatment and disposal options for wastewaters previously discharged under a National Pollutant Discharge Elimination System (NPDES) permit. Researched compliance of local sanitary district with their NPDES permit.

RCRA Training, Department of Developmental Services, California Office of the State Architect, Project Manager. Conducted training of state hospital health and safety officers on the fundamentals of RCRA and their responsibilities in the hazardous waste system.

Emergency Excavation, Fremont, CA, Union Pacific Railroad, Task Manager. Supervised the excavation and remediation of a riprap spillway at the site of a railroad accident. Spill was located in a major stream that was a source of drinking water for the area and was thus under intense scrutiny by the agencies and press. Developed and implemented measures to clean large riprap and remove smaller solids in response to agency requirements. Coordinated sampling efforts to characterize the spill area.

Preliminary Site Investigation (PSI), Fresno, CA, California Department of Transportation (DOT), Project Manager. Managed an investigation of a former gas station site located in

CARL J. RONER, P.E.
(continued)

Key Projects (continued)

a proposed Caltrans right-of-way. Investigation included use of geophysics to locate existing and former tanks on the site.

Regulatory Support, Santa Fe Springs, M.A.Hanna, Project Engineer. Provided regulatory support for a custom rubber formulator regarding compliance with California hazardous waste and recycling laws. Prepared a Hazardous Waste Management Plan for the facility.

Compliance Audits, Northern California, Confidential Client, Project Engineer. Conducted RCRA compliance audits on two fertilizer manufacturing facilities in the San Francisco Bay area. Provided regulatory analysis regarding the compliance status of the facilities and provided suggestions for improving compliance.

Wastewater Treatment Plant (WWTP) Upgrade Recommendations, Santa Cruz, CA, Salz Leathers, Inc., Project Manager. Developed recommendations for physical upgrades for a tannery WWTP. Primary focus on reduction of chrome and sulfide levels to meet sewer district criteria. Assisted client in selecting equipment for upgrades.

RCRA and California Regulatory Assistance, San Jose, CA, FMC Corporation, Project Manager. Provided regulatory assistance for hazardous waste and fire code issues at a armored vehicles plant. Characterized waste, conducted compliance audits, and found appropriate disposal facilities for wastes generated on site.

RCRA Part B Application, Riverbank, CA, Riverbank Army Ammunition Plant (RBAAP), Project Engineer. Assisted with and wrote sections for a RCRA facility operations plan (Part B submittal) for an ammunition parts manufacturing plant. Developed seismic criteria for tank certification and assessment. Made determinations on regulatory status of various treatment processes.

Compliance Audits, Southern California, Lucas Industries, Project Engineer. Conducted RCRA compliance audits on four aircraft maintenance facilities in Van Nuys, Mohave, Santa Barbara, and Santa Maria, CA. Provided regulatory analysis regarding compliance status of facilities.

RCRA Training, Camarillo State Hospital, California Office of the State Architect, Project Manager. Conducted training of senior management and supervisory staff on the fundamentals of RCRA and their responsibilities in the hazardous waste system.

Tank Certification, Kern County, CA, China Lake Naval Weapons Station (NWS), Project Engineer. Provided structural and seismic recommendations for compliance and/or RCRA.

CARL J. RONER, P.E.
(continued)

Key Projects (continued)

required Professional Engineering Certifications for 36 RCRA hazardous and permit-by-rule nonhazardous waste tanks.

RCRA Tank Closure, Merced County, CA, Castle Air Force Base (AFB), Project Manager. Prepared a closure plan for two waste JP-4 tanks. Developed sampling methods for concrete containment and tank piping.

Remedial Action (RA), Richmond, CA, Sherwin-Williams, Project Manager. Provided oversight, construction management, and sampling for the removal of DDT- and Endrin-contaminated soils from a Superfund site. Project required immediate response to avoid impending Land Ban prohibition on disposal of pesticide-contaminated soils. Prepared final report for submission to the U.S. Environmental Protection Agency (EPA).

Radiation-Contaminated Wastewater Tank Excavation and Removal, Fairfield, CA, Travis AFB, Project Engineer. Developed and wrote an excavation plan for the removal of an underground storage tank (UST) that received radiation decontamination wastewaters from a facility that handled nuclear material.

RAs, San Jose, CA, Quebecor Printing, Project Manager. Responsible for the design and implementation of remediation efforts at a printing facility with soil and groundwater contamination. Work includes installation of vapor and groundwater extraction wells, and quarterly monitoring of the groundwater.

Spill Prevention Control and Countermeasures (SPCC) Plans, Various California Sites, Confidential Client, Project Engineer. Managed and provided professional engineering certification for field verification and development of SPCC plans for six California solvent recycling facilities.

Environmental Audits, Various West Coast Sites, Alco Standard Corporation, Project Engineer. Conducted comprehensive environmental audits on four aerospace parts manufacturing firms. Provided regulatory analysis regarding environmental status of these facilities to parent company for impending sale.

RCRA Storage Units Clean Closure, Lawrence Livermore National Laboratory (LLNL), Project Manager. Provided oversight and professional engineering certification for the clean closure of two hazardous waste storage areas.

Environmental Audits, Various California Sites, Confidential Client, Project Engineer. Conducted environmental audits on wood waste and rice hull waste burning energy plants.

CARL J. RONER, P.E.
(continued)

Key Projects (continued)

Provided regulatory analysis regarding environmental status of these facilities to parent company for liability assessment.

RCRA Tank Closure, Merced County, CA, Castle AFB, Project Manager. Preparation of closure plans, drawings, specifications, and cost estimates for RCRA-regulated hazardous waste tank closure.

Oil-Water Separator Replacement and Closure, Merced County, CA, Castle AFB, Project Manager. Preparation of closure plans, drawings, design specifications, and cost estimates for the replacement and closure of 13 oil-water separators.

Construction Oversight, Sacramento, CA, Former PG&E Power Plant, Jibboom Street, Department of Water Resources, Project Manager. Construction observation for jet grout underpinning operations on a contaminated site. Provided the Department of Water Resources with waste handling, regulatory, and disposal guidance. Interfaced with regulatory and waste disposal agencies. Sampled and analyzed jet grouting spoil.

Geotechnical Investigation, San Francisco, CA, City of San Francisco Municipal Railway, Project Manager. Geotechnical investigation for a large heavy bus handling facility to be founded on driven piles. Site conditions were difficult and required novel solutions.

Geotechnical Investigation, Napa, CA, Napa Human Services, Project Manager. Geotechnical investigation for two-story additions.

Geotechnical Investigations, Walnut Creek, CA, Kaiser Hospitals, Project Manager. Geotechnical investigation for a large hospital and medical office building to be founded on drilled piers.

Geotechnical Investigations, Various Locations, Central Valley, CA, Kaiser Hospitals, Project Manager. Geotechnical investigations for seven microwave towers.

Regulatory Consultation, San Leandro, CA, ACPC, Inc., Project Manager. Creation of a SPCC plan for an aluminum cable manufacturing facility.

Construction Observation, Martinez, CA, Contra Costa County, Project Manager. Supervised technicians and monitored day-to-day geotechnical operations for grading and site development.

CARL J. RONER, P.E.
(continued)

Key Projects (continued)

Construction Observation, Vallejo, CA, Kaiser Hospitals, Project Manager. Supervised technicians and monitored day-to-day geotechnical operations for foundation and pier wall construction.

Geotechnical Investigations, Benicia, CA, City of Benicia, Project Manager. Evaluated geotechnical aspects of four surplus parcels owned by the city.

Geotechnical Investigation, Mare Island Naval Shipyard, California, Harris and Associates, Project Manager. Geotechnical investigation for resurfacing and realignment of streets over uncontrolled fill and bay mud.

Geotechnical Investigation, Concord NWS, CA, Moffit and Nichols Engineers. Geotechnical investigation for heavy weapons container pads to be built over soft compressible bay muds.

Geotechnical Investigation and Construction Observation, Pittsburg, CA, Dow Chemical, Project Engineer. Performed soil sampling, density testing, and pile observation for industrial production and waste disposal facilities. All tasks were performed in a highly contaminated environment.

Environmental Investigation, Benicia, CA, City of Benicia, Project Engineer. Conducted environmental sediment sampling from a barge drill rig to determine the feasibility of marina dredging.

Construction Observations, Danville, CA, Ahmanson Developments, Project Engineer. Observed pier wall construction, landslide repair, and site grading. Implemented emergency landslide remedial measures.

Regulatory Inspection and Compliance, Various Sites, Western United States, EPA, Project Manager. Managed project team that conducted RCRA compliance evaluation inspections for west coast military and county hazardous waste facilities.

Regulatory Inspection and Compliance, Various Sites, CA, EPA, Project Manager. Managed project team that conducted RCRA Land Ban inspections for California solvent treatment facilities.

Environmental Training, Nevada Environmental Department, EPA, Project Manager. Trained state and local officials in the use of UST leak detection equipment.

CARL J. RONER, P.E.
(continued)

Key Projects (continued)

Environmental Compliance, Salinas, CA, Crazy Horse Landfill, EPA, Project Manager. Conducted potentially responsible party (PRP) search that resulted in the listing of the landfill as a Superfund site.

Pond Solidification, Benicia, CA, I.T. Corporation, Quality Control (QC) Engineer. Conducted QC and construction observation for the solidification of more than 20 surface impoundments at I.T.'s Panoche landfill facility. Responsible for sludge/cement flow monitoring and testing. Developed spreadsheets for tabulating QC parameters.

Landfill Construction, Benicia, CA, I.T. Corporation, QC Engineer. Conducted nuclear density testing, construction observation, and geotechnical testing for construction of I.T.'s Panoche hazardous waste landfill. Calculated construction materials quantities, hydrological properties, and wave heights on surface impoundments.

Pond Sounding, Martinez, CA, I.T. Corporation, QC Engineer. Conducted and coordinated pond sampling and sounding at I.T.'s Baker facility.

Basalt Waste Isolation Project, Repository Seals Evaluation Testing, Richland, WA, Project Manager. Conducted testing of materials for sealing nuclear waste repository shafts.

Railroad Ballast Mechanics Research, American Association of Railroads, Amherst, MA, University of Massachusetts, Research Assistant. Conducted research on properties of railroad ballast using physical simulation of trackside environment. Tested various ballasts for desirability using both trackside simulation and large-scale triaxial tests.

Publications

Roner, C.J. 1985. "Some Effects of Shape, Gradation, and Size on the Performance of Railroad Ballast." Master's Report, Department of Civil Engineering, University of Massachusetts at Amherst.

Roner, C.J. 1985. "Finite Difference Modeling for the Holyoke Aquifer." Department of Geology, University of Massachusetts at Amherst.

Roner, C.J. and E.T. Selig. 1984. "Ballast Shape Test Methods." Paper AAR84-316, Department of Civil Engineering, University of Massachusetts at Amherst.

Roner, C. and E.T. Selig. 1984. "FAST Ballast Test Results." Paper AAR84-305R, Department of Civil Engineering, University of Massachusetts at Amherst.

CARL J. RONER, P.E.
(continued)

Publications (continued)

Roner, C. 1984. "Ballast Preparation and Testing Procedures for Box Tests." Paper AAR84-307I, Department of Civil Engineering, University of Massachusetts at Amherst.

T.R. "DUKE" WOODRUFF

Registration

Registered Asbestos Abatement Certification in the State of California.
Registered Hazardous Waste, SARA, in the State of California.
Registered Environmental Assessor in the State of California.

Fields of Competence

- Mechanical Engineering; engineering design of mechanical systems, including chemical process, phase separation, pumping and compression stations, tank farms, terminals, truck and shipment of subsurface and subsea pipelines, river crossings, Systems Control and Data Acquisition (S.C.A.D.A.) systems, corrosion control.
- Construction Management; oil and gas processing plants, on-shore and off-shore pipelines, 2-4-6-8 pile off-shore platforms and jackets, loading terminals, single point mooring systems, tank farms.
- Environmental engineering and project management; soil and groundwater investigation; characterization and remediation, Phase I Site Assessments, Remedial Action Plan (RAP) development, regulatory interface, underground tank removal and remediation, environmental audits, alternative manufacturing and process development, industrial and groundwater treatment design and installation. Project management.
- Engineering, design and project management; develop remediation plans and specifications for soil, groundwater, industrial wastewater, site assessments/characterization, environmental audits; project management; Environmental Impact Reports (EIRs).

Experience Summary

- Twenty-eight years of experience in engineering, design, construction management, and project management.
- Conduct Environmental site assessments/characterization, environmental audits, develop remedial action plans (RAPs), specifications, schedules, regulatory interface, permits, contractor evaluation and award of contract, construction and project management.
- Develop Remediation plans and specifications for soil, groundwater, industrial wastewater, site assessments/characterization, environmental audits, project management.

T.R. "DUKE" WOODRUFF
(continued)

Experience Summary (continued)

- Coordinate projects, schedule manpower, and equipment loading, estimating, project planning, develop project procedures, business development, value engineering, design of waste treatment and recovery systems, training, asbestos abatement, groundwater remediation, biological in situ treatment of soil and product recovery systems, project management, environmental audits.
- Designed and supervised the installation of waste to energy systems, groundwater remediation systems, hazardous and toxic waste remediation procedures, industrial wastewater treatment systems, product recovery systems, safety training, developed waste reduction procedures that included manufacturing methods, storage, transportation, disposal and/or treatment on site, site assessments and remediation plan development, site characterization, and environmental audits.
- Provide engineering and construction management services to the oil, gas and mining industry throughout the European Common Market Countries. Developed hazardous and toxic waste management procedures, transportation and disposal and/or treatment systems and procedures for the UK government and private Industries, also was responsible for business development.

Credentials

B.S., Mechanical Engineering — Brooklyn College, New York (1960)

Employment History

1995-Present WESTON
1989-1994 Deeco, Inc.
1988-1989 Coast Contractors, Inc.
1987-1988 Owner/Manager, Woodruff Associates
1985-1987 Falcon Environmental Engineering Inc.
1982-1985 Aquatic International
1980-1982 Kuwait Oil, Co.
1974-1980 Pipeline Technology, Inc.
1967-1974 Pollock Engineering, Inc.

Key Projects

Oil and Gas Gathering, Process and Transportation System, Kuwait, Kuwait Oil Company, Project Director. Supervised the design to project specifications and project bid documents

T.R. "DUKE" WOODRUFF
(continued)

Key Projects (continued)

for the Southern Gas Project, located in the neutral zone between Kuwait and Saudi Arabia. Project included off-shore platforms, marine pipeline, processing plant, H₂S & SO₂ extraction, land pipeline to the City of Ahmadi, living quarters, roads, sanitary and power systems, desalination and reverse osmosis system for potable water and cooling tower water.

Product Pipeline, Tank Farm and Terminal, Auckland, New Zealand, New Zealand Government, Project Manager. Supervised the design and construction of a 190 kilometer pipeline, tank farm, waste treatment plant, pumping and distribution system, security and alarm system, administration building and terminal facilities. Supervised the design and construction of a 150,000 GPD sewerage system substation for the Auckland and adjacent communities. Provided technical support in the evaluation of aviation fuel leaking from underground storage tanks, piping and aboveground storage tanks. The objective was to remove the product from the water table for processing and reuse, and to clean up the soil.

Oil and Gas Process, Transportation and Treatment Systems, Gulf Coast, Major Oil and Gas Companies, Project Manager. Managed the design and construction group that provided services to the oil, gas, and mining industry within the USA, Mexico, Central and South America. Projects involved process systems, treatment systems, waste to energy systems, air scrubbing, primary and secondary treatment systems, wastewater recovery systems and pretreatment for injection.

Product Recovery and Soils Remediation, Blythe, CA, Confidential Client, Project Manager. Responsible for the development of geological investigative information and developing a drilling program for rapid recovery of product (diesel and gasoline) from the water table. Design of process equipment for product recovery, reinjection of remediated water treated with biological microbes and nutrients for final soil clean-up. Water quality after project completion had less than 0.05% BTX&E.

Product Recovery and Wastewater Treatment System, Auckland, New Zealand, New Zealand Petroleum Co., Project Manager. Responsible for the design and construction of an elaborate storm drainage system within the boundary of a tank farm and truck terminal. All stormwater was gathered to a 200,000 gallon holding tank, where skimmers removed oil product from the top of the water. The balance of the water was run through scavenger pumps, a two-phase separation system to remove additional oil and be suspended in the wastewater prior to injection. Additional storage capacity has been added to handle larger amounts of wastewater and to prolong retention time.

Oil Process Facility Closure, Well Abandonment, Pipeline Gathering System and Contaminated Soil Remediation of a 74-Acre Site, Santa Maria, CA, McFarland Energy, Project Manager. Responsibilities included the site assessment to establish the perimeters

T.R. "DUKE" WOODRUFF
(continued)

Key Projects (continued)

and extent of contamination, development of the remediation plan (RAP), schedules, project cost projection, QA/QC management, obtaining all necessary permits, remediation through bio-augmentation and soil washing, solidification and disposal of contaminants at a class III landfill and a closing report from Department of Toxic Substances Control.

Product Recovery System and Soils Remediation, Island of Fiji, Fiji International Airport, Project Director. Responsible for the technical supervision and construction management for the design and fabrication of equipment required to remove aviation fuel from the soil and water table beneath the airport terminal and runway. Provided supervision during drilling and installation of the gathering system, placement of the process equipment and product loading facilities. Product was loaded onto ocean going barges and transported to New Zealand for rerefining. All wastewater was processed and reinjected into the perimeter of the plume for advanced recovery.

Desalination and Wastewater Treatment Plant, Mina Soud, Kuwait, Kuwait National Petroleum Co. (K.N.P.C.), Project Director. Responsible for the design and sizing of equipment to produce 300,000 gallons per day of potable water for drinking and general household use, make-up water for cooling towers, swimming pools, and irrigation of plants and shrubs within the compound area. Wastewater was treated and comixed with potable water and used for irrigation along the highway between Ahmadi and Mina Soud.

Study For the Treatment of Wastewater From a Chemical Refinery and a Petroleum Refinery, Baton Rouge, LA, Cibagigi and Mobil Oil, Project Manager. Both refineries were located south of Baton Rouge and were discharging effluent into the Mississippi River causing large fish kills during heavy rains. A joint system was designed and installed to treat both plants, resulting in clean water discharge and a cost savings to each plant of over 40% including operational expense.

7.5 Megawatt Waste To Energy Power Generating Facility, West Covina, CA, B.K.K. Project Manager. Responsibilities included the redesign of a gas processing system that was designed for a much smaller facility and required additional processing to meet the design standards of the compressor and turbine manufacture. Cooling water was extracted from wells on site and treated before it was used in the cooling system. Supervised the construction phase and startup operation. Methane fuel gas was extracted from a municipal landfill that had a projected half life of 50 years.

Feasibility Study of Wastewater Treatment System, Design and Construction Management, Northern England, UK, The British Army, Project Manager. One of the British Army munitions plants had commingling of storm water, cooling water, process water and wastewater due to leaks in the system and was contaminating the aquifers just below the

T.R. "DUKE" WOODRUFF
(continued)

Key Projects (continued)

plant. Conducted a study to evaluate the feasibility of installing a new system and/or to treat the water. Upon completion of the study, it was recommended that a complete new drainage system be installed and a remediation plan developed.

Feasibility Study, Oslo Norway, Norsk Hydro, Project Manager. Feasibility study for a gas pipeline from off-shore northern Norway, to Oslo and southern coastal cities of Norway.

Feasibility Study, Czechoslovakia, Prague, U.S.S.R., Project Manager. Feasibility study for a pipeline process facility expansion and additional transportation capacity.

Design of Wastewater Treatment System, Ecuador, Quito, Ecuadorian Government, Project Manager. High elevation wastewater treatment system for refining process water and cooling water system.

Feasibility Study, Taiwan, Kondia, Project Manager. Feasibility study and design of metal working machinery company, including equipment selection and plant layout.

Publications

Woodruff, T.R. 1983. "Incentives for Inplant-Wastewater Treatment System." *Rocky Mountain Business Journal*, pg. 47.

Woodruff, T.R. 1985. "Phase Separation of Industrial Wastewater." Presented at the Metropolitan Water District Technical Meeting.

Woodruff, T.R. 1986. "A Technical Approach to Product Recovery and Groundwater Remediation." *Methods of Groundwater Remediation*.

Woodruff, T.R. 1990. "The Individuals Responsibility for Environmental Compliance." *Environmental Contractor Magazine*, pg. 19.

JOHN P. WOODYARD, P.E.

Registration

Registered Professional Engineer in the States of California and Colorado, and in the Commonwealth of Virginia

Fields of Competence

Polychlorinated biphenyl (PCB) management, including audits of past and present practices; regulatory interpretation/compliance; plant and equipment chemical decontamination; spill response, cleanup, site assessment, and remediation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (CERCLA) and the Toxic Substances Control Act (TSCA); property transfer audits, particularly for plant buildings and equipment; and hazardous waste incineration and treatment technology, including siting, permitting, and management of fossil fuel combustion waste.

Experience Summary

- Twenty years of professional experience in electric power and natural gas industry waste management conducting projects ranging from siting, permitting, and engineering of waste management systems to field implementation and technical direction of major remedial projects.
- Active in siting, permitting, and planning for fixed and mobile waste treatment/disposal systems, including more than 50 incineration, chemical treatment, and energy recovery projects.
- Recognized expert in PCB management and the TSCA.

Credentials

M.S., Mechanical Engineering — University of Illinois (1976)
B.S., Industrial Engineering — University of Illinois (1974)
Air and Waste Management Association — Chairman, Waste Division (1985-1988); Chairman, Technical Council (1993-1996)
Editorial Review Board, *Journal of the American Waste Management Association*
Editorial Review Board, *Journal of Environmental Regulations*
Institute for Professional Environmental Practice, Exam Advisory Committee (QEP)

JOHN P. WOODYARD, P.E.
(continued)

Employment History

1988-Present WESTON
1983-1988 International Technology Corporation
1975-1983 SCS Engineers
1974-1975 U.S. Army Construction Engineering Research Laboratory

Key Projects

PCB Contamination Assessment and Remedial Technology Research Program, Nationwide, Gas Research Institute (GRI), Program Director. Manage GRI multiyear PCB management research program in support of gas transmission and distribution companies throughout the United States. Responsibilities include monitoring and assessment of PCB remediation technologies, statistical sampling guidance, risk assessment, and management of pipeline PCB migration research.

Natural Gas Systemwide PCB Contamination Assessment, Midwestern Gas Transmission Company, Project Director. Responsible for developing system sampling strategy, data interpretation, and development and negotiation of PCB management/remediation work plan with the U.S. Environmental Protection Agency (EPA).

Natural Gas Pipeline PCB Contamination Litigation, Various Locations, Multiple Clients, Expert Witness. Supported gas transmission companies in several landmark suits involving the inadvertent use of PCB valve grease in high-pressure valves.

Remedial Design/Construction Oversight, Coal Creek Site, Washington (Electric Utility Potentially Responsible Party [PRP] Group), Project Director. Implemented remedial design/remedial action (RD/RA) involving the on-site incineration of 10,000 tons of soil, tank removal, building demolition, and on-site landfill at a former transformer salvage yard.

Contamination Assessment, Remedial Engineering and Oversight, New York, Kensico Reservoir Shaft 18, Project Director. PCB, lead, mercury, and asbestos contamination assessment, engineering specification, and remedial construction management at New York City's Kensico Reservoir Shaft 18, involving a full complement of sampling and decontamination technologies in a particularly sensitive environmental setting.

PCB and Asbestos Removal From a Former Power Plant Site, Austin TX, Texas Power and Light, Project Director. Implemented a state Resource Conservation and Recovery Act (RCRA) RD, construction, and closure program for an abandoned power plant foundation, underground tanks, and a wet well that were allegedly backfilled with PCBs and asbestos-containing soil.

JOHN P. WOODYARD, P.E.
(continued)

Key Projects (continued)

PCB Spill and Fire Litigation/Arbitration, Various Locations, Multiple Clients, Expert Witness. PCB spill and fire litigation/arbitration for major cleanups in San Francisco and Palo Alto, CA; Santa Fe, NM; and Canton, OH.

Numerous PCB Manuals, California, Electric Power Research Institute (EPRI), Project Manager. Managed the development of the first (1979) and second (1983) editions of EPRI's PCB Disposal Manuals; Manual for Upgrading Utility Waste Disposal Sites (1982); and case studies of several major PCB transformer fires.

PCB Decontamination, Central Illinois, Die-Casting Facility, Project Director. PCB contamination assessment and remediation in operating die-casting facility, including engineering of wastewater treatment system modifications and decontamination/encapsulation of plant floor and drainage system.

Closure Plan Development and Implementation, California, Department of Corrections, Project Director. Developed and implemented closure plans for 10 state PCB waste storage facilities at Department of Corrections sites.

Assessment and Remediation of Past PCB Contamination, Operating Electrical Component Manufacturing Facility, Project Director. Work included preliminary and detailed assessment of contamination in and around plant, employee risk assessment, standards negotiation with state regulatory agency, RD, and decontamination of plant equipment.

Specialty Chemical Plant Assessment and RD, Project Director/Technical Advisor. This project involved a chemical plant where PCBs had been used as a heat-transfer fluid. Work included sampling, assessment, cleanup standards negotiation, remediation, and expert witness testimony.

Contamination Assessment and Remediation, Connecticut, Operating Electrical Component Manufacturing Facility, Technical Advisor/Project Director. Assessment and remediation of chemical contamination at an operating electrical component manufacturing facility. Work included preliminary and detailed assessment of contamination in and around plant, employee risk assessment, standards negotiation with state regulatory agency, RD, and decontamination of plant equipment.

Emergency PCB Spill and Fire Responses, Various Locations, Multiple Clients, Project Director/Technical Advisor. This project involved numerous emergency PCB spill and fire responses and subsequent remedial efforts, including LSU Medical Center, Shreveport, LA; Columbus and Southern Ohio; Electric Company, Columbus, OH; Owens Illinois, Oakland, CA; Exxon, Baton Rouge, LA; National Aeronautics and Space Agency (NASA), Cleveland, OH; Pennsylvania Power and Light (PP&L), Scranton, PA; and the City of Austin Electric Utility Department.

JOHN P. WOODYARD, P.E.
(continued)

Key Projects (continued)

Electrical Equipment Survey/Audit, Various Locations, State of California, Project Manager. PCB electrical equipment survey/audit at 94 State of California facilities, including TSCA compliance and electrical code inspection, remedial engineering and cost estimates, and PCB disposal/management plans statewide.

Permitting of Cement Plant, California, IT/Genstar, Project Manager. Responsible for proposed permitting of a cement plant to burn PCB and solvent wastes as fuels.

Research, Planning, and Design, Various Locations, Multiple Clients. Directed numerous research, planning, and design projects involving innovative PCB treatment and technology, including KPEG, retrofill, and in situ treatment technology. In addition, responsible for contract preparation, negotiation, and license administration.

Publications

Woodyard, J.P., D.G. Linz, and E.C. Geer. 1993. "*Prediction and Control of PCB Migration in Gas Pipelines.*" Presented at the Pennwell PCB Forum, Houston, TX.

Linz, D.G., J.P. Woodyard, and E.C. Geer. 1993. "*New Understandings in Prediction and Control of PCB Migration in Gas Pipelines.*" Presented at the IGT Hazardous and Environmentally Sensitive Waste Management in the Gas Industry, Albuquerque, NM.

Woodyard, J.P. and C.B. Amandes. Winter 1992/1993. "*Current Trends in PCB Regulation and Enforcement.*" Journal of Environmental Regulation.

Woodyard, J.P., C.A. Hays, and K.J. Shortsleeve. 1992. "*Waste Minimization Practices in Chemical Decontamination.*" Presented at the EPRI Noncombustion Waste Seminar, Orlando, FL.

Woodyard, J.P., J.M. Taylor, and T. McVeigh. 1992. "*PCB Data Management and Recordkeeping: Current Practices and Trends.*" Presented at the Pennwell PCB Forum, Houston, TX.

Frank, J.R. and J.P. Woodyard. 1991. "*Examination of PCB Management Technology Issues.*" Institute of Gas Technology Conference: Hazardous and Environmentally Sensitive Waste Management Issues in the Gas Industry, Chicago, IL.

Woodyard, J.P., R.T. O'Connor, and K.J. Shortsleeve. 1991. "*PCB, Mercury, and Lead Decontamination From a Municipal Water Supply Facility.*" EPRI PCB Seminar, Baltimore, MD.

JOHN P. WOODYARD, P.E.
(continued)

Publications (continued)

Woodyard, J.P. 1991. "*State-of-the-Art PCB Spill Cleanup.*" American Public Power Association Engineering and Operations Workshop, Orlando, FL.

Linz, D.G. and J.P. Woodyard. 1991. "*Gas Research Institute Pipeline PCB Research Program.*" American Gas Association Annual Meeting, Nashville, TN.

Woodyard, J.P. and J.J. King. 1991. *PCB Management Under TSCA.* Second Edition, Executive Enterprise Publications, New York, NY.

Woodyard, J.P. 1990. "*Current Approaches to PCB Spill Cleanup in the U.S.*" Dioxin '90, Bayreuth, Germany.

Linz, D.G. and J.P. Woodyard. 1990. "*PCB in Gas Pipelines: Technical Issues and Control Technologies.*" Presented at the Institute for Gas Technology, Gas Quality Measurement Symposium, Chicago, IL.

Woodyard, J.P. 1990. "*PCB Detoxification Technologies: A Critical Assessment.*" Environmental Progress, Vol. 9, No. 2.

Woodyard, J.P., T.R. Marrou, and T. Williams. 1990. "*Solid and Hazardous Waste Management Issues for Gas Processing Facilities.*" Presented at the 70th Annual GPA Convention, San Antonio, TX.

Woodyard, J.P. 1989. "*Comparative PCB Regulation and Policy Interpretation Between Gas and Electric Utilities.*" Presented at the EPRI PCB Seminar, San Diego, CA.

Woodyard, J.P. 1989. "*PCB Detoxification Technologies - A Critical Assessment.*" Presented at the AIChE Summer Annual Meeting, Philadelphia, PA.

Woodyard, J.P. 1988. "*Negotiating Cleanup Standards: Environmental Impact Versus Property Transfer.*" 81st Annual Meeting of the Air Pollution Control Association, Dallas, TX.

Woodyard, J.P. 1988. "*Buying and Selling PCB-Contaminated Real Estate.*" Presented at the EEI Environmental Auditing Forum, New Orleans, LA.

Woodyard, J.P. and J.J. King. 1987. "*Recent Technology Developments for PCB Destruction and Oil Recycling.*" Presented at the DOE Oak Ridge Model Conference, Oak Ridge, TN.

JOHN P. WOODYARD, P.E.
(continued)

Publications (continued)

Woodyard, J.P. 1987. "*Commercial Nonsodium Treatment of PCB-Contaminated Mineral Oil.*" Presented at the EPRI PCB Seminar, Kansas City, MO.

Woodyard, J.P. and E.M. Zorrato. 1987. "*The Use of Liquid Reagent for In-Situ Treatment of PCBs in Concrete and on Surfaces.*" Presented at Electric Power Research Institute PCB Seminar.

Woodyard, J.P. and R.L. Wode. 1986. "*Sampling and Decontamination Methods for Buildings and Equipment Contaminated With Polychlorinated Dibenzodioxins.*" Presented at the American Chemical Society, Division of Environmental Chemistry Symposium, New York, NY.

Woodyard, J.P. and E.M. Zorrato. 1986. "*State-of-the-Art Technology for PCB Decontamination of Concrete.*" Presented at the Institute of Electrical and Electronics Engineers Conference on PCBs and Replacement Fluids (Motech '86), Montreal, Quebec.

Woodyard, J.P. 1985. "*State-of-the-Art Decontamination Technology for PCB Spills and Fires.*" Presented at HAZMAT '85, Long Beach, CA.

Woodyard, J.P. 1985. "*Hazardous Waste Incineration in California - Benefits, Uses, and Problems.*" Presented at HAZMACON 1985 (APCA Workshop), Oakland, CA.

Woodyard, J.P. 1984. "*Available PCDF Decontamination Technology and its Ability to Meet Standards.*" Presented at the EPRI PCB By-Product Formation Workshop, Palo Alto, CA.

Woodyard, J.P., W.C. Trench, P. McCormick, and T. Juhasz. 1983. "*The Cost of PCB Spill Cleanup: A Question of Degree.*" Presented at the EPRI PCB Seminar, Atlanta, GA.

Woodyard, J.P., P. Hynarowski, and J. Tappa. 1981. "*PCB Equipment Inventory and Management Plan for State of California Facilities.*" Presented at the EPRI PCB Seminar, Dallas, TX.

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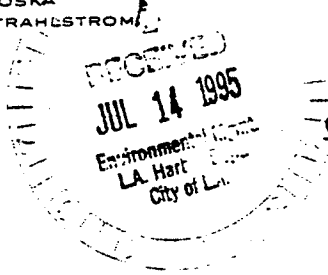
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July 12, 1995

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VIA FACSIMILE NO. (310) 547-4643

Ralph Appy
Assistant Director
Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
P. O. Box 151
San Pedro, California 90733-0151

Re: Draft EIR for Hugo Neu-Proler Lease Renewal Project
(State Clearinghouse Number 93071074)
Request for Extension of Comment Period

Dear Mr. Appy:

As you know, this office represents Hiuka America Corporation ("Hiuka"). By letter dated July 11, 1995, Hiuka requested an extension of time to comment on the Draft EIR for the Hugo Neu-Proler Lease Renewal Project on the ground that, among other things, its consultant was unable to obtain needed documents from the Harbor Department in a timely manner.

During our telephone conversation around noon today, you indicated that the Harbor Department had yet to make a decision on Hiuka's request, but that a decision would be made sometime this afternoon. I have since made several telephone calls to your office and I left you a voice mail message asking whether the extension had been granted. Unfortunately, it is now approximately 7:30 p.m., and I have yet to hear from you.

We were previously informed by your office that unless an extension is granted, the last day to submit comments on the Draft EIR is July 14, 1995. Therefore, time is of the essence, and

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Ralph Appy, Assistant Director
July 12, 1995
Page 2

it is very important that we hear from you immediately. Please give me a call tomorrow morning.
If I am not available, please leave a voice mail message.

Very truly yours,

REZNIK & REZNIK
A Law Corporation

By 
JOHN M. BOWMAN

JMB:glg

REZNIK & REZNIK

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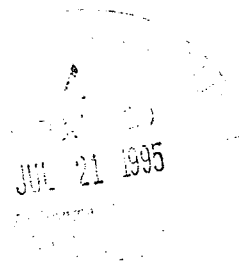
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July 21, 1995

[28]



VIA MESSENGER

Donald Rice, Director
Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
P. O. Box 151
San Pedro, California 90733-0151

Re: Comments on Draft EIR for Hugo Neu-Proler Lease Renewal Project
Submitted on Behalf of Hiuka America Corporation

Dear Mr. Rice:

Hiuka America Corporation submits the following comments on the draft Environmental Impact Report (the "draft EIR") for the Hugo Neu-Proler Lease Renewal (the "project").

The project involves a proposal by Hugo Neu-Proler Company ("HNP") to continue and expand its operations at an existing scrap metal facility on a 26-acre site located in the Port of Los Angeles that is heavily contaminated with lead and other metals, petroleum hydrocarbons, and polychlorinated biphenyls ("PCBs"). HNP, which failed to restore the site to a clean condition as required under its current lease with the City of Los Angeles, is apparently seeking to renew the lease for a period of 30 years. According to the draft EIR, the requested lease renewal will have the effect of delaying remediation of the contaminated soil on the site, and will leave much of the contaminated soil in place. In addition, HNP is seeking to expand the capacity of the facility by over 37%, which will cause additional adverse environmental impacts. As set forth in detail below, the draft EIR fails to adequately address these significant environmental effects.

28-1

28-2

28-3

INTRODUCTION

Hiuka America Corporation ("Hiuka") is a major supplier of steel scrap to Pacific Rim countries. In order to accommodate its present and future needs, Hiuka recently completed construction of its new 20-acre terminal and 15,000 square foot headquarter building at Berth 118 on Pier T in the Port of Long Beach. This new facility includes several innovative features which make it the most modern and environmentally advanced steel scrap handling facility in the world:

28-4

- Hiuka's facility employs a bulk loading system which utilizes a rail-mounted crane instead of a conveyor, thereby eliminating potential air pollutants and reducing noise impacts to minimum levels.

- The facility employs an innovative and unique debris catcher system which prevents recyclable steel from falling into the water during shiploading operations.
- The entire site is paved with a 12-inch thick concrete slab sealed by a 60 millimeter geomembrane liner. This concrete pad incorporates an environmentally-sound water recycling system that ensures that potentially contaminated storm water is not discharged into the bay.
- All shredding is conducted off-site at remote locations, thereby avoiding the potential for dispersal of wind-blown toxic fluff generated by shredding activities.

28-4

In short, Hiuka's facility represents the "state of the art", and is a model for the industry. In stark contrast, the HNP facility, as described in the draft EIR, will continue to utilize outdated equipment and unsound environmental practices, as follows:

- HNP proposes to continue using an uncovered and outdated bulkloader conveyor, which generates substantial amounts of noise and dust. These impacts will become even more severe if the facility is allowed to expand as proposed.
- Much of the site is currently unpaved, with virtually no storm water collection or treatment capacity. Even with the proposed site improvements, the facility will continue to discharge potentially contaminated storm water into the Harbor.
- Notwithstanding the potential environmental impacts and health risks, HNP proposes to continue dockside shredding operations, even though shredding is not a water-dependent use.
- Although the soil and the groundwater beneath the site is heavily contaminated, HNP proposes to delay remediation for at least three years, during which time HNP is planning to expand its operation from 950,000 to 1,300,000 gross tons of scrap per year.
- HNP apparently proposes to leave a significant amount of soil contamination in place, which will expose the environment and the public to significant additional risk, and will expose the Port of Los Angeles to substantial and long-term liability.
- HNP has a history of environmental violations which raises serious concerns regarding HNP's ability and commitment to implement a comprehensive clean up plan and proposed mitigation measures.

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The proposed project will clearly have significant adverse effects on the environment which, under the California Environmental Quality Act ("CEQA"), must be fully evaluated in the project EIR and mitigated to the extent feasible. Unfortunately, the draft EIR in this case is woefully inadequate, and does not remotely fulfill its role as an informational document. The draft EIR fails to comply with many of the most basic procedural requirements of CEQA, in that the draft EIR fails to adequately describe the proposed cleanup plans and other significant aspects of the project, and

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references various other documents such as the Remedial Action Plan which have not been made available for review. Indeed, Hiuka has requested that the Los Angeles Harbor Department ("LAHD") provide copies of these documents and to extend the comment period on the draft EIR until such documents are made available for review. The LAHD, however, has denied these requests. The draft EIR also fails to properly identify, address, resolve and/or mitigate any of the significant environmental impacts that will arise if this project is approved and implemented. In short, the draft EIR violates both the letter and spirit of CEQA. 28-11
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The primary adverse environmental effects of the project, and the key deficiencies in the draft EIR, are discussed in detail below and in the accompanying technical report prepared by Roy F. Weston, Inc. ("Weston"), a nationally-recognized environmental consulting firm. This technical report (hereinafter the "Weston report") is incorporated herein by this reference, and constitutes a portion of Hiuka's comments on the draft EIR.

SUMMARY

Unless substantial additional mitigation measures are identified and implemented, the proposed project will result in significant and adverse effects on the public health and the environment, as follows:

- The proposed remedy for soil contamination will not adequately protect the public health and the environment in light of the elevated levels of lead and other contaminants that HNP proposes to leave in the ground. In order to mitigate this impact to a level of insignificance, HNP must be required to fully remediate all soil contamination on the site in an expeditious manner (e.g. within two years), and prior to any expansion of the facility. 28-14
- The proposed groundwater remedy is totally inadequate in that the nature and extent of groundwater contamination has not been adequately determined, and an adequate remediation plan has not been developed. HNP must fully characterize the groundwater problem, and be required to implement a full groundwater remedy in an expeditious manner. 28-15
- The proposed stormwater collection and treatment system will not be able to properly and effectively treat contaminated stormwater before it is discharged into the Harbor. Increased capacity and/or additional storm water improvements must be required to fully mitigate this potential impact on water quality. 28-16
- The project will result in significant emissions of air pollutants, further exacerbating regional air quality problems. Additional mitigation measures must be developed and implemented to lessen these impacts to the maximum extent feasible. 28-17

- Project operations will potentially release airborne toxics such as PCBs and lead, resulting in a significant public health risk. This potential impact can be avoided by, among other things, prohibiting dockside shredding operations. 28-18
- Project operations will continue to result in significant noise impacts to nearby residents. Additional mitigation measures must be considered, including the use of a crane instead of a bulkloader conveyor. 28-19

The draft EIR also contains serious technical deficiencies and fails to comply with the procedural and substantive requirements of CEQA for the following reasons:

- The draft EIR fails to provide sufficient information to allow for meaningful comment by interested members of the public and to ensure appropriate permit decisions by responsible agencies. The draft EIR does not fulfill the basic role of an EIR nor does it satisfy applicable CEQA requirements because it fails to properly evaluate (using appropriate technical methodologies) the environmental impacts of the proposed HNP lease renewal and expansion project, many of which are significant and have not been adequately mitigated as required by California law. Moreover, the draft EIR fails to adequately describe proposed cleanup plans and other significant aspects of the proposed project, such as the Remedial Action Plan ("RAP") and the Storm Water Pollution Prevention Plan ("SWPPP"), in sufficient and necessary detail as required under CEQA. In many cases, the draft EIR simply makes reference to key documents which have not been made available for review as part of the CEQA process, thereby depriving the public of a meaningful opportunity to comment on important aspects of the project which affect public health and safety. 28-20
- The draft EIR fails to use acceptable techniques and methodologies for analyzing the environmental impacts associated with the HNP project. The draft EIR improperly relies on many self-serving and conclusory statements that are not supported by factual documentation, violating a fundamental precept of CEQA that all conclusions be supported by substantial evidence. Examples of some of these self-serving statements not supported by the technical analysis in the draft EIR include: (1) the claim in the draft EIR that odor impacts will be insignificant when HNP's existing operations have indeed resulted in numerous odor complaints in the past, (2) the unsubstantiated assertions in the draft EIR that the proposed barrier wall to be included in the HNP project will reduce noise levels by 16 dBA, and (3) the unverified and unsupported claim that fugitive emissions from wind entrainment of rust and metallic residue from scrap piles will not increase even though plant capacity is being increased by 37%. Many other unsubstantiated claims are outlined in the accompanying Weston report. Moreover, the draft EIR fails to follow generally-accepted assessment techniques for CEQA projects, relevant guidance documents, and/or reflect appropriate consultation with responsible governmental agencies. Finally, the draft EIR's analysis of cumulative impacts is perfunctory, again violating the mandates of CEQA. 28-21
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- The draft EIR demonstrates that there are many significant environmental impacts associated with the proposed HNP project that have not been adequately addressed and/or mitigated. For example, the draft EIR shows that there is significant soil contamination at the site, including highly-elevated levels of lead. Nevertheless, as described in the technical analysis accompanying these comments, the proposed cleanup options do not satisfactorily address this significant environmental hazard. In addition, the proposed groundwater remediation strategy that is included in the draft EIR is ill-defined and lacks any reasonable assurance of success. Moreover, the draft EIR indicates that the proposed HNP project would have significant adverse environmental impacts on the nearby air and water quality and noise levels that have not been fully recognized and/or addressed. 28-26
- The draft EIR does not address all reasonable project alternatives that should be considered. CEQA requires that all reasonable project alternatives be considered. Nevertheless, in spite of this clear statutory mandate, the draft EIR fails to consider all project alternatives that could feasibly accomplish most of the basic purposes of the project while substantially lessening one or more significant impacts. Some of the additional alternatives that are feasible and appropriate and that should be considered in detail include: (1) approval of the lease with project improvements designed to mitigate environmental impacts, but without an increase in throughput capacity; (2) completion of site remediation and stormwater improvements prior to increasing throughput capacity; (3) alternative use; (4) relocate shredding operation; (5) shorter lease term; and (6) relocate to alternative site. 28-27
- The draft EIR fails to properly consider and analyze feasible mitigation measures to reduce the project's adverse environmental impacts as required by CEQA. Many of the mitigation measures that are proposed are highly suspect and may not effectively reduce impacts to insignificance or be implemented in a timely and appropriate manner. For example, the draft EIR documents significant environmental impacts with respect to air quality (in both criteria and air toxic pollutants), noise (with regard to impulsive noise associated with ship loading), and water quality (with regard to significant stormwater contaminant runoff and other sources of water quality degradation of the Harbor) that would arise as a result of the proposed HNP project. CEQA requires that the Los Angeles Harbor Department ("LAHD") analyze all feasible mitigation measures that would eliminate or substantially reduce these significant impacts. Nevertheless, as described in the accompanying Weston report, many of these proposed mitigation measures are either unsatisfactory or would be ineffective in addressing most, if not all, of these significant environmental impacts. Moreover, the draft EIR fails to consider other feasible mitigation measures that might effectively address these and other significant impacts as required under CEQA. 28-28

For all of these reasons, the draft EIR is fundamentally flawed and fails to comport with CEQA requirements, both procedurally and substantively. On procedural grounds, the draft EIR fails to achieve "CEQA's fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials." Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California ("Laurel Heights I"), 47 Cal. 3d 376, 404 (Cal. 1988). Substantively, the draft EIR fails to properly evaluate and resolve many of the key environmental impacts that will undoubtedly arise as a result of this project.

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Given these significant deficiencies, Hiuka believes that the LAHD must take a number of steps in order to comply with CEQA. First, the LAHD must address these significant technical problems and concerns with the draft EIR and provide the necessary and appropriate technical and project information to allow for meaningful public comment on the draft EIR.

Second, the LAHD should specifically make key background documents (e.g., the Remedial Action Plan ("RAP") and the Stormwater Pollution Prevention Plan ("SWPPP")) for this site available in a timely manner in order to provide meaningful public review and comment on the draft EIR as required under CEQA. Further consideration of the draft EIR should be postponed pending a full public review of these background documents, as well as other relevant site-related workplans and remedial investigation data.

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Third, the LAHD should solicit further guidance and input from other responsible governmental agencies on critical environmental issues identified in the draft EIR such as the impacts of exposure of nearby residents to increased air toxics from the proposed project, the risks of the proposed cleanup remedy for the site, possible continued stormwater discharges from plant operations, the applicable water quality requirements, and endangered species impacts prior to producing a draft CEQA document. The LAHD should further consider other ways to avoid or minimize the significant environmental impacts that would result from the proposed project.

Finally, once the above actions are taken, the draft EIR should be recirculated for public comment with the key documents incorporated as appendices. Hiuka believes that only in this way can the LAHD and other responsible governmental agencies that must rely on this draft EIR to support their approval processes comply with the mandates of CEQA.

DISCUSSION: THE DRAFT EIR SUFFERS FROM MANY FUNDAMENTAL PROCEDURAL AND SUBSTANTIVE FLAWS AND THEREFORE VIOLATES CEQA REQUIREMENTS

Hiuka submits that there are significant technical deficiencies in the draft EIR and that the LAHD has, in fact, failed to comply with CEQA in issuing this draft EIR.

Most of Hiuka's comments relative to the technical and substantive aspects of the project and the draft EIR are set forth in detail in the accompanying Weston report, and those comments will not be repeated here except by way of illustration or for emphasis. The balance of these comments will focus on the legal deficiencies in the draft EIR, including the draft EIR's

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incomplete and shifting description of the proposed HNP project and its flawed analysis of the associated environmental impacts. These comments will also outline possible options for addressing these deficiencies in order to satisfy CEQA requirements.

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A. The Draft EIR Fails to Provide Sufficient Information to Allow for Meaningful Public Comment

The draft EIR does not fulfill the basic purpose of an EIR nor does it satisfy applicable CEQA requirements because it fails to provide some of the most critical and essential information regarding the environmental impacts of the proposed HNP lease renewal and expansion project. For example, the draft EIR fails to adequately describe proposed cleanup plans and other significant aspects of the project in sufficient and necessary detail as required under CEQA. In addition, the draft EIR fails to properly describe the proposed HNP project in sufficient detail to permit for an appropriate public review. These deficiencies clearly impede the ability to provide meaningful public comment on the draft EIR. See, e.g., Sierra Club v. United States Army Corps of Eng'rs, 701 F.2d 1011, 1029 (2d Cir. 1983) (to fulfill its role under the National Environmental Policy Act ("NEPA"), an environmental impact statement ("EIS") must contain sufficient information to allow the general public to make an informed evaluation of the project and to allow the decisionmaker to give full consideration to the environmental factors involved in its decision).¹

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Rather than providing all of the necessary information to allow for a meaningful public review of the proposed project and its environmental impacts, the draft EIR in many cases simply makes reference to various technical documents that were considered by the LAHD, but still not made available for review as part of the CEQA process. This approach clearly does not comply with CEQA requirements and deprives the public of a meaningful opportunity to comment on important aspects of the project which affect public health and safety.² See, e.g., Coalition for Canyon Preservation v. Bowers, 632 F.2d 774, 782 (9th Cir. 1980).

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¹ California courts have held that NEPA case law is persuasive authority in interpreting CEQA. Laguna Village of Laguna Beach, Inc. v. Board of Supervisors, 185 Cal. Rptr. 41, 44 (Cal. Ct. App. 1982) (because CEQA was modeled on NEPA, judicial interpretation of NEPA is persuasive authority in interpreting CEQA).

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² It is important to note that representatives of Weston were effectively denied access to LAHD records regarding the HNP site and HNP's request for the renewal of the lease during the public review period for the draft EIR. Failure to provide access to referenced documents is "fundamentally unfair to the rights of the public." Environmental Protection Information Center v. Johnson, 170 Cal. App. 3d 604, 629 (1st Dist. 1985). This action violates both the letter and spirit of CEQA, which is "an environmental full disclosure statute." Rural Landowners Ass'n v. City Council of Lodi, 143 Cal. App. 3d 1013, 1020 (3d Dist. 1983).

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One of the most important of these documents is the Remedial Action Plan ("RAP"), which outlines the proposed cleanup plan for the soil/groundwater contaminants presently existing at the site. Even though the draft EIR continually references the RAP as the basis for conducting all remedial action at the HNP site, [see, e.g., Draft EIR at 3.2-14 ("Restoration and remediation of the site will be undertaken in accordance with a RAP to be approved by the RWQCB and the LAHD")], the LAHD has failed to make this document available for review. Even more disturbing, the draft EIR itself does not even specify or outline the selected cleanup option, describing instead a range of options and putting off a final determination on this significant issue to another day. This approach precludes the public from effectively commenting on some of the key, if not the most significant, environmental impacts that may arise out of the proposed project. Moreover, given that the draft EIR relies heavily on the RAP, a detailed and timely review of the data underlying this document is critical to a meaningful understanding of the proposed project and the public's ability to comment on it.³

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³ The LAHD cannot excuse this failure by merely relying on another governmental agency to conduct its own review at a later day. See Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296, 307 (1st Dist. 1988) (requirement in EIR that applicant adopt mitigation measures to be recommended in a future study is "in direct conflict" with CEQA). While any governmental agency preparing an EIR may rely on data or studies generated by other agencies pursuant to other statutory or regulatory requirements, the California courts have long required that the governmental agency preparing the EIR must exercise its own independent determination regarding the implications of the data on the proposed project's environmental impacts and must support that determination by including all of the relevant data in the EIR. Friends of LaVina v. County of Los Angeles, 232 Cal. App. 3d 1446, 1454 (2d Dist. 1991) (lead agency may make use of analysis prepared by others but must independently review, evaluate and exercise judgment over the information); Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco, 106 Cal. App. 3d 893, 908 (1st Dist. 1980) (same). Thus, by merely referencing the RAP, the LAHD cannot fulfill its duty to independently determine whether the environmental impacts associated with soil contamination at the HNP site have been adequately mitigated. Sierra Club v. United States Army Corps of Eng'rs, 701 F.2d 1011, 1031 (2d Cir. 1983) (while NEPA allowed an agency issuing an EIS to rely on another agency to prepare the EIS, the issuing agency was required to make its own independent evaluation of the issues raised by the EIS). This abdication of the LAHD's non-delegable responsibility is especially troublesome given the vastly different statutory purposes of CEQA and the California Carpenter-Presley-Tanner Hazardous Substance Account Act ("HSAA"), Cal. Health & Safety Code, § 25300 et seq., under which the RAP is being prepared. See, e.g., Greenpeace, Inc. v. Waste Technologies Industries, 37 Env't Rep. Cas. (BNA) 1736, 1744 (N.D. Ohio), rev'd on other grounds, 9 F.3d 1174 (6th Cir. 1993) (noting that remediation activities conducted pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act were not exempt from review under NEPA because CERCLA is a remedial statute concerned with assigning liability for the cleanup of existing hazardous waste sites, as opposed to a regulatory statute); Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692, 716-17 (5th Dist. 1990) (citing differences in goals underlying CEQA and federal and state air pollution control laws in rejecting conclusions in an EIR which were based on compliance with the air laws).

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Another key document that was not made available for public review and comment is the proposed Stormwater Pollution Prevention Plan ("SWPPP") for the site. Unfortunately, the draft EIR continually references this key document in discussing how stormwater discharges will allegedly be mitigated at the site but the SWPPP is not provided for actual review. See, e.g., Draft EIR at 3.4-10. This document obviously must be made available if there is to be meaningful public review regarding the stormwater impacts of the proposed project. This review is especially important in this case since there are significant technical concerns regarding the effectiveness of the proposed stormwater control system, such as:

- the capacity of the proposed stormwater control system to collect and contain stormwater during major storm events;
- the ability of the proposed wastewater treatment system to effectively deal with dissolved constituents (both metals and organics) which may result in further contamination of the Inner Harbor; and
- the fact that the HNP facility will continue to operate (and even be allowed to expand operations) for an additional five years before any stormwater control improvements are required to be put in place.

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In spite of the importance of the SWPPP in reviewing the proposed project, the draft EIR never describes the proposed SWPPP in any meaningful detail nor indicates where the document may be reviewed by the public.

In addition, the draft EIR also fails to describe and/or include the Free Phase Hydrocarbons Investigation Workplan, another key document essential to conduct a meaningful review of the proposed project. This Workplan is intended to assess the extent of groundwater contamination due to prior petroleum or petroleum-product releases. The LAHD has similarly not made this document available for review and comment even though it has already been approved by RWQCB. Draft EIR at 3.2-3.

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Finally, contrary to CEQA requirements, the draft EIR fails to even describe the proposed HNP project itself in sufficient detail to allow for sufficient public review. The California courts have long-recognized the need to provide sufficient description of any project that is the subject of an EIR review. See County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185, 192-193 (3d Dist. 1977) ("A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposal's benefit against its environmental cost"); McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District, 202 Cal. App. 3d 1136, 1143 (6th Dist. 1988) (accurate project description necessary for intelligent evaluation of potential environmental effects of proposed activity). Unfortunately, the draft EIR provides only a limited description of the proposed project. It fails to provide a detailed map of all of the proposed new operations, the specific time-table for implementing project activities, and an adequate description of the Auto Shredder Waste storage building, tanks, and fire suppression

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systems, among other things. The LAHD's failure to provide all of this critical information in the draft EIR effectively precludes meaningful public comment and informed decisionmaking on this proposed project.

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Furthermore, as discussed in further detail below, the draft EIR fails to provide adequate information regarding plans for mitigating significant environmental impacts. Some mitigation plans are described only vaguely while no mitigation at all is offered for other significant environmental impacts. Such a curtailed project description "draws a red herring across the path of public input." County of Inyo, 71 Cal. App. 3d at 197-98.

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CEQA has long encouraged adequate public comment on any EIR. In fact, the requirement to encourage effective public review has been called "the strongest assurance of the adequacy of the EIR." See, e.g., Mountain Lion Coalition v. Fish & Game Commission, 214 Cal. App. 3d 1043, 1051 (1st Dist. 1989). In order to ensure effective public participation in the development of the EIR, the courts have specifically required that a detailed analysis and technical review of all of the environmental impacts associated with a project be incorporated into the EIR -- including all underlying data that is necessary to support the agency's decision. See Santiago County Water District v. County of Orange, 118 Cal. App. 3d 818, 830 (4th Dist. 1981) (EIR's failure to analyze additional water delivery facilities needed to support a proposed mining operation "frustrate[d] one of the core goals of CEQA" because "important ramifications of the proposed project remained hidden from view at the time the project was being discussed and approved."); Grazing Fields Farm v. Goldschmidt, 626 F.2d 1068, 1072 (1st Cir. 1980) (studies and memoranda containing information on a project's environmental impact must be incorporated in some way into an EIS if the EIS is to inform agencies and the general public properly, and the mere presence of such documents in the administrative record does not meet this requirement). The CEQA Guidelines themselves have incorporated specific requirements to encourage and facilitate public review and comment, making clear that the EIR must include underlying technical detail sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Cal. Pub. Res. Code § 21061 (Governor's Office of Planning and Research 1995); Cal. Code Regs. tit. 14 (hereinafter "Guidelines") §§ 15147, 15150(a) (1995); L.A. CEQA Guidelines art. VI, § 2.h.(7) (1981). See also San Franciscans for Reasonable Growth v. City and County of San Francisco, 193 Cal. App. 3d 1544, 1549 (1st Dist. 1987); Coalition for Canyon Preservation, 632 F.2d at 782 (studies supporting an EIS must be available and accessible; EIS was inadequate when it did not indicate where to search for such studies or whether such studies were performed at all because it failed to give decisionmakers not involved in the initial decision on the project sufficient data to draw their own conclusions).

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In sum, the draft EIR fails to provide adequate information to the public. See Rural Landowners Ass'n, 143 Cal. App. 3d at 1020 (CEQA is "an environmental full disclosure statute"). Because of the lack of critical information in the draft EIR and the LAHD's refusal to allow timely access to its records, the public has been deprived of an opportunity to provide meaningful comment on many aspects of the proposed project, thereby thwarting the goals of the EIR process. Kings County Farm Bureau, 221 Cal. App. 3d at 712. In order to satisfy CEQA

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requirements, Hiuka submits that the LAHD must address these information deficiencies and then recirculate the draft EIR for additional comment.

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B. The Draft EIR Fails to Properly Evaluate the Environmental Impacts of the Proposed Project

In addition to the above-mentioned procedural deficiencies, the draft EIR is fundamentally flawed because it fails to properly analyze the environmental impacts of the proposed project. Because of these improper evaluation procedures, the draft EIR presents a misleading and inaccurate characterization of the potential environmental impacts of the proposed HNP project and therefore fails to provide the public with a proper assessment of the scope and nature of the environmental issues associated with this project. These failures seriously affect all of the key portions of the draft EIR and render much of the report's mitigation analysis suspect and questionable.

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CEQA specifically requires that responsible governmental agencies must use proper and acceptable evaluation techniques in issuing EIR's. See Kings County Farm Bureau, 221 Cal. App. 3d at 718 (misleading nature of analysis rendered EIR inadequate as informational document). The use of proper evaluation assessment techniques is absolutely essential to achieve CEQA's fundamental goal of providing public agencies and the general public with detailed information about a project's significant effects on the environment and how those effects can be mitigated or avoided. Cal. Pub. Res. Code §§ 21002.1(a)-(b), 21061; Guidelines §§ 15126.(a)-(c), 15147; L.A. CEQA Guidelines art. I, § 5.b., art. VI, §§ 2.a.(3), 2.h.(8). As the California Supreme Court has stated, the EIR is the "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." Laurel Heights I, 47 Cal. 3d at 392. Consequently, it is imperative that the EIR properly analyze environmental impacts associated with a project in order to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." Id.

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There are numerous instances in the draft EIR where the LAHD has failed to use proper evaluation/assessment techniques, as discussed below.

1. Air Quality

First of all, the draft EIR air quality analysis is flawed for the simple reason that there are mathematical errors and omissions in the emissions summary tables. For instance, a careful analysis of Table 3.3-6 (Summary of Existing HNP Mobile Source Exhaust Emissions) of the draft EIR shows that the columns of numbers simply do not add up. These errors and omissions lead to the obvious conclusion that the analysis itself cannot be relied upon to support of the LAHD's recommendations.

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Additionally, the draft EIR demonstrates that the "significance criteria" were exceeded for all criteria pollutants, the LAHD failed to conduct any air dispersion modeling for contaminants

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other than PM₁₀ in order to properly evaluate compliance with ambient air quality standards. This deficiency violates the long-standing rule that an EIR must contain some cogent analysis of the impacts of air emissions from a proposed project on the surrounding area. See Laurel Heights Improvement Association of San Francisco v. Regents of the University of California ("Laurel Heights II"), 238 Cal. Rptr. 451, 460 (1st Dist. 1987) (EIR failed to present adequate information concerning the venting of toxic chemicals and radioactive substances into air from project); Citizens to Preserve the Ojai v. Ventura County, 176 Cal. App. 3d 421, 432 (2d Dist. 1985) (EIR for modification of oil refinery must include a detailed analysis of onshore impact of outer-continental shelf emissions); Kings County Farm Bureau, 221 Cal. App. 3d at 734-35 (draft EIR failed to adequately document and analyze emissions from increased truck and train traffic associated with proposed cogeneration project).

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Dispersion modeling is the primary technique used by preparers of CEQA documents to evaluate specific air quality impacts and is typically required by SCAQMD. This modeling work allows the evaluator to identify specific locations in the vicinity of the project site where ambient air quality standards or risk criteria are exceeded and then to assess the effectiveness of proposed mitigation techniques in relieving project burdens on those locations. However, contrary to generally accepted practices, the LAHD failed to conduct appropriate modeling work, and thus, the draft EIR fails to include critical scientific data and analysis that is generally used by the public to review and comment on air quality scenarios.

The draft EIR also improperly limits the scope of its review and examines only those narrow environmental impacts that will arise solely from an increase in the plant's capacity, rather than looking at the entire plant as a whole and examining all of the environmental impacts that will arise from the proposed HNP project itself. Specifically, in examining air quality impacts, the draft EIR examines only the increase in air emissions resulting from the proposed expansion of plant capacity, rather than all of the possible air emission impacts resulting from all operations at the expanded capacity level. (Obviously, the proposed project includes both the renewal of the HNP lease and the expansion of the facility, not just expansion alone.) In addition, the draft EIR examines separately the air emissions impacts of construction and remediation activities without ever considering the combined cumulative impacts of construction, remediation and plant operations. See Kings County Farm Bureau, 221 Cal. App. 3d at 716 (CEQA "is designed to measure all project-related pollution emissions and prohibits the division of a project into parts for purposes of environmental review"). Unfortunately, as discussed in further detail below, this faulty analytical approach has been followed in addressing the impacts of the proposed HNP project on other environmental media as well.⁴

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⁴ In adopting this faulty approach, the LAHD attempts to minimize the overall environmental impacts of the proposed project by examining the impacts of different components of the proposed project in isolation. The draft EIR thereby suffers from the "fallacy of division, that is, overlooking [the] cumulative [impact of a project's various parts] by separately focusing on isolated parts of the whole." McQueen, 202 Cal. App. 3d at 1144. This approach is analogous to that rejected by the court in Rural Landowners Ass'n, 143 Cal. App. 3d 1013. In that case, the Lodi City Council

The draft EIR's approach also fails to properly evaluate overall air impacts or provide an adequate overview of all environmental impacts that would result from the approval of the proposed HNP project. It also fails to comport with CEQA guidelines requiring that the draft EIR assess the impacts of current operations and the construction and operation of facility modifications resulting in expanded plant capacity. See Bozung v. Local Agency Formation Commission of Ventura County, 13 Cal. 3d 263, 283-84 (1975) (CEQA mandates "that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a . . . potential impact on the environment -- which cumulatively may have disastrous consequences"); San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, 27 Cal. App. 4th 713, 729 (5th Dist. 1994) (use of "truncated project concept" which omits key aspect of project in analyzing impacts violates CEQA); Kings County Farm Bureau, 221 Cal. App. 3d at 716 ("The requirements of CEQA cannot be avoided by chopping up a proposed project into bite-size pieces which, individually considered, might be found to have no significant effect on the environment"); Cady v. Morton, 527 F.2d 786, 793-95 (9th Cir. 1975) (long-term lease of coal rights on 30,876 acres of land required an EIS covering the entire tract; EIS could not be limited to the initial mining project that would affect 770 acres for a period of 5 years); see also McQueen, 202 Cal. App. 3d at 1143 ("Project" must be defined broadly to maximize protection of environment).

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Other analytical problems with the draft EIR's air quality analysis include the following:

- Toxic air emissions - The draft EIR inappropriately concludes that the project does not create significant air toxic impacts based solely on an analysis of the risks associated with increased capacity, rather than the total risks associated with the operations of the facility as a whole. For example, the draft EIR states that the increase in the acute hazard index for exposure to air toxics emissions resulting from expanded plant capacity (0.52) is below 1.0 and is therefore insignificant. Draft EIR at 3.8-13. However, in contrast, Table 3.8-6 (Summary of Risk Parameter Calculations) shows that the acute hazard index for the entire proposed facility is 1.28, which poses a significant risk concern according to the criteria outlined in the draft EIR. This total exposure from the entire facility operation obviously represents an unacceptably high risk to human health and the environment. In spite of this data, the draft EIR fails to acknowledge this significant impact and proposes

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considered a request by a developer for rezoning and annexation of two ranches. The EIR prepared by the City Council examined the environmental impacts of rezoning one of the ranches but did not address the second ranch because no specific development plan was before it. The EIR also did not discuss the annexation of the two ranches because the City Council had referred that issue in the first instance to the local Agency Formation Commission, which looked only at the impact of redrawing the political boundaries and did not consider the impacts of development of the two ranches. The court held that the EIR violated CEQA because the City's approach to the EIR resulted in the failure of any responsible agency to consider the combined effect of the interrelated parts of the project. The draft EIR in this case leads to the same result, thereby submerging the significant environmental impacts of the proposed project.

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no appropriate mitigation measures to address these impacts. This failure renders the draft EIR in violation of CEQA requirements. See Kings County Farm Bureau, 221 Cal. App. 3d at 717 (EIR was misleading where the analysis of air emissions failed to acknowledge significant PM₁₀ impact).

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- Criteria Pollutants - Similar to its approach to toxic air emissions, the draft EIR erroneously concludes that SO_x and PM₁₀ air emissions under the proposed project would not impose significant impacts on the environment. Again, the LAHD has failed to properly evaluate the environmental impacts of SO_x and PM₁₀ emissions, since the Department has only based its analysis on the incremental increase in possible emissions over current levels rather than examining the overall emissions of the project as a whole. Obviously, evaluating the impacts of the entire project would lead to significantly higher estimates of emissions than if an analysis were based solely on the "incremental" increase over current operations. In fact, if the proper analysis had been performed in the draft EIR, it would have shown that the air quality impacts for all criteria pollutants exceed the significance thresholds presented in the draft EIR several times over, and in some cases by several orders of magnitude. For example, the significance threshold specified in the draft EIR for emissions of NO_x is 55 lb/day. In contrast, the total emissions from the proposed project are estimated in the draft EIR to be 3,324 lb/day, which is more than a 5,900% increase over the prescribed significance threshold. Similarly, the daily emissions of SO_x due to the proposed project would exceed the significance threshold by over 700%, yet the draft EIR concludes that the emissions are not significant because it has adopted faulty evaluation methods and restricted its review to only the incremental increase in emissions due to the expansion of plant capacity. Finally, the total emissions of particulates for the project are estimated to be 458 lbs/day, more than three times the significance threshold of 150 lb/day specified in the draft EIR.

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- Vehicle Idling Emissions at Rail Crossings. The project includes the construction of 4,230 feet of new railroad tracks, which will connect the site to the proposed switching tracks on the south side of New Dock Street. Although this new rail crossing will undoubtedly result in trucks and other vehicles idling for longer periods of time while trains are blocking the street, the draft EIR has apparently ignored the additional air contaminant emissions associated with an additional motor vehicle idling.

28-48

2. Noise

The draft EIR specifies that the proposed project noise impacts would be deemed to be significant if "the project raised existing (ambient) levels from below to above the applicable criteria . . . or project-generated noise resulted in a 5 dBA increase and the resulting level remained below the maximum considered normally acceptable." However, Table 3.7-2 (Long-Term Equivalent Noise Levels) of the draft EIR clearly specifies that noise from ship loading operations would increase long-term average noise levels over ambient noise levels by 7-9 dBA at receptor sites. In addition, these ship loading operations would increase noise levels at certain receptors to levels that exceed the standards established in the Los Angeles Noise Ordinance of

28-49

65 dBA for impulsive noise in heavy industrial areas. For instance, the noise levels on the deck of the Cherokee, a nearby receptor, increase from 61.5 dBA to 69.3 dBA even as a result of current operations. Table 3.7-3 (Maximum 1-Hour Equivalent Noise Level During Ship Loading Operations at HNP) of the draft EIR illustrates even more dramatic noise impacts arising from the proposed project, showing noise levels of 78.5 dBA on the deck of the Cherokee, an increase of 17 dBA over background levels and well in excess of the allowable noise levels established in the Noise Ordinance. Further, the draft EIR states that noise levels in excess of 90 dBA were frequently detected at receptor sites during noise monitoring studies, and that the impulsive noise is "highly intrusive" and has resulted in complaints from nearby residents. Draft EIR at 3.7-5.

Despite the fact that the proposed ship loading operations would exceed two of the significance threshold criteria in the draft EIR for considering noise impacts and that HNP itself has acknowledged "excess noise" problems due to its existing operations, the draft EIR inexplicably concludes that the noise impacts from the proposed project are not significant. Instead, the draft report specifies that the impacts caused by the increase in ship loading activities are equivalent to an increase in long-term noise levels of only 1.4 dBA, and classifies this increase as not significant. Draft EIR at 3.7-8. However, contrary to the draft EIR's findings, any proper assessment of the noise impacts from the proposed project should lead to the undeniable conclusion that the noise impacts from the project are indeed significant and must be properly mitigated, particularly if these noise impacts are considered in a comprehensive and cumulative manner. In fact, without the use of effective mitigation measures, the proposed project would continue to impose unreasonable significant noise impacts that would directly contravene the express intent of CEQA.

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(CONT.)

Finally, the draft EIR fails to include any meaningful discussion of the anticipated noise impacts during evening and late night hours.

3. Traffic

The analysis of possible traffic impacts due to the proposed project suffers from the same type of methodological and evaluation deficiencies as other portions of the draft EIR. Specifically, in assessing the proposed impact of the HNP project on traffic volume-to-capacity ratios and levels of service at area intersections, Table 3.6-6 of the draft EIR considers only the additional traffic impacts that might arise from the increased number of employees and truck trips associated with the proposed 37% increase in throughput capacity. The draft EIR also considers only the proposed incremental impacts on daily traffic volumes that would result from proposed expansion plans. Tables 3.6-7 (Project Impact on Daily Traffic Volumes: Terminal Island Roadways), 3.6-8 (Project Impact on Daily Traffic Volumes: Regional Access Routes). Again, however, this approach improperly fails to consider the total impacts on traffic and transportation/circulation factors and solely limits its analysis to incremental impacts over current operations, which has the effect of seriously underrepresenting the overall traffic impacts resulting from the proposed project. For instance, Table 3.6-7 of the draft EIR shows a 2.9% increase in daily traffic volumes on New Dock Street east of the HNP site that would arise as a result of the proposed project. However, this impact is based only on the net increase of 268 daily trips as a result of expanded

28-50

operations. See Table 3.6-5 (Project Generated Traffic). In sharp contrast, the project as a whole is estimated to generate 954 daily trips, which would represent 11.2% of the traffic on New Dock Street, a far more significant impact on traffic patterns than the draft EIR would lead the public to believe would occur. Consequently, it is quite apparent that the assertions in the draft EIR that traffic impacts are not significant are based on an improper analysis of the possible impacts of the proposed project, and fail to provide the public with an accurate representation of the total possible environmental impacts of the proposed HNP project when considering the entire project as a whole.

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(CONT.)

This same criticism applies to the draft EIR's claim that the proposed project is consistent with the Los Angeles County Congestion Management Program ("CMP"). Draft EIR at 3.6-19. The draft EIR improperly evaluates the effect of the proposed project on the CMP by suggesting that the proposed HNP facility is expected to add fewer than 50 trips during peak hours. However, while Table 3.6-5 shows that there will be a net increase of 34 trips during peak hours due to the proposed increase in plant capacity, the project will nevertheless generate a total of 162 additional trips during peak hours, well in excess of 50 trips.

28-51

4. Water Quality

The draft EIR indicates (p. 1-12) that stormwater runoff will be collected in several "depressions" and then pumped into "Baker" tanks. The draft EIR then goes on to state that when storm water is in excess of the storage capacity, it will be allowed to overflow into a sump and discharged into the Harbor via a storm drain. Incredibly, the draft EIR makes no attempt whatsoever to describe or evaluate (1) the capacity of the tanks, (2) the number of times these tanks will overflow into the bay, (3) the amount of stormwater which is likely to flow into the Harbor in a given rain event, or (4) the types and concentrations of contaminants which may be present in such run off.

28-52

5. Land Use

The draft EIR concludes that the proposed project is consistent with the Port of Los Angeles Plan, which is a part of the General Plan of the City of Los Angeles (draft EIR, p. 2-13). However, the draft EIR fails to discuss the following provisions of the Port of Los Angeles Plan, which would appear to draw the draft EIR's conclusion into question:

- Objective No. 6 - to relocate hazardous and/or incompatible land uses away from adjacent residential, public, recreational and tourist areas when appropriate land use areas for relocation become available. In fact, the facility is incompatible with nearby recreational and tourist areas, including the Marina located to the north of the site and the proposed Bannings Landing waterfront access project currently under LAHD review.

28-53

- Policy No. 6 - the highest priority for any water or land area use within the jurisdiction of the Port shall be for developments which are completely dependent on such harbor water areas and/or harbor land areas for their operations. The project in this case includes environmentally damaging shredding operations which are not dependent on harbor land or water areas for their operation. 28-54
- Policy No. 7 - decisions to undertake individual and specific development projects within the Harbor shall be based on considerations of alternative locations and designs, in order to minimize adverse environmental impacts. As discussed in more detail elsewhere in these comments, the draft EIR fails to consider any alternative locations or designs for the proposed facility, and fails to adequately minimize the adverse environmental impacts. 28-55

6. Cumulative Impacts

The deficiencies in draft EIR further compounds these deficiencies by assuming the need to analyze the impacts of proposed project construction and operations activities separately and independently, rather than analyzing the cumulative or total impacts of all project activities that will be conceivably taking place as required by CEQA. For example, given that construction activities at the HNP site (including site remediation activities) are expected to continue for five years (draft EIR, Table 3.3-8), while operations continue and even expand, it is obvious that possible environmental impacts from construction and operations will occur concurrently during the early years of the project. However, the draft EIR fails to properly evaluate the combined impacts of those activities at the plant. For example, the draft EIR specifies that project construction activities are expected to generate 160 daily trips during heavy construction months. Draft EIR at 3.6-12. If a proper CEQA analysis had been performed by the LAHD, these trips would have been added to the 954 daily trips that are expected to be generated as a result of the proposed facility operations, resulting in a total amount of 1,114 daily trips. Unfortunately, the draft EIR fails to utilize this proper analytical approach. 28-56

Similarly, the draft EIR fails to consider the total cumulative air emissions that are expected from the site as a result of concurrent and ongoing construction, remediation and operations activities. See Table 3.3-9 (Summary of Estimated Emissions from Proposed Construction Activity) and Table 3.3-13 (Summary of Estimated Operational Emissions for Proposed Increase in Scrap Handling Capacity). However, in order to comply with CEQA, the LAHD should have examined these two phases of project activities in a cumulative, or combined, manner rather than independently. See Kings County Farm Bureau, 221 Cal. App. 3d at 716-18 (EIR inadequate where PM₁₀ analysis examined only on-site impacts and ignored secondary impacts). The draft EIR's failure to properly assume that the proposed project's construction, remediation and operational activities would, at various points in time, be conducted concurrently obviously leads to improper technical conclusions and fails to adequately inform the public regarding the possible environmental impacts of the proposed project. 28-57

Cumulative impacts analyses have been held inadequate when they understate the severity of impacts, omit information that should reasonably have been included and when they have not covered a reasonable geographic scope. Kings County Farm Bureau, 221 Cal. App. 3d 692; Akers v. Resor (W.D. Tenn), 443 F. Supp 1355 (1978). The draft EIR in this case fails on all counts.

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(CONT.)

7. Mitigation Measures

Finally, the draft EIR's approach on recommending mitigation measures is improper and will lead to arbitrary and unsubstantiated results, again affecting the technical integrity of the report and its overall analytical effort. For example, the draft EIR only "encourages" rather than mandates that HNP use the proposed mitigation measures to address the possible air emissions from the project. This approach fails to comply with CEQA procedural requirements. See Citizens for Quality Growth v. City of Mount Shasta, 198 Cal. App. 3d 433, 442 (3d Dist. 1988) (the mitigation measures outlined in city's resolutions were inadequate to support approval of EIR because nothing bound city to follow such measures). In fact, since the proposed mitigating measures specified in the draft EIR will be used as basis for actions taken by other regulatory agencies in the future, it is necessary that HNP be specifically required and directed to adopt any recommended mitigation measures, rather than merely be "encouraged" to implement any measures.

28-58

In addition, other appropriate and feasible mitigation measures have not been properly considered, evaluated or recommended in order to ensure compliance with CEQA requirements. If the objective of mitigation is to find truly feasible means of controlling impacts to the environment, the lead governmental agency must develop project-specific mitigation measures. Project-specific measures are those that can be feasibly implemented within the constraints of the operations, yet meet requirements for reduction of possible environmental impacts to insignificance. In contrast, most of the mitigation measures listed in the draft EIR, particularly in the case of air quality, are generic approaches taken from guidance manuals and other recent EIRs that may not be fully effective when applied in specific cases.

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Given these many flaws, the draft EIR's impact analysis can hardly serve its function of accurately informing governmental agencies and the public of the significant impacts resulting from the proposed HNP project. Kings County Farm Bureau, 221 Cal. App. 3d at 718 (misleading nature of analysis rendered EIR inadequate as informational document). Instead, this report is based on the use of improper evaluation and analytical procedures and therefore contains many misleading findings and conclusions. Taken as a whole, these procedural deficiencies render the draft EIR insufficient for purposes of CEQA requirements.

C. Many Conclusions in the Draft EIR Are Not Supported By Adequate Technical Evidence

The draft EIR improperly relies on many self-serving and conclusory statements that are not supported by adequate or satisfactory technical data, violating the fundamental precepts of CEQA. Under CEQA, a lead agency must base its determination of whether a project may have a significant impact on the environment on substantial evidence. Cal. Pub. Res. Code § 21082.2(a). CEQA also requires that any statement in an EIR maintaining that a project's effects will not be significant must be adequately supported, and that, in general, an EIR's analysis must supply sufficient information for intelligent decisionmaking. Cal. Pub. Res. Code § 21100(c); Guidelines §§ 15128, 15151; L.A. CEQA Guidelines art. VI, § 2.h.(1), (4), (8).

It is well established that an EIR cannot rely on conclusory statements, but instead, must include a reasonably detailed discussion of the factual basis for the agency's determinations. Laurel Heights I, 47 Cal. 3d at 404-05 (EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the document was, in effect, meaningless); Santiago County Water District, 118 Cal. App. 3d at 831 ("The EIR must contain facts and analysis, not just the bare conclusions of a public agency."); Environmental Protection Information Center, Inc. v. Johnson, 170 Cal. App. 3d 604, 628 (1st Dist. 1985) ("[C]onclusory responses unsupported by empirical information, scientific authorities or explanatory information have been held insufficient to satisfy the requirement of a meaningful, reasoned response" to public comments on an EIR.); see also Silva v. Lynn, 482 F.2d 1282, 1285 (1st Cir. 1973) (conclusory statements in an EIS that are unsupported by adequate explanatory information fail to crystallize the issues involved in the project and provide no basis for comparing the project's difficulties with those involved in alternatives to the project); Minnesota Pub. Interest Research Group v. Butz, 541 F.2d 1292, 1300 (8th Cir. 1976) (EIS must not be "so vague, general and conclusory that it cannot form the basis for reasonable evaluation and criticism"). Such detailed discussion must be adequate to support by substantial evidence an agency's determination of relevant factual questions in approving an EIR. See Laurel Heights Improvement Association v. Regents of University of California ("Laurel Heights III"), 6 Cal. 4th 1112, 1135 (1993).

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Contrary to these well-established CEQA principles, the draft EIR fails to provide the necessary factual basis for many of its conclusions. These comments have previously identified some of the conclusory and unsupported statements regarding the technical ability of the SWPPP to control contaminated stormwater runoff. Additional examples of unsubstantiated and/or unsupported technical conclusions found in the draft EIR include the following:

- The draft EIR's assertion that the proposed barrier wall will reduce noise levels by 16 dBA. Draft EIR at 3.7-8. Although it is conceivable that a barrier wall around the perimeter of the site would assist in the reduction of noise impacts, the report provides little, if any, testimonial or other data supporting this significant technical conclusion. Consequently, there is no way to independently verify that this conclusion is, in fact, correct. Instead, the draft EIR merely refers to a noise consultant who is studying these problems (Draft EIR at 3.7-8) but offers little guidance on its conclusions.

28-61

- The claim that fugitive emissions from wind entrainment of rust and metallic residue from scrap piles will not increase even though the HNP's plant capacity would be increased by 37%. Draft EIR at 3.3-15. Reasonable technical suppositions suggest that emissions from scrap piles are a function of the surface area of the piles and the frequency with which materials are added to or taken from them. Thus, the larger the surface area or the more frequent the movement of material in the piles, the greater the potential for additional emissions from the site. Based on the draft EIR, it appears that an increase in facility capacity should logically result in larger piles with larger surface areas and/or more frequent additions to or removal from the piles and therefore higher emissions. In sharp contrast, however, the draft EIR suggests otherwise. Since the draft EIR does not adequately support its conclusion that emissions from scrap piles would not increase, it is highly likely that this significant emission source has been underestimated. 28-62
- The claim that odor impacts will be insignificant when even HNP's existing operations have resulted in significant odor complaints in the past. Draft EIR at 3.3-18. Increasing the throughput of the operations should logically result in an increased frequency in odor complaints, particularly when combined with odors from the construction and remediation activities that are proposed to be implemented at the HNP site. However, the draft EIR fails to provide any reasonable technical justification to support its claims that odor impacts would indeed be insignificant. 28-63
- The claim that the relocation of the HNP facility to the Port of Long Beach would have environmental impacts similar to or greater than those impacts under the proposed action. Draft EIR at 4-7. The draft EIR bases this claim solely on the premise that the relocation of the HNP facility would impose greater construction impacts at the new site. While this may be true, the draft EIR makes no attempt to fully analyze whether operational impacts, e.g., noise, might be less at another site and whether such environmental benefits might indeed outweigh the added construction impacts to yield a net overall environmental benefit under any relocation scenario. The draft EIR also makes no attempt to analyze how the environmental benefits of a more expeditious cleanup of contamination at the existing site would weigh in its overall determination of the potential impacts of the project. 28-64
- The claim that the project is not expected to result in significant irreversible adverse environmental changes. Draft EIR at 5-1. Based on a review of the draft EIR, this claim too is unsubstantiated. According to the CEQA guidelines, these changes should include irreversible damage resulting from the environmental conditions at a site. Guidelines § 15126(f). Nevertheless, in direct violation of CEQA requirements, the draft EIR fails to consider the possibility of irreversible damage to human health or the environment resulting from lead, polychlorinated biphenyls ("PCBs") and other contaminants in the soil, groundwater and air at the site, and therefore, this claim does not appear to be accurate. 28-65

These and other conclusory statements certainly render the draft EIR inadequate and frustrate the ability of the public to provide meaningful comment. The LAHD's failure to provide adequate and/or substantial technical justification for its conclusions violates the applicable CEQA requirements. Environmental Protection Information Center, 170 Cal. App. 3d at 628; People v. County of Kern, 39 Cal. App. 3d 830, 841-42 (5th Dist. 1974) (conclusory statement which is unsupported by empirical or experimental data, scientific data or other explanatory information fails to crystallize issues and provides no basis for comparison with alternatives); Laurel Heights I, 47 Cal. 3d at 404 ("Conclusory comments in support of environmental conclusions are generally inappropriate").

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D. The Draft EIR Contains Many Significant Technical Inconsistencies Which Render the Document Difficult to Analyze in an Appropriate Manner

Many portions of the draft EIR contain technically inconsistent statements. In fact, many of the report's findings with respect to potentially significant environmental impacts are actually contradicted within the text of the draft EIR itself.

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This significant procedural deficiency violates CEQA requirements that an EIR's analysis be adequate and properly presented to support intelligent decisionmaking. Guidelines § 15151; L.A. CEQA Guidelines art. VI, § 2.h.(8); see also San Franciscans for Reasonable Growth, 193 Cal. App. 3d at 1549 ("[A]n EIR in this state must be written and presented in such a way that its message can be understood by governmental decisionmakers and members of the public"). Internal inconsistency is hardly the "hallmark" of reasoned analysis.

Inconsistent assertions in the draft EIR include the following:

- At several points in the draft EIR, the report specifies that the primary objective of the HNP project is to obtain the renewal of the current lease for a 30-year term. Draft EIR at ES-1, 1-1. However, section 5 of the draft EIR actually indicates otherwise, noting that the proposed project would extend the current use of the site for 27 years. Draft EIR at 5-1.
- The draft EIR in effect loosely uses the term "project" in a misleading and inconsistent manner, depending on the context in which the HNP "project" is being reviewed. For example, in describing the proposed HNP project, the draft EIR uses the term "project" to refer to the entire HNP project as a whole, including the lease renewal plus site remediation, facility upgrades, and the addition of new facilities. See, e.g., Draft EIR at 1-1. In contrast, the term is used in other sections of the draft EIR, such as section 3 (Environmental Setting, Impacts, Mitigation, and Mitigation Monitoring), to refer only to limited aspects of the project such as the facility upgrades and new facilities resulting in an increase in throughput capacity, thereby suggesting that the scope of review should be correspondingly limited in this portion of the draft report. This style confuses any public commenter and certainly violates applicable CEQA guidelines. See, e.g., San Franciscans

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for Reasonable Growth, 193 Cal. App. 3d at 1549 (EIR must be written in clear and understandable manner); McQueen, 202 Cal. App. 3d at 1143 (accurate project description necessary for intelligent evaluation of impacts). "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." County of Inyo, 71 Cal. App. 3d at 193. Incessant shifts among different project descriptions "draws a red herring across the path of public input" and vitiates the usefulness of the EIR as a vehicle for intelligent public participation. Id.

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(CONT.)

- The draft EIR specifies that while there will be a major expansion of the facility, the hours of facility operation would nevertheless not change. Draft EIR at 1-18. In fact, a relatively cursory review of the draft EIR would suggest that this could not be the case. Instead, according to the draft EIR, ships will be present 234 days of the year and ship loading operations will indeed occur on a 24-hour basis when ships are present. Draft EIR at 1-18, 3.7-8. Thus, these statements obviously appear to be inconsistent, and it is fair to conclude that contrary to the draft EIR's claims, the operating hours for the proposed project will actually increase over the current levels.

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- The draft EIR states that three stormwater retention basins will be constructed. Draft EIR at 3.4-9. However, Figure 1.1-4 shows only two such basins.

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- The draft EIR also indicates that the amount of hazardous waste generated from maintenance and repair activities will not increase. Draft EIR at 1-18. In contrast, certainly maintenance activities associated with increased throughput would logically result in a significant increase in hazardous wastes generated during facility operations.

28-72

- In discussing biota impacts, the draft EIR states that "since HNP will be operating during the construction period, implementation of the SWPPP will ensure impacts to biota and habitats from construction activities are not significant." Draft EIR at 3.4-6. However, this claim appears to directly contradict other findings in the draft EIR, given that the structural site improvements necessary to prevent future discharges will not be completed for five years from the date of the approval of the proposed project, Draft EIR at 1-19, Table 3.3-8, and that current operations will continue to result in discharges of stormwater that pollute the Harbor, Draft EIR at 3.4-7. Moreover, the draft EIR suggests that the project would not result in any adverse impacts to biological resources. Draft EIR at 3.5-7. However, this finding is clearly inconsistent with other portions of the draft EIR that stress the potential for the project to impose significant impacts to wildlife and marine species. Draft EIR at 3.5-6 (maintenance dredging and other operational aspects may impact biota).

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- The draft EIR makes numerous references to PCB contamination at the site. Draft EIR at 1-13. In addition, the report suggests that PCBs are present in particulate dust generated at the site (Draft EIR at 3.8-7) and other data show elevated concentrations of PCBs in Harbor waters adjacent to the facility. Draft EIR at 3.4-3, Table 3.1-2. Despite this overwhelming evidence of PCB contamination in many forms, the draft EIR fails to

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address the PCB issues at the site.

These technical inconsistencies frustrate the ability of the public to provide meaningful comment on the draft EIR and certainly affect the technical credibility of the report's findings. Consequently, these flaws hinder the ability of the public to obtain an accurate view of the project and properly consider appropriate mitigation measures for any significant impacts caused by the project. County of Inyo, 71 Cal. App. 3d at 192-93.

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E. The Draft EIR Fails to Consider All Feasible Project Alternatives

The draft EIR fails to consider a reasonable range of project alternatives as mandated under CEQA. This failure must be deemed significant, since the discussion of alternatives is the "linchpin" of the environmental review process. Monroe County Conservation Council, Inc. v. Volpe, 472 F.2d 693, 697-98 (2d Cir. 1972) (thorough study and detailed description of alternatives is the linchpin of an EIS; alternatives might show how adverse environmental effects can be avoided).

In general, the EIR must examine a reasonable range of alternatives in order to be deemed adequate. See Environmental Defense Fund, Inc. v. Froehle, 473 F.2d 346, 350 (8th Cir. 1972) (rejecting an EIS for, among other things, failing to contain a detailed discussion of all reasonable alternatives to the project and holding that such a discussion is necessary to insure that agency officials will be acquainted with the tradeoffs that will have to be made if the project is approved). CEQA specifically requires that an EIR examine all alternatives that could feasibly accomplish most of the basic purposes of the project while substantially lessening one or more significant impacts of the proposed project. Guidelines § 15126(d); L.A. CEQA Guidelines art. VI, § 2.a.(6). The analysis of alternatives must provide sufficient information to permit a reasonable choice of alternatives. See San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino, 155 Cal. App. 3d 738, 752-53 (4th Dist. 1984) (EIR failed to discuss whether there were other sites which would be suitable for the proposed project or why the other sites were infeasible); City of Carmel-by-the-Sea v. Monterey County Board of Supervisors, 71 Cal. App. 3d 84, 96 (1st Dist. 1977) (EIR's failure to adequately discuss why alternatives were infeasible made CEQA compliance "impossible as a matter of law"); Village Laguna, 185 Cal. Rptr. at 48 (EIR failed to explain why the no-project alternative was economically infeasible; "it was not enough that the [agency] found that '[t]he social benefits of the project which provide housing, employment and recreational opportunities override the plan's impact on non-renewable resources'"). Moreover, the courts have interpreted CEQA to require that agencies place "paramount" value on environmental protection over economic considerations in determining the feasibility of various project alternatives. San Francisco Ecology Center v. City and County of San Francisco, 48 Cal. App. 3d 584, 590-91 (Cal. Ct. App., 1st Dist. 1975); see also Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247, 259 (Cal. 1972) (CEQA requires "the fullest possible protection to the environment within the reasonable scope of the statutory language."). Thus, while governmental agencies are permitted to consider economic factors in determining whether a particular alternative is "infeasible" and therefore need not be considered, the courts have interpreted CEQA as allowing the project to go forward as planned in the face of an

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environmentally preferable alternative only in extreme circumstances. See, e.g., Kings County Farm Bureau, 221 Cal. App. 3d at 736 ("An environmentally superior alternative cannot be deemed infeasible absent evidence the additional costs or lost profits are so severe the project would become impractical.").

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Based on these strict mandates of CEQA, the draft EIR fails to properly and sufficiently analyze the project alternatives. For example, the draft EIR cursorily examines the "no project" alternative as it is required to do, but provides minimal technical analysis. Draft EIR at 4-1. The only other alternative examined in any meaningful detail is the possible alternative under which the lease is renewed with no changes to the facility. However, this alternative is clearly unrealistic, since it assumes that project operations would be allowed to continue even without certain mitigation measures, e.g., the barrier wall. Nevertheless, the draft EIR acknowledges that this alternative would result in fewer environmental impacts, but still unreasonably rejects this alternative with little technical justification.

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In addition to failing to properly analyze the limited number of project alternatives already identified, the draft EIR conspicuously fails to even consider a number of other possible project alternatives that certainly warrant consideration under CEQA. Some of the feasible alternatives that should have been considered, but instead were improperly omitted from the draft EIR, include the following:

1. Continue operations at existing capacity levels and implement site improvements and remediation, but disapprove any plant expansion. Under this alternative, HNP would implement facility modifications designed to ameliorate significant impacts associated with current operations, such as the perimeter wall, bin walls, replacement of fuel storage and dispensing facilities, and stormwater control system. However, HNP would not be authorized to undertake improvements designed to increase throughput capacity. This alternative is certainly feasible and particularly attractive since it directly avoids the significant impacts caused by the proposed HNP facility expansion (e.g., increased impulsive noise, significant toxic pollutant exposures) while ensuring that existing pollution problems at the site such as discharges of contaminants into the Harbor and contamination of soils and groundwater are indeed remedied. This alternative would allow HNP to achieve its primary objective -- lease renewal -- while lessening significant environmental impacts.⁵

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⁵ This approach already has several precedents. Section 2 of the draft EIR lists several relevant projects (UNOCAL Marine Terminal, Wickland Oil, Shell Mormon Island, Mobil Liquid Bulk and GATX facilities) in the vicinity of the proposed project which similarly call for the implementation of site improvements and remediation without an expansion of facility operations.

2. Implement site improvements and cleanup prior to facility expansion. Under this alternative, HNP would be required to complete the remediation of soil and groundwater contamination and implement an effective stormwater control system prior to increasing its facility's throughput capacity. Implementing site improvements prior to expansion would ensure that existing contamination at the site is remedied in a timely manner and reduce the potential for increased pollution associated with the approval of the proposed project. If this alternative were adopted, HNP would ultimately be allowed to achieve all of its project objectives, while, at the same time, minimizing the significant environmental impacts that might arise due to soil contamination and stormwater discharges at the site in a timely manner. While HNP may view this alternative as impeding the attainment of its objectives, this is not a sound reason for rejecting this alternative. Guidelines § 5126(d)(1).

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3. Alternative Use. Since many of the significant adverse impacts of the project stem from the heavy industrial nature of the scrap metal facility, the draft EIR should consider other alternative uses of the site. Specifically, the following alternative uses should be discussed and evaluated:

- (a) Other non-hazardous dry bulk cargo operations;
- (b) Non-hazardous liquid bulk cargo operations;
- (c) General cargo operations;
- (d) Container terminal;
- (e) Port-related commercial use.

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These alternative land uses are consistent with the list of "preferred land uses" set forth in the Port of Los Angeles plan for the Terminal Island main channel (Planning Area 7), and are consistent with the uses on the adjoining property to the east and west (container terminals). Although these alternative land uses may not coincide precisely with HNP's "primary" objective (i.e., lease renewal), it is incumbent upon the LAHD to consider the broader public policy objectives of this project, and to consider all feasible project alternatives which may feasibly achieve these broader goals.

4. Relocate Shredding Operations to a Remote Location Off-Site. Because of the adverse environmental impacts associated with HNP's existing shredding operation, the LAHD and the Port of Long Beach precluded Hiuka from conducting shredding operations at its new facility. Hiuka has since demonstrated that shredding operations - which are the source of many of the most significant environmental effects - can be feasibly located at a remote site where the impacts

28-82

will be far less severe (Hiuka's shredding operation is located in Bakersfield, California). The draft EIR must consider, as an additional alternative, a project which does not include dockside shredding operations. Additionally, the draft EIR should identify and evaluate possible remote locations for such shredding operations.

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5. Shorter Lease Term. Given the environmental and fiscal uncertainties surrounding this project, the draft EIR must consider the feasibility of renewing the lease but for a considerably shorter period of time, e.g. five years.

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6. Relocate to Alternative Site. Although the draft EIR concluded that there are no feasible alternative sites, it does not appear that the draft EIR considered the possibility of relocating the facility to the following potentially feasible sites:

(a) The Southwest Marine Terminal located at Berth 240-Z;

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(b) Pier 400. Although Pier 400 is still under construction, the draft EIR should consider, as an alternative to the project, the approval of a shorter lease term (e.g. five years) followed by relocation of the facility to Pier 400 upon completion.

In addition to considering these additional new alternatives, the draft EIR should reassess all of the proposed alternatives again once the significant procedural deficiencies identified in these comments have been adequately addressed. Only in this way can the draft EIR provide the quantitative, comparative analysis of the relative environmental impacts and feasibility of project alternatives required by CEQA. Kings County Farm Bureau, 221 Cal. App. 3d at 735.

28-85

F. The Draft EIR Fails to Properly Consider and Analyze Feasible Mitigation Measures to Reduce Significant Environmental Impacts as Required by CEQA

CEQA specifically mandates that significant environmental impacts be mitigated where feasible. According to CEQA, state governmental agencies should not approve projects as proposed if there are additional feasible mitigation measures that should be required which would substantially lessen the significant environmental impacts of the project. Cal. Pub. Res. Code § 21002.1(b). In addition to these requirements, CEQA stresses that the lead governmental agency must explore all feasible measures for mitigating any significant impacts that are identified in the EIR. Guidelines § 15126(c) (EIR shall identify mitigation measures for each environmental impact determined to be significant); L.A. CEQA Guidelines art. VI, § 2.a.(3)(c).

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Unfortunately, the draft EIR clearly violates these key CEQA requirements. For example, the draft EIR documents significant impacts with respect to air quality (in both criteria and air toxic pollutants), noise (with regard to impulsive noise associated with ship-loading), and water quality (inadequacy of existing and future stormwater collection and treatment system), among others. Consequently, as noted above, CEQA requires that the LAHD analyze all feasible mitigation measures that would eliminate or substantially reduce these significant impacts.⁶ However, the draft EIR fails to consider the necessary feasible mitigation measures to address these and other significant impacts and fails to demonstrate the effectiveness of mitigation measures that are, in fact, proposed. These deficiencies cause the draft EIR to fail CEQA requirements. See, e.g., Citizens for Quality Growth, 198 Cal. App. 3d at 442 (rejecting an EIR based on a governmental agency's failure to make the requisite findings in EIR adopting or rejecting proposed mitigation measures for identified environmental impacts); Environmental Defense Fund, Inc. v. Froehke, 473 F.2d at 351 (rejecting EIS for inadequate treatment of mitigation and holding that mitigation goes to the heart of the question before the agency preparing an EIS, which is whether the project should proceed in light of its environmental consequences); Friends of the Earth v. Hall, 693 F. Supp. 904, 938 (W.D. Wash. 1988) (adequacy of EIS hinges, among other things, on the completeness of its mitigation plan; EIS in question was inadequate for failing to provide a detailed description of mitigation measures and an analysis of their effectiveness).

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(CONT.)

There are numerous instances throughout the draft EIR where the LAHD has identified significant environmental impacts, but has still nevertheless failed to propose appropriate mitigation measures, as follows:

- Modeling for particulates (PM₁₀) as part of the analysis of possible air toxic emissions demonstrates that federal and state ambient air quality standards would be violated if the proposed project were approved, with PM₁₀ concentrations exceeding federal and state standards by substantial amounts. Table 3.8-7 (PM₁₀ Ambient Air Quality Standards and Background: Concentrations at the HNP Property Line). Table 3.8-7 of the draft EIR specifically shows that emissions from the proposed project plus background levels are estimated to be 229 ug/m³ on a 24-hour basis (137 ug/m³ + 92 ug/m³), exceeding both the federal standard of 150 ug/m³ and the California standard of 50 ug/m³. This analysis clearly identifies significant air emissions impacts from the proposed project, yet no mitigation is proposed in the draft EIR. Other air quality emissions increases associated with project expansion plans exceed significance criteria for conventional air pollutants (Table 3.3-13) but the draft EIR also fails to properly address these significant impacts and propose other appropriate mitigation measures that could be used beyond "encouraging" contractors to carpool and use low-emission vehicles.

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⁶ Mitigation measures are considered "feasible" where they are "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Cal. Pub. Res. Code § 21061.1; Guidelines § 15364; L.A. CEQA Guidelines art. II, § 14.

28-86

- The air quality special study and risk assessment performed using actual air monitoring data indicates that toxic air emissions from the facility will exceed acceptable air emission standards. Table 3.8-6. (These standards are based on the potential for individuals to experience serious toxic effects such as reduced kidney and liver function and lung capacity.) In addition, the deposition of dust containing PCBs, lead and other metals in the Harbor is likely to have adverse effects on wildlife. Despite these significant impacts, no quantifiable mitigation measures are proposed in the draft EIR. Instead, the draft EIR only identifies some limited and highly-questionable measures (e.g., the use of low NO_x engines, alternative fuels and electrification of construction equipment) to mitigate these impacts that are not even specifically required to be implemented. Rather, under the draft EIR, HNP would only be required to "encourage" contractors to use these questionable measures. Draft EIR at 3.3-20. Moreover, the mitigation measures proposed in the draft EIR primarily focus on emissions from combustion sources, even though it appears from the report that particulate emissions from scrap handling activities may result in even more significant impacts in terms of health effects. Finally, the proposed measures to operate on a 24-hour schedule in order to mitigate adverse air quality impacts, Draft EIR at 3.3-20, would actually cause increased impacts in other potentially environmentally-sensitive areas (e.g., noise concerns). 28-89
- The draft EIR shows that HNP's current operations result in frequent exceedances of applicable noise standards. In addition, according to this report, the proposed HNP expansion will cause a substantial increase in the number of ships which visit the facility for loading purposes. Draft EIR at 1-18. These ships will be loaded on a 24-hour basis when in port. Draft EIR at 3.7-8. Consequently, it is expected that there will be a substantial increase in impulsive noise from ship loading operations, which will be especially disturbing to residents between midnight and 4 a.m., and will increase to approximately 234 days per year. Despite the potential increase in significant noise impacts, the draft EIR proposes no mitigation measures for key noise sources such as ship hold noise, while mitigation measures proposed for other noise sources have not been satisfactorily demonstrated to be adequate or effective. In particular, the draft EIR suggests that the construction of the proposed perimeter wall would substantially reduce noise levels from shredding and bulkloader operations by 16 dBA, although there is no reasonable justification provided in the draft EIR for these far-reaching claims. In fact, even if the proposed mitigation measures to address noise concerns were effective, the draft EIR states that residents would still continue to experience "occasional sleep and speech interference," Draft EIR at 3.7-9, thereby conceding that significant impacts will continue to occur if the proposed project is approved. 28-90

Even where the draft EIR does propose mitigation measures, the potential effectiveness of several of these proposed measures has not been properly addressed and remains highly suspect in contravention of CEQA. (Under CEQA, the LAHD cannot rely on mitigation measures of unknown efficacy in concluding that significant environmental impacts will be sufficiently minimized. Kings County Farm Bureau, 221 Cal. App. 3d at 727-28); Sundstrom, 202 Cal. App. 3d at 307.) Proposed mitigation measures that have not been properly addressed include the 28-91

following:

- As noted above, the draft EIR indicates that air emissions during project activities would exceed the daily emission significance thresholds and therefore are considered to have a significant impact on air quality. Yet, surprisingly, the draft EIR proposes only minimal mitigation measures, which have not been adequately examined to determine if they will, in fact, be effective in achieving their alleged results.
- The draft EIR demonstrates that HNP has discharged contaminated stormwater into the harbor which has resulted in significant water quality impacts. Draft EIR at 3.4-7. This stormwater may become contaminated at many possible locations on the HNP site, such as the hazardous waste storage areas that are not bermed or protected from precipitation or the fuel dispensing and maintenance areas that are similarly uncontained and unprotected. In order to address these significant impacts, the draft EIR has proposed a collection and treatment system to handle contaminated stormwater and dust suppression water, but unfortunately fails to provide any accompanying data that adequately demonstrates that this proposed system would actually be effective in addressing these stormwater concerns. For example, the draft EIR fails to provide sufficient data with respect to the proposed design of the stormwater control system or to demonstrate that the system is capable of retaining runoff during a major storm event; in fact, a comparison of surface area versus stormwater basin dimensions as noted in the plot plans included in the draft EIR would suggest that there is insufficient capacity to properly treat all stormwater discharge. In addition, while the proposed stormwater treatment system appears to be capable of removing metal particulates, it would, however, appear not to be effective in removing dissolved constituents (either metal or organic). Particulates can be removed from stormwater by isolating the water and allowing the particulates to settle out. In contrast, in order to properly treat dissolved constituents, additional treatment processes, such as pH adjustment and flocculation in the case of metals and carbon adsorption (or an equivalent removal process) in the case of dissolved organics, would need to be added.

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In sum, the draft EIR does not properly identify and analyze feasible mitigation measures for all significant environmental impacts as directed by CEQA. Guidelines § 15126(c); Citizens for Quality Growth, 198 Cal. Capp. 3d at 442. This failure violates one of the fundamental requirements of CEQA.

28-93

G. The Draft EIR Relies on Inadequate and, in Many Cases, Unsupported Data

Another fundamental problem with the draft EIR is its failure to rely on proper technical data in analyzing the possible environmental impacts of the proposed HNP project. For example, the LAHD itself has previously expressed concerns that HNP had failed to adequately characterize the full extent of soil/groundwater contamination at the site. Nevertheless, the draft report relies only on limited data in characterizing the extent of soil and groundwater contamination at the

28-94

site (Draft EIR 3.2-4), in spite of the fact that there is a great wealth of additional technical sampling data available that was either not referenced or reviewed in the draft EIR. Together with the existing 1994 Mittelhauser report, this data should be carefully reviewed in order to properly characterize the environmental conditions at the site.

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(CONT.)

This review of all data must be performed in order to ensure that the draft EIR meets CEQA guidelines. CEQA requires that a draft EIR provide sufficient information to allow intelligent decisionmaking, including all data regarding soil contamination that may bear on a decision as to the proper remedial options for a site. Guidelines § 15151; L.A. CEQA Guidelines art. VI, § 2.h.(8). Based on the CEQA Guidelines, all relevant data must therefore be accurately presented in the draft EIR and/or made available to allow for meaningful public review. Moreover, relevant decisionmakers must be able to review for themselves the data that will serve as the basis for a decision. See Sundstrom v. County of Mendocino, 202 Cal. App. 3d at 307 (rejecting EIR for shopping mall project because agency improperly delegated its legal responsibility to staff to review applicant's hydrogeological studies needed to support EIR approval); Friends of LaVina, 232 Cal. App. 3d at 1454; Foundation for San Francisco's Architectural Heritage, 106 Cal. App. 3d at 908. Similarly, any reliance in a draft EIR on a summary of prior data that does not accurately or fully characterize the extent of soil contamination at a site violates CEQA.

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H. The Draft EIR Fails to Properly Identify all Possible Significant Environmental Impacts

The draft EIR identifies a variety of criteria that are purportedly used to determine whether the identified environmental impacts of the proposed project should be classified as significant impacts. However, in spite of specifying these criteria, the draft EIR still fails to properly apply these criteria to all facets of the HNP project to determine whether there are indeed significant environmental impacts associated with the proposed project. For example, the draft EIR specifies that the impacts of the proposed project are considered to be significant if the project's air emissions exceed the National and California Ambient Air Quality Standards. Draft EIR at 3.3-12. However, since no modeling work was performed for key criteria pollutants other than particulates, there is absolutely no way to accurately determine whether the proposed project would, in fact, cause significant impacts based on these criteria. The analysis is therefore fundamentally inadequate and violates CEQA. See Laurel Heights II, 238 Cal. Rptr. at 460; Citizens to Preserve the Ojai, 176 Cal. 3d at 432; Kings County Farm Bureau, 221 Cal. App. 3d at 734-35. Similarly, the section on biota and habitats specifies that the loss of a rare, endangered or sensitive animal species is a significance criterion. Draft EIR at 3.4-5. However, the draft EIR acknowledges that the surveys necessary to apply this criterion in the case of the California least tern have not been conducted, again violating CEQA. See San Joaquin Raptor, 27 Cal. App. 4th at 728 (EIR violated CEQA where it did not "reflect even minimal investigation" into exact location of habitats).

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Because the LAHD has obviously failed to perform the proper analyses, the draft EIR cannot be said to have identified all of the significant environmental impacts of the proposed project as

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required by CEQA. This failure violates the CEQA requirement that the analysis of impacts provide sufficient information for intelligent decisionmaking. Guidelines § 15151; L.A. CEQA Guidelines art. VI, § 2.h.(8); see also San Franciscans for Reasonable Growth, 193 Cal. App. 3d at 1549. Moreover, it also violates the requirement that the EIR fully disclose all significant environmental impacts. See Laurel Heights I, 47 Cal. 3d at 392; County of Kern, 39 Cal. App. 3d at 841-42.

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(CONT.)

I. The LAHD Has Received Insufficient Guidance from Other Responsible Governmental Agencies in Preparing This Draft EIR

The draft EIR fails to include sufficient and appropriate guidance on many key technical and policy issues that should be provided by other responsible California state governmental agencies. For example, the draft EIR merely specifies that soil contamination at the HNP site will be remediated to levels acceptable to the RWQCB, the Department of Toxic Substances Control ("DTSC") and the LAHD, and goes on to list options for remediation that will ultimately depend on cleanup levels established by responsible agencies. Draft EIR at 1-17, 3.2-14, 15. However, because sufficient guidance on cleanup has not yet been obtained from the appropriate agencies, it is currently impossible for the public to be able to properly evaluate the effectiveness of any remedial option proposed in the draft EIR.

In addition, the draft EIR clearly does not include the required input from SCAQMD on key air emission issues that have been identified in this report. The draft EIR fails, for example, to include essential data based on air dispersion modeling work and appropriate guidance on best available control technology requirements. Given these serious deficiencies, it is fair to conclude that the draft EIR was prepared without the proper guidance from SCAQMD.

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CEQA requires that an EIR provide the public with detailed information about a project's likely effects on the environment. See Laurel Heights I, 47 Cal. 3d at 392; County of Kern, 39 Cal. App. 3d at 841-42. In addition, the CEQA Guidelines require that an EIR be prepared using an "interdisciplinary approach" that insures an integrated use of natural and social sciences. Guidelines § 15142; L.A. CEQA Guidelines art. VI, § 2.h.(2). In order to meet these goals, the CEQA guidelines encourage lead governmental agencies to consult with other responsible agencies that are likely to be concerned with the environmental impacts of the proposed project prior to completing the draft EIR. Guidelines § 15083; L.A. CEQA Guidelines art. VI, § 1.5. By failing to engage in sufficient early consultation with other agencies, the LAHD has failed to issue a satisfactory EIR, thereby frustrating meaningful public comment.

J. The Draft EIR Improperly Contemplates the Expansion of Facility Capacity Before Existing Contamination Is Remediated and Additional Measures Are in Place to Minimize Further Contamination

Under the draft EIR, HNP would be authorized to begin expanding the throughput capacity of its facility immediately. HNP would be authorized to take this action even before the required

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Donald Rice, Director
July 21, 1995
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stormwater controls and soil/groundwater remediation were completed at the site. Draft EIR at 1-18. In fact, although HNP would be required to complete all of its environmental mitigation work within a five-year period, HNP would be permitted to commence its facility expansion plans under the draft EIR even before a specific timetable had actually been approved which clearly specified the necessary deadlines for the completion of all appropriate environmental remediation work.

Given the above, it is apparent that the LAHD's proposed project approach directly avoids addressing the key environmental issues at the site in a timely manner and thereby allows the existing serious environmental hazards to continue to persist at the site and cause further environmental deterioration of site conditions. In effect, the LAHD's proposed approach would permit serious environmental problems such as soil contamination, the continued pollution of the Inner Harbor, and significant damage to biota to remain unabated for an unreasonably long period of time.

However, in contrast to this proposed approach, it appears that the serious environmental problems at the site should be addressed immediately. According to the draft EIR, the HNP facility is currently 60% paved, Draft EIR at 3.2-1, and 40% of the site is unpaved and/or exposed. Thus, unless remedial measures are employed in a timely manner, the significant environmental hazards posed by the soil/groundwater contamination at the site will continue to cause additional unreasonable risks to public health and the environment. Moreover, further adverse environmental impacts due to stormwater runoff and wastewater generated during dust suppression activities will continue to seriously threaten the Harbor. These sources of pollutants also have the potential to seriously affect saltwater organisms living in the Harbor. In addition, sensitive bird populations may continue to be affected by the presence of contaminants in foraging areas at or near the site.

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CEQA requires that environmental factors be given a high priority in agency decisionmaking. The statute must be "interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Laurel Heights I, 47 Cal. 3d at 390. CEQA itself emphasizes that it is necessary to "[d]evelop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." Cal. Pub. Res. Code § 21001(a). Protection of the environment shall be the guiding criterion in public decisions. Id. § 21001(d). Consistent with CEQA's policy, any project with significant environmental impacts cannot be approved unless those impacts are mitigated or there are overriding considerations. Id. § 21002; see also Kings County Farm Bureau, 221 Cal. App. 3d at 736; San Francisco Ecology Center, 48 Cal. App. 3d at 890-91; Friends of Mammoth, 104 Cal. 3d at 259.

Given these policies, it is incumbent on the LAHD to give immediate priority to remediating the soil contamination at the site and imposing satisfactory stormwater controls in a timely and effective manner. CEQA specifically requires that these significant environmental impacts at the site be addressed expeditiously and that the LAHD not permit any delays in implementing these requirements that would result in the imposition of additional environmental hazards to the

public health and the environment.

K. The Analysis of Cumulative Impacts in the Draft EIR Is Inadequate and Fails to Satisfy CEQA Requirements

The summary and conclusory manner in which the draft EIR addresses cumulative impacts fails to satisfy CEQA. In fact, contrary to CEQA, the draft EIR fails to consider some types of cumulative impacts and dismisses other impacts without any reasonable technical basis.

CEQA states that a project may have a significant effect on the environment if its own incremental effects are considerable when viewed in connection with the effects of past, present and probable future projects. Guidelines §§ 15125, 15130; L.A. CEQA Guidelines art. VI, § 2.a.(3)(a), (e); see also Laurel Heights I, supra, 47 Cal. 3d at 396 (EIR written for the proposed relocation for biomedical research facilities must include an analysis of reasonably foreseeable, significant future expansions along with currently-planned structures). Under these circumstances, an EIR must consider such cumulative effects and the analysis of the cumulative effects must provide sufficient information for intelligent decisionmaking. Cal. Pub. Res. Code § 21083.(b); Guidelines §§ 15130, 15151; L.A. CEQA Guidelines art. VI, §§ 2.a.(3)(a), (e), 2.h.(8); see also Town of Huntington v. Marsh, 859 F.2d 1134, 1141-3 (2nd Cir. 1988) (EIS assessing a proposed dump site for dredged material was inadequate because it failed to evaluate the cumulative effects of the wastes that would be dumped there); San Franciscans for Reasonable Growth, 151 Cal. App. 3d 61, 80 (1st Dist. 1984) (EIR conducted for construction of high-rise office buildings was inadequate because it underestimated the amount of future downtown development, and thereby failed to describe the true severity and significance of the cumulative impacts adequately). If the draft EIR concludes that cumulative impacts are not significant, it must still provide a reasonable basis for that conclusion. Guidelines § 15130(a); Citizens to Preserve the Ojai, 176 Cal. App. 3d at 432.

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The draft EIR's analysis of cumulative impacts is perfunctory at best. Some of the most notable examples of the draft report's failure to comply with CEQA's cumulative impact analysis requirements include the following:

- With respect to water quality, the draft EIR discusses cumulative impacts only in terms of the potential for spills at the site and does not address any other serious water quality impacts. Draft EIR at 3.4-10. While the draft EIR identifies other dredging projects in the Harbor, it still fails to discuss the cumulative impact of these dredging activities, which may result in the significant resuspension of contaminants in water bodies near the project site.
- The draft EIR finds that the proposed project will not result in any adverse effects on biota and therefore ignores any cumulative impacts that may be imposed on sensitive biota or birds. Draft EIR at 3.5-7. In fact, this conclusion appears to be directly at odds with the conditions identified in the draft EIR. Contrary to this finding, it appears that future project activities will, in fact, continue to release contaminants to the Harbor

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through stormwater discharges, additional dredging and increased particulate emissions and thereby may possibly impose significant cumulative impacts on birds and other biota.

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Based on the above, it is fair to conclude that the draft EIR has not properly addressed the potential cumulative impacts of the proposed HNP project. The courts have continually emphasized that "[a] cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective" Citizens to Preserve the Ojai, 176 Cal. App. 3d at 431. Similarly, the courts have noted that "[i]t is vitally important that an EIR avoid minimizing the cumulative impacts." San Franciscans For Reasonable Growth, 151 Cal. App. 3d at 79. Consistent with these mandates, any EIR must reflect a conscientious effort to provide decisionmakers and the public with detailed information about cumulative impacts. Without an adequate analysis of cumulative impacts, the draft EIR cannot be said to have properly assessed which environmental impacts of the proposed project are significant. Thus, this draft EIR has not fulfilled the primary function of a CEQA document.

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L. The Draft EIR Should Be Revised Based on Input from All Responsible Parties and Then Reissued for Further Public Comment

In light of the many fundamental deficiencies discussed above, the draft EIR should be revised and subsequently reissued for public comment. As part of revising this draft EIR, the LAHD should, among other things, first analyze all of the significant environmental impacts that would arise if the proposed project were approved in accordance with the applicable CEQA requirements. In addition, the LAHD should ensure that the draft EIR considers all feasible alternatives and appropriate mitigation measures in connection with the proposed HNP project. Moreover, the LAHD should consult with other responsible governmental agencies, including the RWQCB, DTSC and SCAQMD in order to satisfy its CEQA obligations. Finally, the LAHD should obtain a finalized RAP and SWPPP and incorporate these documents within the draft EIR in order to provide for meaningful public review.

Once the LAHD has addressed the fundamental procedural/substantive deficiencies with the draft EIR, this report should be reissued for public comment. The draft EIR in this case certainly requires recirculation for many reasons. First, CEQA requires that a draft EIR be recirculated where significant new information has been added to the original report. Cal. Pub. Res. Code § 210921.⁷ "Significant new information" requiring recirculation includes the

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⁷ Recirculation ensures that the public is not denied an opportunity to "test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." Sutter Sensible Planning, Inc. v. Board of Supervisors, 122 Cal. App. 3d 813, 822 (3d Dist. 1981). In the absence of a recirculation requirement, governmental agencies and project proponents would have an incentive to engage in "the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis

identification of a new significant environmental impact or a substantial increase in the severity of an environmental impact previously identified as significant, or the identification of additional alternatives or mitigation measures that are considerably different from the others that were previously analyzed in the draft EIR. Guidelines § 15088.5(a). In addition, the recirculation of a draft EIR is required in this case because the initial draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment on the document has been effectively precluded. *Id.* § 15088.5(a)(4). Given the above, recirculation of the draft EIR is the only means for LAHD to comply with CEQA at this juncture.

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CONCLUSIONS

In summary, the draft EIR contains significant procedural and substantive deficiencies and fails to comply with CEQA requirements. These comments highlight many of the fundamental flaws with the draft EIR, including its clear failure to identify (1) significant environmental impacts that may arise from the proposed HNP project, (2) appropriate mitigation measures to address these impacts and (3) feasible project alternatives, among other things. Many other fundamental procedural flaws with this draft EIR are outlined in these comments.

The technical deficiencies in the current version of the draft EIR certainly frustrate the ability of the public to meaningfully comment on this report. In fact, once these deficiencies are addressed, another careful review of the project might even lead to the identification of other significant environmental impacts associated with this project, *e.g.*, impacts to the California Least Tern and other sensitive species, the creation of CO hot spots and additional traffic impacts, that are not easily apparent in the current draft EIR. However, in its present form, the draft EIR makes it impossible for concerned members of the public or responsible agency decisionmakers to fairly assess these impacts because it is so fundamentally flawed.

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In addition to these concerns, the accompanying technical report clearly indicates that the proposed HNP project poses a significant threat to public health and the environment. Some of the key environmental concerns raised in this report include the following:

- The proposed remedy for soil contamination will not adequately protect public health and the environment in light of the highly-elevated levels of lead and other hazardous contaminants that the LAHD proposes to leave in the subsurface of the site;
- The proposed groundwater remediation strategy is ill-defined and lacks any reasonable assurance of success;

to the final [EIR] that is insulated from public review." Mountain Lion Coalition, 214 Cal. App. 3d at 1052.

- The collection and treatment system proposed to handle contaminated stormwater will not adequately mitigate the significant impacts that may arise from the discharge of contaminated stormwater runoff;
- The HNP project will result in significant emissions of all criteria air pollutants, some of which the draft EIR asserts cannot be adequately mitigated;
- The HNP project will result in significant acute health hazards from releases of toxic air pollutants such as PCBs and lead for which no mitigation has been proposed; and
- Proposed HNP project operations will continue to result in significant noise impacts such as disrupting the sleep of nearby residents.

Based on the above, Hiuka submits that the LAHD cannot approve the HNP project as currently proposed. These comments clearly show that there are no overriding considerations that would justify approving the project under present circumstances. See Pub. Res. Code § 21002 (agency should not approve project if there are feasible alternatives); see also Village Laguna, 134 Cal. App. 3d at 1032-36 (agency decision to certify EIR set aside where agency did not justify finding of overriding considerations; agency did not show that alternatives were infeasible). In order to properly address the applicable CEQA requirements, Hiuka recommends that the LAHD undertake the following actions:

- Adopt the technical recommendations set forth in the accompanying Weston report. These include, among others, the following:
 - Require additional, comprehensive site characterization studies to fully delineate all potentially significant site contamination and to determine the scope and nature of appropriate soil/groundwater cleanup remedies;
 - Evaluate the adequacy of the proposed stormwater collection and treatment system and require modifications necessary to prevent discharges of contaminated stormwater to the Harbor;
 - Undertake a proper analysis of air emissions and air toxics impacts and potential mitigation measures for these significant impacts;
 - Conduct baseline surveys to allow a determination of the impacts of the project on endangered species; and
 - Undertake a proper analysis of potential mitigation measures for the significant noise impacts resulting from HNP operations;


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- Consider an additional number of appropriate project of alternatives. Those alternatives that should be considered include: 1) continuing the existing operation and implementing site improvements and remediation, but prohibiting plant expansion; 2) implementing site improvements and remediation prior to operational expansion; 3) relocating the facility to another location; (4) alternative use; (5) shorter lease term; and (6) relocate shredder operations to a remote site.
- Solicit further guidance and input on critical environmental issues identified in the draft EIR such as the impacts of exposure of nearby residents to increased air toxics from the proposed project, the risks of the proposed cleanup remedy for the site, appropriate stormwater and wastewater discharge requirements, and endangered species impacts from other responsible governmental agencies prior to producing a revised CEQA document;
- Make key background documents (e.g., the RAP and the SWPPP for this site) available in order to provide meaningful public review and comment on the draft EIR as required under CEQA. Further consideration of the draft EIR should be postponed pending a full public review of these background documents, as well as other relevant site-related workplans and remedial investigation data;
- Recirculate the draft EIR for comment with these documents incorporated as appendices and other critical information supplied or made available for public review; and
- Terminate all necessary project operations at the site as deemed appropriate if the above conditions cannot be met.

Very truly yours,

BENJAMIN M. REZNIK
ALBERT M. COHEN
JOHN M. BOWMAN
REZNIK & REZNIK
A Law Corporation

By 
JOHN M. BOWMAN

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(CONT.)

JMB:glg

Enclosures

Donald Rice, Director
July 21, 1995
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Tom Jackson, Esq.
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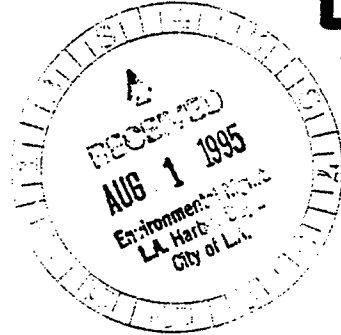
San Pedro Peninsula Homeowners United, Inc.

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July 1, 1995

Don Rice
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151



RE: Hugo Neu-Proler
EIR Lease Renewal

Dear Mr. Rice,

It is well known that our association monitors the activities of the Port of Los Angeles, its tenants and others, with respect to the impact on our community. We are extremely concerned about the environmental ramifications of the Port policies.

After a recent review and tour of Hugo Neu-Proler property, board members of our association see no reason not to renew the lease. In fact, it appears that the interest of the community would be best served by urging Hugo Neu-Proler to move forward with the improvements called for in the EIR as soon as possible.

Further, we wish to inform you that our association has never chosen to belong to the San Pedro Peninsula Homeowners Coalition. Our homes are approximately 33 years old, and our former association was called "Rolling Hills Highlands Homeowners Association." That association has not been in existence for approximately 18 years. That association also, chose not to become a member of the coalition, although the coalition apparently unilaterally listed all known associations as members. "San Pedro Highlands" as listed on the San Pedro Peninsula Homeowners Coalition 1994-1995 membership list, has never been the name of any association in our area.

Yours very truly,

Bonnie M. Christensen
Member, Executive Board

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
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[30]

August 7, 1995

Mr. Dennis Hagner
Environmental Management Division
Los Angeles City Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90733

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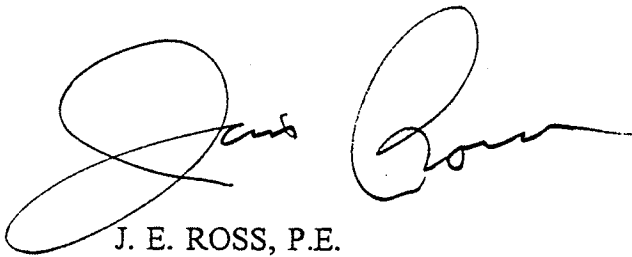
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) - HUGO NEU-PROLER LEASE RENEWAL - SCH# 93071074 (FILE NO. 90-47)

We have reviewed the subject document regarding Hugo Neu-Proler lease renewal in the Port of Los Angeles, Terminal Island and have the following comments:

1. Page 2-3, Table 2.1-1 Responsibilities of Agencies Expected to Use This EIR: Permit authority for California Regional Water Quality Control Board (RWQCB), Los Angeles Region, includes Waste Discharge Requirements (WDRs) for treatment and reuse of soil on-site and for off-site disposal of treated soil. 30-1
2. Page 3.2-15, Remediation Schedule: The groundwater remediation for petroleum contamination may take more than two years. 30-2
3. Page 3.4-9, Project Construction: For the construction activities at the site, Hugo Neu-Proler Company will be required to file a Notice of Intent to be covered under the State Board's "Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity" (General Permit No. CAS000002). A Storm Water Pollution Prevention Plan (SWPPP) should be developed specifically for construction activities in addition to the SWPPP prepared for Hugo Neu-Proler's industrial activities as mentioned in page 3.4-10, Project Operation. 30-3
4. Page 3.4-10, Project construction: The RWQCB concurs with the DEIR that maintenance dredging adjacent to Berths 210-211 may increase the turbidity, decrease water transparency and dissolved oxygen, and release contaminants into the water column. Proper disposal of dredged sediment, and silt curtains for turbidity control, may reduce these impacts. Such measures may be required by the RWQCB as conditions of the WDRs issued in conjunction with such maintenance dredging. 30-4

Mr. Dennis Hagner
page 2

Thank you for this opportunity to review your document. If you have any questions, please call
Dr. Rebecca Chou at (213)266-7607.

A handwritten signature in black ink, appearing to read "J. E. Ross". The signature is stylized with large, sweeping loops and a long horizontal tail.

J. E. ROSS, P.E.
Chief, Site Cleanup Unit

SECTION 2

RESPONSES TO WRITTEN COMMENTS

This section presents Responses to written substantive comments contained in letters received on the DEIR (see Section 1, which contains all letters received and substantive comments highlighted in brackets). Each Response listed here is identified with its Section 1 substantive comment by a corresponding number.

LETTER 1: Wilmington Chamber of Commerce

- 1-1 Comment from Wilmington Chamber of Commerce noted. No change in the DEIR is necessary.

LETTER 2: County of Orange Environmental Management Agency

- 2-1 Comment from County of Orange Environmental Management Agency noted. No change in the DEIR is necessary.

LETTER 3: State of California - Environmental Protection Agency
Department of Toxic Substances Control (DTSC)

- 3-1 The Reports of Violations issued by the DTSC to Hugo Neu-Proler are discussed in the DEIR on page 3.8-3. The Draft Compliance Plan referred to in the attachments to the DTSC letter describes a number of interim measures by Hugo Neu-Proler to address the violations as well as permanent measures to eliminate the potential for future violations. The enforcement order regarding this matter is included in the Final EIR. Key components of the Draft Compliance Plan for permanent compliance include the construction and operation of a rail spur to the site and an auto shredder residue storage facility. These facilities are part of the new facilities and equipment described in the DEIR on page 1-13 and further discussed on pages 3.8-13 and 3.8-14.

LETTER 4: State of California - Department of Transportation

- 4-1 No oversized trucks are anticipated for either construction or operation of the proposed facility. However, if oversized trucks are employed, the transportation company would be required to secure the necessary Caltrans transportation permit. Where practical, construction traffic and shipment of contaminated soil will be limited to off-peak commute periods.

LETTER 5: Heal The Bay

- 5-1 The public review period was extended by seven calendar-days.

LETTER 6: City Of Los Angeles Department of City Planning

- 6-1 Comment from City Planning noted. No change in the DEIR is necessary.
- 6-2 The Hugo Neu-Proler facility is not considered a hazardous cargo facility under the Port of Los Angeles Risk Management Plan (an element of the Port Master Plan). The facility's location is consistent with the Port of Los Angeles Risk Management Plan.
- 6-3 All landscaping for the Hugo Neu-Proler project will meet the Harbor Department guidelines (Engineering Design Guidelines -- Landscape Section 3.09). Hugo Neu-Proler's landscape design will be reviewed by the Harbor Department's Landscape Architect and approved by the Chief Harbor Engineer. The use of vines, as well as screening ornamental shrubbery, and trees is provided for in by the design guidelines.
- 6-4 The Engineering Design Guidelines call for landscaped areas to "... respect orientation principles which maximize the potential for shade and reduction of glare. As an example, efforts should be made to maximize shade in car parking areas by planting trees on a grid layout to promote the development of a closed canopy." This will reduce the heat and glare from the proposed parking lot and others landscaped areas of the facility.

LETTER 7: Yusen Terminals Inc.

- 7-1 Section 1.5.1 describes the existing facility and operations. Nowhere in this section are the air emissions described; instead, a detailed description of current and future air emissions is presented in Section 3.3 Meteorology and Air Quality. In Section 3.3 Meteorology and Air Quality, the increase in emissions from the proposed future operations over the current baseline is identified as well as construction emissions. These increases in emissions exceed the significance criteria for NO_x, ROG, and CO for future operations, and NO_x and ROG significance criteria are exceeded for construction. Mitigation measures have been proposed for these air quality impacts, yet the impacts will remain significant after application of the mitigations. A statement of over-riding considerations will be prepared for this project.
- 7-2 DEIR Section 3.8 Public Health and Safety specifically addresses the potential for short- and long-term health hazards to off-site workers and other neighbors such as the live-aboards at the nearby marina. The results of the health risk assessment are discussed in DEIR Section 3.8.2.2 Emissions of Air Toxics and a summary of risks is presented in DEIR Table 3.8-6. This health risk assessment was developed by using measurements of TSP, PCB, and metal concentrations from the site and nearby locations in a model to predict exposures. From the exposure scenarios generated by the model, a risk assessment was developed. An important factor in evaluating these results is that the risks calculated for Hugo Neu-Proler are conservative. Each variable input into the risk assessment calculation contains a "safety factor" so that risks are not underestimated. Therefore, the health risks calculated for receptors near Hugo Neu-Proler are probably overstated and should be considered the maximum that could be present.

For employees of Yusen Terminals, the most conservative comparison would be with

the risk values calculated for the maximum exposed individual (MEI). However, the model indicates that the off-site MEI is located near the eastern property line of Hugo Neu-Proler and the model shows that exposure at the Yusen Terminal is below that of the MEI (DEIR Section 3.8.2.2.2 Emissions of Air Toxics and Appendix B). Even for the MEI, the cancer and non-cancer health risks are not considered significant as summarized in DEIR Table 3.8-6. Since the concentrations of metals and PCBs are even lower at Yusen than at the MEI, the health risk at Yusen is also considered not to be significant.

- 7-3 Over the last several years, Hugo Neu-Proler has modified its operation and installed engineering controls designed to reduce airborne discharges from its operation (DEIR pages 1-11 and 3.4-8). Specific changes undertaken by Hugo Neu-Proler in complying with the RWQCB's Cleanup and Abatement Order (DEIR page 3.4-8): installation of air curtains in the shredder dust control system; installation of belt scrapers on conveyors; restoration of automatic control of the shredder water spray system; installation of metal and rubber curtains; paving of bulkloader ramp; installation of a water system with fine mist nozzles for dust suppression at the bulkloader ramp; purchase and operation of a large street sweeper to remove dirt from roadways; installation of drip pans on conveyors; installation of controls to prevent overflowing of the cementations material storage tank; hand sorting of nonmetallic material from the shredded metal; installation of a tire-wash station at the outbound traffic lane; installation of hoods and covers on conveyors; installation of overflow duct to existing cyclone unit; and addition of wing walls to bulkloader ramp.
- 7-4 As noted above in Response 7-2, the health risk calculations include the identification of the MEI, no matter where the location. In this case, the MEI is at the property boundary between Hugo Neu-Proler and Matson. Consideration of the live-boards in the nearby marina is necessary because these individuals represent the nearest "residential" concerns, although they are within an industrial zone.
- In addition, management of both Yusen Terminal and Matson Terminal were contacted at the beginning of the EIR process to discuss the possibility of collecting air samples within one of the two terminals. The air quality special study consultant concluded that a location within Yusen Terminal was an optimal location for sample collection. With the permission and assistance of Yusen Terminal the air sampling equipment was located on a platform placed on top of a steel cargo container provided by Yusen Terminal (Appendix B).
- 7-5 Hugo Neu-Proler plans to install a wall constructed from shipping containers along most of the west side of their facility bordering Yusen Terminals. This wall was inadvertently left off of Figure 1.1-4 in the DEIR when the figure was revised. This omission is corrected in the FEIR.
- 7-6 As found by the RWQCB (DEIR page 3.4-8), the dust suppression equipment, including water sprays, at Hugo Neu-Proler is effective in reducing the discharge of dust from the site. Hugo Neu-Proler must meet the requirement of regulatory agencies with regard to dust and operates its spraying equipment accordingly.
- 7-7 The use of ocean containers, page 3.13-3, is compatible and consistent with the stacks of containers on either side of Hugo Neu-Proler, and their formation into a wall would not be easily discernible from the stacking pattern of ocean containers used by Hugo Neu-Proler's immediate neighbors.

7-8 Comment from Yusen Terminals Inc. noted. No change in the DEIR is necessary. Please refer to Response 7-6.

LETTER 8: San Pedro & Peninsula Homeowner's Coalition

8-1 The public review period was extended by seven calendar-days.

LETTER 9: State of California - Environmental Protection Agency
Department of Toxic Substances Control (DTSC)

9-1 Comment of DTSC is noted, appropriate changes will be made in the Final DEIR.

LETTER 10: Harbor Community Development Corporation

10-1 The public review period was extended by seven calendar-days.

LETTER 11: John Mendez

11-1 The public review period was extended by seven calendar-days.

11-2 The public had an opportunity to comment on the report not only during the public review period for the DEIR, but will also have another opportunity to comment at the meeting where the Board of Harbor Commissioners considers certification of the Final EIR and takes action on the project.

LETTER 12: City of Los Angeles Fire Department

12-1 As noted on DEIR page 3.9-1 there is adequate infrastructure in the project area to supply fire flow of up to 15,000 gpm to the project site.

12-2 All plans for new construction will be reviewed by the Los Angeles City Fire Department as per the Los Angeles Municipal Code. The facility will comply with any determination that additional hydrants are necessary at the site.

12-3 All structures will be constructed in accordance with the Los Angeles Municipal Code, Section 57.09.07.

12-4 As noted in DEIR Table 3.6-6 (page 3.6-16), the level of service for intersections in the project area is level E or better.

12-5 The RWQCB has delegated control of the underground tank program within the City of Los Angeles to the Underground Tank Unit of the Los Angeles City Fire Department. However, situations where leaks from underground tanks have impacted groundwater are referred to the RWQCB for oversight of the remediation of the soil and groundwater. In the case of Hugo Neu-Proler, the RWQCB is acting as the lead agency for the remediation of the entire site. If necessary, the RWQCB will coordinate directly with the Underground Tank Unit of the Los Angeles City Fire Department.

- 12-6 Mitigation measure 8-2 Maintain Traffic Lanes (refer to DEIR Executive Summary Table ES-1) specifies that, during construction of the rail access to the site, the contractor shall maintain open one eastbound and one westbound lane of traffic along New Dock Street and the Hugo Neu-Proler access road.
- 12-7 Before construction of the auto shredder material storage facility, the Hazardous Materials Section of the Los Angeles Fire Department will be contacted by Hugo Neu-Proler.
- 12-8 As part of the review of all new construction at the site, plot plans of the site will be given to the Los Angeles City Fire Department for its review. Hugo Neu-Proler will comply with the requirements of the Los Angeles City Fire Department.
- 12-9 Comment from L.A. City Fire Department noted. No change in the DEIR is necessary.

LETTER 13: City of Los Angeles Bureau of Engineering , Department of Public Works

- 13-1 EIR Table 2.2-1, item 18, third column, concerning the status of the Terminal Island Treatment Plant Modification, has been modified to read "Approved project."
- 13-2 The last paragraph on DEIR page 3.4-9 will be modified to reflect the need for a General Construction Activity Stormwater Permit.

LETTER 14: Wilmington North Neighborhood Association

- 14-1 Provisions requiring tenants to meet with community or other interest groups are not normal elements of LAHD leases. The Department, however, encourages its tenants to meet with community groups to discuss issues of mutual interest.

LETTER 15: Mothers of East Los Angeles - San Isabel

- 15-1 Notice of availability of the DEIR was published in the Los Angeles Times, the San Pedro News-Pilot, and the Long Beach Press-Telegram newspapers on May 25, 1995, the same day the document was made available to the public. Copies of the DEIR were placed in the San Pedro and Wilmington branches of the Los Angeles Public Library, the Los Angeles Harbor Department Administration Building, and were also made available upon request. Approximately 87 copies of the DEIR were distributed to various governmental agencies, organizations, and individuals.
- 15-2 Executive Order 12898 issued February 11, 1994, covers Federal actions and agencies. As such it has no direct bearing on the administration of the California Environmental Quality Act. However, potential impacts on the environment of the port and surrounding communities (Wilmington in addition to Long Beach and San Pedro mentioned in your letter) are addressed by the DEIR. Both the potential impacts of the project and the measures to lessen the impacts are discussed in the DEIR.
- 15-3 The public review period was extended by seven calendar-days.

LETTER 16: Distribution and Auto Service, Inc.

- 16-1 Comment from Distribution and Auto Service noted. No change in the DEIR is necessary. Please refer to Responses 16-2 and 16-8 through 16-10.
- 16-2 At some receptors, noise levels from the current Hugo Neu-Proler operation are above presumed minimum ambient noise level for M3 (heavy industrial zone, adjusted for the effect of impulsive noise) described in Section 111.03 of the Los Angeles Municipal Code. Improvements to the facility will lower the level of noise generated from the Hugo Neu-Proler operation.
- 16-3 Distribution and Auto Service is correct that the barrier wall described on pages 3.7-8 and 3.7-9 is not shown on Figure 1.1-4 in the DEIR. It has been added to the FEIR. Please refer to Response 16-2.
- 16-4 Peak hourly levels are described in the DEIR on page 3.7-5 and in Appendix D "Noise Special Study". The noise ordinance in the Los Angeles Municipal Code is based on the presumed minimum ambient noise level (Section 111.03). The presumed minimum ambient noise level is based on an averaging time of at least 15 minutes. As such, the hourly peak decibels have no bearing on the presumed ambient noise level except that they are included in the noise averaging. The significance criteria follow the LAMC and consider ambient noise levels. Please refer to Response 26-73.
- 16-5 The 65 decibels cited in the comment is the presumed minimum ambient noise level for M3 (heavy industrial zone, adjusted for the effect of impulsive noise) described in Section 111.03 of the Los Angeles Municipal Code. The 65 decibels is based on an averaging time of at least 15 minutes. As such, the hourly peak decibels have no bearing on the presumed ambient noise level except that they are included in the time averaging. The significance criteria follows the LAMC and consider ambient noise levels.
- 16-6 Please refer to Response 16-5.
- 16-7 Comment from Distribution and Auto Service noted. No change in the DEIR is necessary.
- 16-8 EIR Tables 3.3-4, 3.3-6, and 3.3-7, have been modified to correct these typographical errors. The typographical errors did not affect the total emissions quantified in these tables (see Appendix B), and therefore did not affect the DEIR analysis and conclusions regarding air quality.
- 16-9 SCAQMD Rule 1303 is part of SCAQMD's Regulation XIII, New Source Review (NSR). NSR applies to new permit units and modifications to existing permit units. The project includes neither new permit units nor modifications to existing permit units and therefore Rule 1303, Regulation XIII, and NSR criteria do not apply. Please refer to Response 26-62.
- 16-10 SCAQMD Rule 1301 is part of Regulation XIII, New Source Review (NSR). Please refer to Response 16-9.

- 16-11 The Hugo Neu-Proler project contains elements to control dust emission from the facility. Currently, SCAQMD lists no outstanding violation of Rule 402, or any other of its rules, by Hugo Neu-Proler.
- 16-12 Rule 403 is not directly applicable to the data cited in the comment. The PM₁₀ concentration of 188 µg/m³ is an emission impact estimate provided by the air quality modeling and is a worst-case scenario because no consideration was made of planned facility improvements. The air quality data collected was for the purpose of determining the impacts of air toxics and for Rule 403. Therefore the methodology is not that called for in Rule 403 and is not applicable.
- 16-13 Please refer to Responses 16-9 through 16-12.

LETTER 17: State of California, State Clearinghouse

- 17-1 Comment from State Clearinghouse noted. No change in the DEIR is necessary.

LETTER 18: City of Los Angeles, Department of Transportation

- 18-1 New Dock Street is a private street under the jurisdiction of the Los Angeles Harbor Department and the construction of the rail spur will not affect any dedicated city streets under the jurisdiction of the City's Department of Transportation. The Department of Transportation's requirement for a work area traffic plan will not apply in this instance. However, the Harbor Department has included traffic control measures (Mitigation Measures 6-1, 6-2, and 6-3) into the bid specifications for the construction of the rail spur.

LETTER 19: Harbor Community Development Corporation

- 19-1 An objective of the proposed project is to remediate soil and groundwater contamination at the facility to acceptable regulatory levels. In a Memorandum of Understanding (MOU) with the LAHD (discussed in DEIR page 3.2-14), Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: "(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes." Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD, and will be performed whether or not the lease is renewed for continued use of the site by Hugo Neu-Proler. Most of the contamination at the site is located in the upper two feet of the soil (DEIR 3.2-7); however, in the few areas where contamination is found to occur deeper, the above standards will also apply. Please refer to Response 28-1
- 19-2 In addition to the MOU with LAHD, Hugo Neu-Proler has entered into an agreement with the RWQCB, where the RWQCB assumed the role of lead agency for the site investigation and remediation. Any remediation plan executed at the site will meet the requirements of the RWQCB and be protective of public and environmental health. If Hugo Neu-Proler fails to comply with the direction of the RWQCB, Hugo Neu-Proler can be issued an enforcement order by the RWQCB. Also, under the

terms of the MOU, \$10 million has been placed in an escrow account by Hugo Neu-Proler to fund the remediation of the site. The remediation will proceed whether or not the lease is renewed and will take several years to complete. However, other improvements, including environmental improvements, to the Hugo Neu-Proler operation will not proceed in the absence of a lease renewal. Therefore, it is not necessary or desirable to delay the renewal of the lease to force Hugo Neu-Proler to complete a remediation. Please refer to Response 28-32.

- 19-3 Hugo Neu-Proler has been the recipient of notices of violations issued by regulatory agencies as discussed in DEIR Hydrology/Water Quality/Oceanography Section 3.4.1.3 on page 3.4-8 and Public Health and Safety Section 3.8.1 on page 3.8-3 (please refer to Response 3-1). Hugo Neu-Proler has responded to remedy reported violations. Several project elements have been identified as being critical to assure long-term compliance with regulations. Remediation of the site is a project element and will be carried-out under the direction of the RWQCB. Please refer to Response 26-39.
- 19-4 The DEIR discusses the potential for release of contaminants into the environment and measures to prevent such releases in DEIR Sections 1, 3.2, 3.3, and 3.4. An analysis of the policies and procedures of other Port Authorities is outside the scope of the DEIR. Please refer to Response 28-7, 28-82, and 28-88.
- 19-5 The DEIR analyzes the impacts from the bulk loading operation in DEIR Sections, 3.3, 3.4, and 3.7. The bulkloader is not identified as having an significant impact in those analyses in and of itself. It does add slightly to the significant impact on air quality by adding to the facility emissions of ROG, CO, and NOx caused by the generation of the electricity by the Department of Water and Power. Use of a crane would not greatly alter these emissions.

LETTER 20: John Mendez

- 20-1 The DEIR analyzes the impacts from the bulk loading operation in DEIR Sections, 3.3, 3.4, and 3.7. The bulkloader is not identified as having an significant impact in those analyses in and of itself. It does add slightly to the significant impact on air quality by adding to the facility emissions of ROG, CO, and NOx caused by the generation of the electricity by the Department of Water and Power. Use of a crane would not greatly alter these emissions.
- 20-2 An objective of the proposed project is to remediate soil and groundwater contamination at the facility to acceptable regulatory levels. In a Memorandum of Understanding (MOU), page 3.2-14, with the LAHD (discussed in DEIR page 3.2-14), Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: “(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes.” Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD, and would be performed whether or not the lease is renewed for continued use of the site by Hugo Neu-Proler. Most of the contamination at the site is located in the upper two feet of the soil (DEIR 3.2-7); however, in the few areas where

contamination is found to occur deeper, the above standards will also apply.

The property will be remediated as quickly as possible in light of the necessity to integrate the remediation effort into ongoing operations. The only other option would be for Hugo Neu-Proler to cease operations completely for up to a year or more to remediate the site. Such an action would threaten not only the jobs of the current Hugo Neu-Proler employees, but the viability of the company's operations as its suppliers are forced to go elsewhere to export their product. This would not meet the project objectives. Even with integration of the remediation with the operations of the site, disruption of the facility's operation during the remediation is expected. This, in and of itself, is incentive for Hugo Neu-Proler to complete the remediation as quickly as possible.

- 20-3 Elements of the proposed project are designed to collect storm water and prevent unpermitted discharges from the facility into harbor waters (DEIR pages 1-16 and 3.4.-10). In addition, Hugo Neu-Proler has prepared a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program (DEIR page 3.4-7) for the management of storm water runoff from their current facility. Hugo Neu-Proler submitted a Notice of Intent to operate under the conditions of the Statewide General Industrial Activities Storm Water Discharge Permit. The SWPPP contains a review of facility operations and an evaluation of the pollution prevention measures for implementation, including the use of best available control technology. A discussion of the systems implemented by Hugo Neu-Proler is provided in DEIR Section 3.4.1.3 Water Quality on pages 3.4-8 and 3.4-9. The SWPPP will be updated to reflect the facility improvements once they have been put in-place. Please refer to Response 28-6.

LETTER 21: Natural Resources Defense Council

- 21-1 Comment from the Natural Resources Defense Council noted. No changes in the DEIR are necessary.

LETTER 22: Mothers of East Los Angeles - San Isabel

- 22-1 Comments from Mothers of East Los Angeles - San Isabel noted. The DEIR contains sufficient information and analysis of the environmental impacts of the project. However, the information previously requested by Mothers of East Los Angeles will be included in the FEIR.
- 22-2 Comments from Mothers of East Los Angeles - San Isabel noted. The DEIR contains sufficient information and analysis of the environmental impacts of the project. The No Facility Operational Modifications is an alternative discussed in the DEIR and its selection is an option available to the decision makers at the time of project approval.

LETTER 23: Harbor Boat Owners Association

- 23-1 Certification of the DEIR does not grant or approve variances to any environmental requirements. Several agencies are responsible for permitting, monitoring and inspecting the activities of industries and businesses located within the Port, including Hugo Neu-Proler. In addition to providing an opportunity for public review and

comment, the DEIR is intended to support the permitting process of all agencies whose discretionary approvals must be obtained for particular elements of this project. Responsible agencies that could be expected to use this DEIR are listed in DEIR Table 2.1-1 on page 2-2. When Hugo Neu-Proler applies for any permits or variances associated with implementing the project, each of the responsible agencies, not the LAHD, decides whether to grant the permit or variance and, what conditions will be attached. Each of the responsible agencies also has the ability to take administrative, civil, or criminal action as a result of any violations.

23-2 Cut grade material refers to scrap grades except shredded material and bundled material.

23-3 The effect of the new gantry crane is included in the air quality analysis (DEIR Section 3.3 and Appendix B). It's operation is included in the overall calculation of particulate matter in DEIR Sections 3.3 and 3.8. In the noise analysis (DEIR Section 3.7) it is assumed that the replacement of the existing crane will not have an impact on the overall noise profile at the facility. This is a worst-case scenario were heavy scrap is expected to be loaded via the gantry crane instead of the bulkloader, decreasing the noise impact from the facility. Any decrease in noise levels, due to the new crane, however, cannot be readily estimated because the use of the crane depends on loading schedules and operational constraints.

23-4 Installation of a plastic liner under the concrete at the Hugo Neu-Proler would be difficult and unnecessary. Unlike the situation where a new facility is being built from the ground-up, Hugo Neu-Proler has approximately 60% of its site currently paved (DEIR page 3.2-1). To install a plastic liner it would have to be connected in a patchwork manner as new areas are paved for the first time or old pavement is removed and replaced. This approach would be difficult and require a large number of seams to be sealed where patches are joined to one another. The large number of seams and the amount of handling of the plastic liner which would be necessary increase the chance the liner would be damaged and ineffective.

Also, use of a plastic liner is not necessary to protect the site from further contamination once the remediation is completed because operations do not involve contaminants with high solubility. Hugo Neu-Proler has operated at the site for 32 years. Based on the data in Tables 3.2-2 and 3.2-3, Hugo Neu-Proler's operation has had little, if any, impact on the groundwater at the site with the exception of the leakage from an underground diesel pipeline (DEIR page 3.2-3). The major contamination has come from metal in direct contact with soil. A concrete pad covering over the entire site would prevent this contact.

23-5 As noted in DEIR Section 3.4.1.3 Water Quality, page 3.4-8, the RWQCB has found that no visible discharge to surface waters was occurring. In addition, Hugo Neu-Proler is not permitted to discharge contaminated water into the adjacent Cerritos channel and Hugo Neu-Proler has prepared a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program for the management of storm water runoff. Hugo Neu-Proler will be undertaking a soil remediation program which will remove potential sources of contamination of storm water runoff. A General Construction Activity Stormwater Permit will also be required. Implementation of these measures and others discussed in DEIR Section 3.4 will reduce any impacts to harbor waters and sediments to a level of insignificance. Therefore, no additional monitoring program is necessary.

- 23-6 Both the baseline and the incremental increase in emissions are discussed in the DEIR (pages 3.3-10 through 3.3-18). Hugo Neu-Proler has operated at the site since 1962 and could continue to operate, under the terms of the current lease on a month-to-month basis. The City CEQA guidelines (Article VII 1(a)) clearly indicate that continued operation of a previously approved project without change in type or intensity of use is an exempt activity. The impact from the increased activity at the site is the proper focus of the impact analysis.
- 23-7 No monitoring program for air emissions was proposed in the DEIR. Several mitigation measures, however, were proposed for those pollutants which were found to exceed the significance thresholds (ROG, CO, and NO_x).
- 23-8 In the Air Quality Mitigation Monitoring Program page 3.3.-21 under the construction impacts and operational impacts, the DEIR states that Hugo Neu-Proler will encourage the use of low-NO_x engines, alternate fuels, and electrification whenever feasible. Air Quality Mitigation Measure 3-9 in Table ES-1 has been amended to include "alternate fuels" as a mitigation measure to be employed during project operation. Also amended to include "alternate fuels" is the third bullet item in the Recommended Mitigation Measures for Project Operation on page 3.3-20.
- 23-9 Hugo Neu-Proler has prepared a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program (DEIR page 3.4-7) for the management of storm water runoff from their current facility. Hugo Neu-Proler submitted a Notice of Intent to operate under the conditions of the Statewide General Industrial Activities Storm Water Discharge Permit on March 30, 1992. This program is required by the RWQCB and includes monitoring requirements. Please refer to Response 28-6.
- 23-10 Hugo Neu-Proler was not successful in holding the damping material with adhesives on the back of the bulkloader chute. As a result, Hugo Neu-Proler designed and constructed a new chute with compression nuts capable of holding 1/2 inch rubber damping material on the back of the chute. The rubber damping material is sandwiched between a 3/8 inch and 1/4 inch plates on the back of the chute. This chute is scheduled to be installed once the EIR is adopted and the project approved. Discussion of the damping material on the bulkloader chute and its effect on noise levels is given on DEIR page 3.7-9. Hugo Neu-Proler must meet the provisions of the Los Angeles Noise Ordinance.
- 23-11 Comment from Harbor Boat Owners Association is noted. State or local regulatory agencies presently have the authority to conduct unannounced inspections of Hugo Neu-Proler, enforce environmental regulations, and levy fines. Also, please refer to Response 23-1.

LETTER 24: Heal The Bay

- 24-1A The comments contained in the introduction of Heal the Bay's letter are noted. Since these comments are recapitulated in the body of their letter, see the responses below.
- 24-1 Heal the Bay's opinion on the information contained in the DEIR is noted. The project is described in detail in Section 1 of the DEIR and in the subsequent environmental setting subsections of Section 3 of the DEIR. The EIR adequately appraises interested parties of the scope of the project, and thus allows intelligent weighing of its environmental consequences.

- 24-2 The year 1992 was selected as the base year because that was the most recent year for which there was a complete set of operating and other data for all the parameters needed to evaluate the proposed changes to Hugo Neu-Proler's facilities and operations.
- 24-3 Please refer to Response 24-1. Hugo Neu-Proler does not propose to modify any of the facilities noted in the comment.
- 24-4 Descriptions and discussion of the waste streams are given in the DEIR on pages 1-11, 1-12, 1-15, 1-18, 1-19, 3.8-3, 3.8-13, 3.11-2, and 3.11-3.
- 24-5 The activities referred to in the comment were completed in 1992 and done with the knowledge of the RWQCB and DTSC. No further agency action on this issue will be required.
- 24-6 Hugo Neu-Proler has prepared a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program (DEIR page 3.4-7) for the management of storm water runoff from their current facility. Hugo Neu-Proler submitted a Notice of Intent to operate under the conditions of the Statewide General Industrial Activities Storm Water Discharge Permit on March 30, 1992. The SWPPP contains a review of facility operations and an evaluation of the pollution prevention measures for implementation, including the use of best available control technology. Please refer to Response 28-6.
- 24-7 All of the items in the comment are addressed in DEIR Section 3.2 Soil and Groundwater. Please refer to Response 26-1, 26-4, 28-1, and 28-32.
- 24-8 The project is described in Section 1 of the DEIR.
Please refer to Responses 24-9 through 24-13.
Please refer to DEIR Figure 3.2-1 on page 3.2-2 for a map illustrating all unpaved areas. All unpaved areas of the site will be paved (DEIR page 1-17).
- 24-9 The LAHD will require Hugo Neu-Proler to install a system designed for at least a 10-year storm event. Please refer to Response 28-6.
- 24-10 Please refer to DEIR Section 1 Description of the Project, page 1-6, item Number 3. Proposed new facilities and equipment include: "Fully pave the scrap processing, handling, and storage area with asphalt or concrete." There will not be any exposed soils. In addition, once the stormwater management system is installed, stormwater will be treated before being used for dust control. Please refer to Response 28-6.
- 24-11 The current and proposed storm water management systems (including treatment systems) are described in the Project Description and DEIR Section 3.4. Discharge limitations for the new treatment system will be imposed by the RWQCB at the time a permit is issued to Hugo Neu-Proler for the discharge from the system. Also, please refer to Responses 26-35, 28-6, and 28-71.
- 24-12 Hugo Neu-Proler has prepared a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program (DEIR page 3.4-7) for the management of storm water runoff from its current facility. Hugo Neu-Proler submitted a Notice of Intent to

operate under the conditions of the Statewide General Industrial Activities Storm Water Discharge Permit on March 30, 1992. The SWPPP contains a review of facility operations and an evaluation of the pollution prevention measures for implementation, including the use of best available control technology. The FEIR will be modified to reflect the need for a General Construction Activity Stormwater Permit.

- 24-13 The schedule illustrated in DEIR Figure 1.5-4 includes both the timing and duration of replacement or equipment upgrade activities and construction of new facilities. All components of the storm water control/treatment system will be incorporated over the five year period. This system will be completed when all areas of the site have been remediated and paved. For remediation and paving activities, Hugo Neu-Proler will move the appropriate piles, remove the existing pavement if necessary, remediate the soil, and replace the pavement.

The project does not include dredging activities beyond those already required for maintenance. No biological resources or potential impacts were identified which might require the avoidance of a "fledging season."

- 24-14 The source of some of the contaminants of harbor sediments has been a matter of dispute for many years. Hugo Neu-Proler has acknowledged that, in the past, some metal scrap was mishandled during shiploading activities and occasionally fell into the water where it may have had an impact on water or sediment quality. Systems designed to catch falling scrap have been implemented by Hugo Neu-Proler which have eliminated this problem. Hugo Neu-Proler also plans other measures designed to prevent release of contaminants from their operation into harbor waters (DEIR pages 3.4-7 and 3.4-8). Previously, RWQCB alleged discharges from Hugo Neu-Proler had contaminated harbor waters and sediments by issuing a Cleanup and Abatement Order. Without admitting responsibility, Hugo Neu-Proler entered into an Agreement with the RWQCB to mitigate the discharges of water and dust from their facility (DEIR page and 3.4-8).

- 24-15 Please refer to DEIR Section 3.4 Hydrology, Water Quality, and Oceanography, pages 3.4-7 through 3.4-11 for a discussion of potential impacts to sediments from construction and operation of the project.

- 24-16 No dredging activities beyond those currently required for maintenance will be required as a result of the project (DEIR 3.4-10). Such routine maintenance dredging is intended to reestablish the designed water depth at the berth. No schedule of maintenance dredging has been established since LAHD has not received a request from Hugo Neu-Proler for maintenance dredging at their berth. Until such a request is received, no determination of amount of material to be removed can be calculated. Once Hugo Neu-Proler requests maintenance dredging at their berth, LAHD will apply for Waste Discharge Requirements (WDR) from the RWQCB and will comply with any conditions contained in the WDR designed to mitigate dredging impacts. The contaminate concentrations in the sediments near Hugo Neu-Proler are given in Tables 3.1-1 and 3.1-2.

- 24-17 As noted in DEIR Section 3.1.2.2. Impact Analysis a seismic event could "... cause injuries at and major damage to the Hugo Neu-Proler facility." Barriers consisting of sea containers (which are routinely stacked at the port) and concrete block walls could be damaged by a seismic event. The effects of such damage to these structures, as well as other structures at the site, would include cracking, dislocation, or collapse.

We agree that construction to code is required by ordinance and regulations, and should be considered as part of the proposed project and not a mitigation measure. Sections 3.1.4 and 3.1.4.2 will have references to building codes removed. However, consideration of building codes as baseline or mitigation will not change the conclusions that the impact is significant and a statement of overriding consideration is necessary.

- 24-18 Remediation is discussed in the Project Description Section 1; however, the information referred to in the comment is most relevant to an analysis of soil and groundwater impacts, thus it is presented in Section 3.2. Stockpiles move from time to time. The general location of stockpiles is illustrated in DEIR Figure 1.1-3, and the paved and unpaved areas are illustrated in DEIR Figure 3.2-1. Control of runoff is discussed in Section 3.4.
- 24-19 Remediation activities are summarized in the Project Description on DEIR pages 1-16 and 1-17 and described in more detail in Section 3.2.1.1. Documents mentioned in the DEIR were available for review during the comment period (and are still available for review), at the offices of the Port of Los Angeles, 425 South Palos Verdes Street, San Pedro. It is wasteful and impractical to include copies of all the voluminous references as appendices to the DEIR.
- 24-20 Location of construction activity is given in DEIR Figure 1.1-4. The soil excavated during remediation is estimated in a worst-case situation to involve the site to an average depth of two feet (DEIR page 3.2-14). This would not necessarily involve all areas where construction would take place, and the amount of soil excavated in the course of construction (in addition to that described on page 3.2-14), is minor. Actions taken to prevent construction and remediation activities from contaminating surface waters are described on DEIR pages 3.2-13, 3.4-9 through 3.4-10, and 3.8-14 through 3.8-15. In addition, a SWPPP will be specifically prepared for construction activities at the site. Please refer to Response 26-11
- 24-21 An objective of the proposed project is to remediate soil and groundwater contamination at the facility to acceptable regulatory levels. In a Memorandum of Understanding (MOU) with the LAHD (discussed in DEIR page 3.2-14), Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: "(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes." Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD, and would be performed whether or not the lease is renewed for continued use of the site by Hugo Neu-Proler. Most of the contamination at the site is located in the upper two feet of the soil (DEIR 3.2-7); however, in the few areas where contamination is found to occur deeper, the above standards will also apply.
- 24-22 Impact on soil and groundwater is described on DEIR pages 3.2-13 through 3.2-14. Because much of the open area of the site is used for storage of scrap, including the unpaved areas, (DEIR Figures 1.1-3 and 3.2-1) for the remediation or construction to proceed areas of the facility will need to be taken out of operational use. This will be done reducing the amount of scrap stored at the site and clearing the area for construction or remediation. Removing areas from operational use will reduce the

operational impact, offsetting the impact from remediation or construction.

- 24-23 We agree that measures required by statute or regulation should be considered as project elements and not mitigations. However, in the case of the Source Control Program within the POLA, this is a practice of the LAHD in its dealings with tenants, subject to negotiation and modification, and not a requirement of law. As such we feel that is best considered as a mitigation measure and not a project element.
- 24-24 The remediation is described in the project description (DEIR page 1-17) with a detailed discussion and analysis in DEIR Section 3.2. Remediation is a part of the proposed project and does not appear in the DEIR Section 3.2 (Soil and Groundwater) as a mitigation measure.
- 24-25 Documents mentioned in the DEIR were available for review during the comment period (and are still available for review), at the offices of the Port of Los Angeles, 425 South Palos Verdes Street, San Pedro. Please refer to Response 24-22.
- 24-26 We agree that design criteria and construction to code are required by ordinance and regulations, and should be considered as part of the proposed project and not a mitigation measure. Please refer to Response 24-17. However, nowhere in Section 3.1.4 did the DEIR state "...that no mitigation measures for impacts to soil and groundwater are available beyond those required by federal, state, and local building codes."
- 24-27 The impact of the project on air quality was found to be significant (DEIR 3.3-20) and a statement of overriding considerations will be prepared. Please refer to Responses 28-43 and 28-44.
- 24-28 Both the baseline and the incremental emissions are discussed in the DEIR (pages 3.3-10 through 3.3-18). Hugo Neu-Proler has operated at the site since 1962 and could, under the terms of the current lease, continue to operate on a month-to-month basis. The City CEQA guidelines (Article VII 1(a)) clearly indicate that continued operation of a previously approved project without change in type or intensity of use is an exempt activity. The impact from the increased activity at the site is the proper focus of the impact analysis. Accordingly, the facility's current operations are properly included in the baseline.
- Analysis of construction and operational impacts follows guidance provided in the "CEQA Air Quality Handbook" (South Coast Air Quality Management District, April 1993). That document, in Section 6.4, page 6-4, states that for construction impacts "...the procedure for determining significance is different than that for a project's operational impacts." The SCAQMD CEQA Handbook states that "construction and operation related emission should be considered separately" (p.9-15). Construction and operational air quality impacts have different significance criteria and emissions cannot be added. The DEIR follows this guidance, and utilizes the suggested significance criteria, the results of which are summarized in DEIR Table 3.3-9.
- 24-29 The mitigation measures are presented in DEIR Table ES-1 and in DEIR Section 3.3.4 on pages 3.3-19 and 3.3-20.
- 24-30 Information supporting this conclusion is provided in the two paragraphs at the top of DEIR page 3.3-19. Also, please refer to Response 24-28

- 24-31 The impact analysis did not reveal any impacts which would cause any of the significance criteria listed in DEIR Section 3.4.2.1 to be exceeded. These conclusions were based on evaluation of proposed project activities and existing or proposed project features which would prevent or reduce potential impacts. Also, please refer to Response 24-22. Documents mentioned in the DEIR were available for review during the comment period (and are still available for review), at the offices of the Port of Los Angeles, 425 South Palos Verdes Street, San Pedro.
- 24-32 The current and proposed storm water management systems are described in the Project Description and DEIR Section 3.4. Also, the SWPPP for current facility operations is in place, and a SWPPP for construction will be prepared by Hugo Neu-Proler for the site. Please refer to Response 24-12. The current SWPPP will be updated periodically to reflect progress made in the installation of the new storm water management system. Please refer to Response 28-6.
- 24-33 The impact of maintenance dredging is discussed on page 3.4-10 and 3.5-6 of the DEIR. The removal of contaminated sediments from the channel will have the effect of reducing the long term cumulative impact of contaminated sediments in the port.
- 24-34 Documents mentioned in the DEIR were available for review during the comment period (and still are available for review), at the offices of the Port of Los Angeles, 425 South Palos Verdes Street, San Pedro.
- 24-35 The impact of dredging on biota is discussed on DEIR page 3.5-6.
- 24-36 The SWPPP exists and may be examined. Documents mentioned in the DEIR were available for review during the comment period (and still are available for review), at the offices of the Port of Los Angeles, 425 South Palos Verdes Street, San Pedro.
- 24-37 DEIR Section 3.5.3 states that “the proposed project would not result in adverse effects to biological resources and, therefore, would not contribute to the cumulative impacts of related projects”.
- 24-38 Traffic impact considered operational, remediation, and construction activities together (DEIR Table 3.6-5 and page 3.6-12). Remediation activity, which is the major non-operational activity, is included in the project generation calculations in Table 3.6-5. Other construction activity is of a shorter-term than remediation activity and is discussed on page 3.6-12 in light of ongoing operations.
- 24-39 Construction and operational noise impact analysis are presented in DEIR Section 3.7.2.2 Impact Analysis, on pages 3.7-6 through 3.7-10. All data used in the noise assessment, including the results of 257 hours of monitoring under all operating conditions, are provided in DEIR Appendix D Noise Special Study.
- 24-40 The assessment of potential public health impacts (DEIR Section 3.8) from the project focuses on the long term (operational) emissions of particulates and associated contaminants from the site. The primary construction activities at the site involve remediation, and Hugo Neu-Proler intends to use existing on-site equipment for the remediation activities and other construction (DEIR page 3.3-13). As may be seen in DEIR Table 3.3-9, nearly all of the construction emissions result from the use of on-site mobile equipment. Operational emission estimates are based on the maximum use of all available equipment. If Hugo Neu-Proler removes a piece of equipment from operations and uses it for remediation, our conservative assumption is that it

will continue to be used at the maximum rate and there will be no difference in the estimated emissions of particulate matter and hence contaminants from the site. The use of worst case operational emissions in the public health risk assessment is, therefore, representative of the planned operation and construction (including remediation) activities.

In addition, the remediation effort will comply with the requirements of Cal/OSHA regulations (DEIR page 3.8-15) and SCAQMD regulations. This will include a Site Health and Safety Plan developed to protect on-site workers from hazards associated with the remediation efforts and dust control measures.

24-41 The DEIR does evaluate the public health impact and finds that the concentrations of air toxics drops rapidly with distance from the site (DEIR page 3.8-8). The air modeling predicts that the facilities operation will not have any impact outside the immediate vicinity of the site.

24-42 The facility has not received a notice of noncompliance from the SCAQMD. Please also refer to Response 24-41.

24-43 Hugo Neu-Proler, as a recycler, is an integral part of the waste reduction and minimization effort in Southern California. The auto shredder waste generated by this process has been reduced to the maximum amount possible. As the amount of scrap is processed and recycled increases, the amount of solid waste generated by these activities will increase. However, as noted in the DEIR (page 3.11-2), operation of the Hugo Neu-Proler facility has an overall positive benefit for landfill operations and capacity by diverting and recycling large volumes of metals which would otherwise be landfilled. Moreover, Hugo Neu-Proler has an economic incentive to maximize the recyclable content of processed material and to minimize the amount of solid waste generated.

Routine preventive maintenance of equipment, including oil changes and hydraulic fluid changes, which account for the vast majority of the wastes generated by maintenance and repair activities, will continue at approximately current levels. The comment is probably correct in that certain repair activities may increase marginally as facility throughput increases. However, contrary to the assertion in the comment, these repair activities will not generate significant amounts of hazardous waste, and the impacts will also be insignificant because all such wastes are disposed of at licensed off-site facilities.

24-44 Comments from Heal the Bay are noted. We believe the DEIR adequately analyzes the adverse environmental affects of the proposed project. No change in the DEIR is necessary.

24-45 In addition to the proposed project, two alternatives were evaluated as to whether they would attain the basic objectives of the proposed project, whether they were technically feasible, and whether they could possibly offer environmental advantages over the proposed project. These alternatives were: the No Project Alternative and No Facilities or Operation Modifications (EIR Sections 4.1 and 4.2, respectively).

Relocation to an alternative site was considered, but determined to be infeasible. The reasons for rejecting this alternative are described in DEIR Section 4.3 Alternatives Not Found Feasible starting on page 4-6.

- 24-46 Comments from Heal the Bay are noted. We believe the DEIR adequately analyzes the adverse environmental affects of the proposed project. No change in the DEIR is necessary.

LETTER 25: Wilmington Home Owners

- 25-1 An objective of the proposed project is to remediate soil and groundwater contamination at the facility to acceptable regulatory levels. In a Memorandum of Understanding (MOU) (discussed in DEIR pages 3.2-14), with the LAHD, Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: “(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes.” Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD, and would be performed whether or not the lease is renewed for continued use of the site by Hugo Neu-Proler. Most of the contamination at the site is located in the upper two feet of the soil; however, in the few areas where contamination is found to occur deeper, the above standards will also apply. Please refer to Response 28-1.
- 25-2 The improvements and modifications proposed by Hugo Neu-Proler to reduce noise level were reviewed in the DEIR Section 3.7. The DEIR found that the proposed improvements and modifications will reduce noise levels to acceptable levels.
- 25-3 State or local regulatory agencies presently have the authority to conduct unannounced inspections of Hugo Neu-Proler and enforce environmental regulations. However, the scheduling and control of State or local regulatory agencies is out of the control of the LAHD.
- 25-4 Comment from Wilmington Home Owners is noted. No change in the DEIR is necessary.

LETTER 26: Roy F. Weston, Inc.

- 26-1A Comments from Roy F. Weston, Inc., are noted. No change in the DEIR is necessary.
- 26-1B The conclusions of Roy F. Weston Inc., are noted. Since the conclusions recapitulate the comments, see the responses to the Roy F. Weston Inc. comments below.
- 26-1C Please refer to Responses 28-1, 28-3, 28-4, and 28-12.
- 26-1 DEIR Section 3.2.1 Soil and Groundwater Setting is an accurate summary of the site investigations and available information on the site. From these data it is clear that, as stated in the DEIR on page 3.2-7, “these data indicate a pattern of relatively homogeneous metals contamination in the top 2 feet of soil, which might be considered a ‘mixing zone’.” It is further stated that “[d]istinctive zones of contamination with most metals are not apparent....”, and that “contaminants are

found under the paved areas of the site as well as the unpaved areas, and that elevated concentrations of contamination are present in some areas to a depth of 4-6 feet.” Several tables of information are presented to support these conclusions.

The assumption in the comment is that remediation will only involve the upper two feet of soil. This is inaccurate. As noted on DEIR page 3.2-14, some areas of the site have been remediated prior to being paved, and at these locations no further remediation may be required. It is clear that at some locations remediation will be required to depths of 4 to 6 feet, or even deeper. The specific locations and final depths will be determined during the remediation process which is being overseen by the RWQCB; however, the available information does allow reasonable assumptions for the purpose of determining likely worst case construction impacts as outlined on DEIR pages 3.2-14 and 3.2-15. In this case it was assumed that an average of 2 feet of soil would require remediation for the entire site. It is recognized that some areas will require more or less than 2 feet.

As described in a Memorandum of Understanding (MOU) with the LAHD (discussed in DEIR pages 3.2-14), Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: “(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes.” This standard will apply to contamination at the site found to occur at depths greater than two feet.

- 26-2 The comment assumes EPA’s Preliminary Remediation Goals (PRGs) will apply to the remediation of the site. PRGs, can be superseded by site-specific information and calculation of site-specific cleanup levels. Such an approach is being under taken by Hugo Neu-Proler under the direction of the RWQCB. Contrary to Weston’s unsubstantiated assertion to the contrary, the Baseline Risk Assessment was available for review by the public (and, therefore, Weston) during the comment period; Weston simply failed to review it. Please refer to Responses 28-1 and 28-12.
- 26-3 LAHD agrees that with regard to lead, the site must be remediated “ ... in an effective manner all lead contamination exceeding applicable cleanup standards ...”. As stated on page 3.2-14 of the DEIR, soil and groundwater contamination at the facility will be remediated under the direction and oversight of the RWQCB to levels below: “(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes.”
- 26-4 An objective of the proposed project is to remediate soil and groundwater contamination at the facility to acceptable regulatory levels. In a Memorandum of Understanding (MOU) with the LAHD, (discussed in DEIR pages 3.2-14), Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: “(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes.” Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD, and will be performed whether or not the lease is renewed for continued use of the site by Hugo

Neu-Proler. Most of the contamination at the site is located in the upper two feet of the soil (DEIR 3.2-7); however, in the few areas where contamination is found to occur deeper, the above standards will also apply.

As noted on DEIR page 3.2-14, there is an ongoing program for recovery of the free-product which is being conducted under the supervision of the RWQCB. Dissolved hydrocarbons in groundwater will also be addressed as part of the free product recovery and soil remediation program (RWQCB, letter of November 18, 1994).

26-5 Please refer to Response 26-3.

26-6 The Mittelhauser report summarizes work conducted by other consultants as well as results of on-site investigations conducted by themselves. More than 70 soil borings, 8 monitoring wells, and 20 trenches have been sampled. Analytical procedures, covering a range of compounds required by the RWQCB as lead agency, included those compounds mentioned in the comment. Results of these sampling programs, summarized in the DEIR, are clearly sufficient to evaluate soil and groundwater conditions and allow for evaluation of potential impacts. Please refer to Response 28-12 and 28-32.

26-7 The development of an acceptable Site Investigation and RAP is an iterative process. The LAHD letter of August 5, 1992, is an accurate indication, at the time it was written, of the concerns of LAHD regarding remediation plans and their development. These concerns were transmitted to both RWQCB, as lead agency, and Hugo Neu-Proler. Subsequent to that letter, the RWQCB directed Hugo Neu-Proler to modify its ongoing site investigation efforts. As may be noted in DEIR Table 3.2-2 for organic compounds in groundwater, the EPA methods referenced in the comment were subsequently included in the site investigations conducted in response to the LAHD letter of August 5, 1992 and to direction from the RWQCB.

26-8 Please refer to Response 26-7.

26-9 Please refer to Response 28-32. The analysis is based on the estimated worst-case situations for the amount of soil to be remediated.

26-10 Please refer to Responses 26-2, 26-4, and 28-12.

26-11 Please refer to Responses 26-1, 26-4, 26-6, 28-2, 28-9, and 28-32.

The Roy F. Weston assumption, in footnote 13 of its letter, that the entire site will have to be remediated to a depth of two (2) feet is unjustified, and it is clear that the amount of soil estimated by Roy F. Weston Inc. as needing excavation is an overestimate and does not approach 112,000 tons. The DEIR 3.2-14 estimate properly considers all the operational areas of the facility, except building footprints, which will be remediated within the first five years of the lease. If and when the buildings are removed at the end of the Hugo Neu-Proler occupancy, the soil beneath the buildings will be examined for contamination. Based on experience with other scrap metal sites, it is expected that the heavily contaminated debris laden upper soil layers (the upper two feet of the unpaved portion of the site is heavily impacted with contamination DEIR 3.2-14) were removed before construction of the buildings.

The RWQCB, as lead agency, has been fully informed and involved with the

planning of the site investigation and remediation since 1992. Both the RWQCB and the DTSC were sent copies of the Hugo Neu-Proler NOP, and both commented on the DEIR, and neither found the assumptions and estimates unrealistic. The remediation discussed in DEIR is what is planned at this time. Other actions, if any are speculative.

- 26-12 A feasibility study was conducted by Mittelhauser for Hugo Neu-Proler (DEIR page 3.2-7). Please refer to Response 28-12.
- 26-13 The opinion of Roy F. Weston Inc., on the components of a feasibility study is noted. No change in the DEIR is necessary.
- 26-14 Remediation of the site is under the direction of the RWQCB, which will set the methodology for evaluating contamination, and require monitoring of the groundwater as it deems appropriate to protect the water resources of the state. Please refer to Responses 26-11, 26-12, and 26-13.
- 26-15 Please refer to Responses 28-9, and 28-32.
- 26-16 Please refer to Responses 28-9, and 28-32.
- 26-17 Please refer to Response 28-3.
- Approximately 60 percent of the site is paved, so increased levels of soil contamination are unlikely in these areas. The unpaved areas are the areas which will be remediated first, so the concerns expressed in the comment are unfounded. As noted on DEIR page 3.2-7, groundwater has not been significantly impacted by Hugo Neu-Proler's operations.
- In the event the lease is not renewed, Hugo Neu-Proler will begin site remediation after lease denial and RAP approval, with completion of remediation of the site within two years. This shorter time assumed that Hugo Neu-Proler would be able to immediately abandon the site and remediation proceed expeditiously.
- 26-18 An agreement has been entered into, whereby Hugo Neu-Proler reimburses the RWQCB for staff time in the RWQCB's function as lead agency for the cleanup of the site; therefore, we believe this concern is unfounded. Please refer to Response 28-3.
- 26-19 Please refer to Response 28-15.
- 26-20 Please refer to Responses 28-12 and 28-36.
- 26-21 Please refer to Response 28-15.
- 26-22 The opinion of Roy F. Weston Inc., is noted. Please refer to Responses 28-9, 28-12, 28-32, and 28-98.
- 26-23 The opinion of Roy F. Weston Inc., is noted. Please refer to Responses 28-3, 28-9, and 28-75.
- 26-24 The opinion of Roy F. Weston Inc., on mitigation measures is noted. Please refer to Responses 28-3 and 28-9.

- 26-25 Roy F. Weston Inc. comment does not identify what "information contained in the draft EIR suggests that the proposed HNP lease renewal and facility expansion would have significant impact on the water quality of the Harbor, including Harbor sediments". The DEIR does not conclude that contaminated storm water runoff from Hugo Neu-Proler is a "key source of water quality degradation in the Inner Harbor", and the comment does not provide a basis for this statement. Please refer to Response 28-92.
- 26-26 Please refer to Responses 28-6 and 28-12.
- 26-27 The DEIR discusses the potential for release of contaminants into the environment and measures to prevent such releases in DEIR Sections 1, 3.2, 3.3, and 3.4.
- 26-28 Please refer to DEIR Section 3.4 Hydrology, Water Quality, and Oceanography, pages 3.4-7 through 3.4-11 for a discussion of potential impacts to sediments from construction and operation of the project.
- 26-29 Please see Response 28-92. As noted on DEIR page 3.8-14 and illustrated in Figure 1.1-3, the hazardous waste storage area is in use. Each of the other numbered concerns in the comment has been addressed as part of the proposed project improvements (see DEIR pages 1-6, 3.4-7 and 3.4-8).
- 26-30 The studies referred to in the comment establish general levels of water quality and sediment contamination within the Inner Harbor. As shown in EIR Tables 3.1-1 and 3.1-2, sediment concentrations of the contaminants mentioned in the comment for Hugo Neu-Proler are often relatively low or the lowest for seven sites examined in the Inner Harbor. When comparing concentrations in the uppermost strata of sediment at the seven sites compared in Tables 3.1-1 and 3.1-2, ranks as follows (1st having the highest concentration): chromium, 5th; lead, 5th; mercury, 7th; nickel, 4th; zinc, 6th DDT, 7th; and, PCB's, 6th. The main conclusion which can be drawn from the studies cited in the comment is that contamination is widespread within the Inner Harbor.
- 26-31 The opinion of Roy F. Weston Inc., on the facility discharges is noted. The DEIR does not conclude that current uncontrolled discharges of contaminated storm water runoff from Hugo Neu-Proler resulted in "significant impacts". The DEIR provides a description of proposed facility improvements which specifically address the handling of storm water (DEIR pages 3.4-7 and 3.4-8). Also, please refer to Responses 28-6.
- As for the availability of the documents, please refer to Response 28-12.
- 26-32 The documents were available for review during the comment period; please refer to Response 28-12.
- 26-33 Please refer to Response 28-6.
- 26-34 Please refer to Responses 28-6 and 28-71.
- 26-35 Sediment retention, settlement, and separation basins, oil water separators and cyclone separators comprise the storm water treatment system. If necessary to achieve further reduction in concentration of contaminants which may be set by the RWQCB under Waste Discharge Requirements for Discharges of Storm Water

Associated with Industrial Activities, chemical flocculation and activated carbon adsorption will be added to the treatment system.

- 26-36 Before use for dust control, the stormwater will be treated. Please refer to Responses 26-35 and 28-6.
- 26-37 Please refer to Responses 26-35, 26-36, 28-6, and 28-73.
- 26-38 Please refer to Responses 26-35, 26-36, and 26-37.
- 26-39 The paragraph on DEIR page 3.4-8 referred to in the comment makes two key points: (1) the RWQCB ordered Hugo Neu-Proler to stop the discharge of dust and auto shredder waste into harbor waters; and (2) following operational and equipment modifications, the RWQCB found that Hugo Neu-Proler had complied with the order. As noted in the DEIR, verification by the RWQCB was provided by "review of the reports submitted by Hugo Neu-Proler, inspection of the facility and equipment in operation, and discussions with boaters from marinas located across the Cerritos Channel from the Hugo Neu-Proler facility."

The comment of Roy F. Weston Inc., on composition of auto shredder residue is noted. No change in the DEIR is necessary.

The latest "Mussel Watch" report (received September 25, 1995) results shows the PCB levels in mussels in the project vicinity to be comparable to other areas in the Harbor.

- 26-40 The predicted worst case increase in emissions of PM₁₀ is 111 lb/day which is below the significance threshold of 150 lbs/day. Actual emissions are in fact expected to be much less than this level since worst case estimates are based on conservative assumptions. The RWQCB has determined that airborne discharge to harbor waters have ceased, please refer to Response 26-39.
- 26-41 While the DEIR identifies the potential for the operation of the bulkloader to impact water quality, there are measures, including screens and guards, which have been implemented (DEIR page 3.4-7) to prevent such an impact. Other measures to prevent impacts to harbor waters are described in the DEIR.
- 26-42 The opinion of Roy F. Weston Inc., is noted. Please refer to Responses 26-39, and 28-7. The project includes the installation of a concrete/asphalt cover over the unpaved portions of the facility and construction of an auto shredder waste storage facility that will provide for effective management of the waste and prevent its entering the soil at the site.
- 26-43 Please refer to Response 26-67.
- 26-44 Please refer to Responses 26-1, 26-2, 26-6, 26-31, and 28-6. For availability of documents, please refer to Response 28-12. The opinion of Roy F. Weston Inc., is noted.
- 26-45 Please refer to Responses 26-1, 26-2, 26-6, 26-31, and 28-6. For availability of documents, please refer to Response 28-12. The opinion of Roy F. Weston Inc., on mitigation measures is noted.

26-46 Please refer to Responses 26-47 through 26-62.

Both the baseline and the incremental increase in emissions are discussed in DEIR (pages 3.3-10 through 3.3-18). Hugo Neu-Proler has operated at the site since 1962 and could continue to operate, under the terms of the current lease on a month-to-month basis. The City CEQA guidelines (Article VII 1(a)) clearly indicate that continued operation of a previously approved project without change in type or intensity of use is an exempt activity. The impact from the increased activity at the site is the proper focus of the impact analysis. Accordingly, the facility's current operations are properly included in the baseline.

26-47 The National and California Ambient Air Quality Standards are goals to be met on a regional basis. The basis on which these ambient air quality standards is judged is the ongoing monitoring performed by 32 monitoring stations located throughout the South Coast Air Basin. The nearest monitoring station to Hugo Neu-Proler is located 7 miles to the northeast in North Long Beach. The impact of particulate matter is very localized (DEIR page 3.8-8) and the impact of the project on the ambient air quality measure at the North Long Beach location will be not be significant.

26-48 Please refer to Response 28-43.

26-49 The size of storage piles will not significantly change. However, the emissions associated with material dumping into piles and material movement with on-site equipment may both increase under the proposed conditions. These increases in emissions have both been accounted for as shown in the calculations provided in Table A-1 of DEIR Appendix B. The calculations followed the SCAQMD guidance provided in the Appendix to Chapter 9 of the CEQA Handbook.

26-50 Analysis of construction and operational impacts follows guidance provided in the "CEQA Air Quality Handbook" (South Coast Air Quality Management District, April 1993). That document, in Section 6.4, page 6-4, states that for construction impacts "...the procedure for determining significance is different than that for a project's operational impacts." The Handbook (page 9-15) expressly states that "... Construction and operation related emissions should be considered separately." Construction and operational air quality impacts have different significance criteria and emissions cannot be added. The DEIR follows this guidance, and utilizes the suggested significance criteria, the results of which are summarized in DEIR Table 3.3-9.

The primary construction activities at the site involve remediation and Hugo Neu-Proler intends to use existing on-site equipment for the construction (DEIR page 3.3-13), including remediation activities. As may be seen in DEIR Table 3.3-9, nearly all of the construction emissions result from the use of on-site mobile equipment. Operational emission estimates are based on the maximum use of all available equipment. If Hugo Neu-Proler removes a piece of equipment from operations and uses it for remediation or construction, our conservative assumption is that it will continue to be used at the maximum rate and there will be no difference in the estimated emissions from the site.

26-51 Please refer to Response 26-11.

26-52 The totals in the table are correct and do not underestimate emissions from existing operations; however, there were typographical errors in the values presented for

"On-site Mobile Emissions." The correct values are as shown in Table A-3 in Appendix B of the DEIR. Table 3.3-6 has been modified to correct these typographical errors. The correction of the typographical errors does not affect the findings, results, or conclusions of the DEIR.

- 26-53 On-site mobile equipment emissions were mistakenly included in both Table 3.3-4 and Table 3.3-6. EIR Tables 3.3-4, 3.3-6, and 3.3-7, have been modified to correct these typographical errors. The typographical errors did not affect the total emissions quantified in these tables (see Appendix B), and therefore did not affect the DEIR analysis and conclusions regarding air quality. The emissions totals in Table 3.3-13 are correct, and these values were used in the significance determination.
- 26-54 The SCAQMD "CEQA Air Quality Handbook", provides that significance thresholds be in emissions per day. The DEIR analysis was based on a worst-day scenario and was found to be significant. A statement of overriding considerations will be prepared.
- 26-55 Please refer to Responses 26-47 and 28-43. The SCAQMD "CEQA Air Quality Handbook" lists creation of a CO Hot Spot as a secondary effect requiring further analysis only if the project has an impact on a roadway's level of service ("LOS") (page 9-9). Because the corrected Table 3.6-6 shows that the project will not change the LOS at any of the intersections analyzed, further analysis is unwarranted.
- 26-56 Please refer to Responses 26-89 and 26-90. Hugo Neu-Proler attempts to process trucks through the facility as quickly as possible within the constraints of inspection requirements and operational safety. The facility improvements and additional personnel to inspect, operate a second existing scale at the facility, and process arriving trucks will allow Hugo Neu-Proler to keep the amount of queuing at the site near current levels.
- 26-57 Please refer to Responses 26-55 and 26-56. Operational CO impacts were considered significant based on the analysis in the DEIR. A statement of overriding considerations will be prepared.
- 26-58 The opinion of Roy F. Weston Inc. on the adequacy of the DEIR, is noted. Please refer to Response 28-22.
- 26-59 The reference to the 1991 AQMP on DEIR page 3.3-18 is a typographic error. It will be corrected in the FEIR to read "1994 AQMP".

The emissions from the current Hugo Neu-Proler operation have been included in the overall port emissions estimated by SCAQMD. These baseline emissions and Southern California Association of Government's industrial growth projections are incorporated in the SCAQMD formulation of the 1994 AQMP. Since the amount of scrap handled at Hugo Neu-Proler is tied to general industrial activity and growth, the proposed project is consistent with the 1994 AQMP (personal communication, Glenn Blossom, Southern California Association of Government, Sept. 1995).

- 26-60 LAHD agrees that the mitigation measure will not reduce the air impacts from future operations to insignificance. The DEIR has identified the air quality impacts that will be significant even after mitigation, and a statement of overriding considerations will be required.

26-61 The opinion of Roy F. Weston Inc., on mitigation measures is noted. The calculation of reactive organic gases (ROG) emitted from the auto shredder were based on worst case assumptions contained in the Hugo Neu-Proler 1991 Annual Emissions Summary filed with the SCAQMD. Recalculation by Hugo Neu-Proler for subsequent filing of Annual Emission Summary with the SCAQMD found the amount of ROG released to be negligible. Regardless of whether the 1991 or subsequent data is used, the air quality impacts will be significant and a statement of overriding considerations will be required.

26-62 LAHD agrees that the mitigation measure will not reduce the air impacts from future operations to insignificance. The DEIR has identified the air quality impacts that will be significant even after mitigation, and a statement of overriding considerations will be required.

The mitigation measures suggested by Roy F. Weston Inc. have been considered.

Cold ironing has been examined the by SCAQMD and found to be infeasible. Limiting expansion would not meet project objectives, nor would limiting hours of operations or seasonal limits to preclude unnamed violations.

The mitigation "use of low-NOx engines, innovative technologies and electrification of equipment ..." includes all cranes at the Hugo Neu-Proler facility.

Particulate matter (PM10) does not exceed SCAQMD CEQA threshold levels for the operation. In addition, the suggested mitigation measure involving the auto shredder the bulkloader, and shredded metals storage, focus on elements which generate approximately 2 percent of the estimated PM10 emissions from the future operation (DEIR 3.3-17). These reductions will be offset by crane emissions and the emissions from mobile sources involved in moving shredded metals from a remote location to the wharf for loading. The latter are the appropriate focus for mitigation measures.

26-62A Please refer to Responses 26-46 through 26-62.

The major source of emission from the project are mobile sources which are regulated under the jurisdiction of the California Air Resources Board (CARB). Regulation of mobile sources is outside the jurisdiction of the Los Angeles Harbor Department. Therefore most mitigations affecting mobile sources are infeasible unless adopted by the CARB.

Rejection of expansion plans or restriction of hours of operation would not meet one of the project objectives of increased throughput of scrap and would instead require scrap be diverted to other facilities in the region. As the only outlet to overseas markets is via existing ports (either Los Angeles or Long Beach), the diversion of scrap from Hugo Neu-Proler would not eliminate emissions but merely diverted them to other nearby facilities.

As required by CEQA, the mitigations measures and their monitoring will be incorporated into a Mitigation Monitoring Program that will be presented to the Board of Harbor Commissioners for adoption at the time of project approval.

26-63 As demonstrated by the Northridge earthquake, existing building codes are often inadequate to protect engineered structures from hazards associated with earthquakes. Consequently, designing new facilities based on existing building codes may not

prevent significant damage to structures resulting from a major or great earthquake on a nearby fault. Therefore, seismic hazards related to future earthquakes are a natural, unavoidable hazard. The DEIR (pages 3.1-17 and 3.1-18) identifies the effects from earthquakes as an unavoidable significant adverse impact and a statement of overriding considerations will be prepared.

- 26-64 Sea containers are designed to be, and are routinely, stacked, loaded and empty, at terminals throughout the harbor. At some shipping terminals they have been used to construct walls. An example of such use was at Berth 131 where sea containers were stacked to form a wall between the Hanjin container terminal and the Hiuka scrap loading operation at Berth 131. The asphalt/concrete pavement in the vicinity of the barrier wall will be designed to support the expected loadings.
- 26-64A Please refer to Responses 26-63 and 26-64.
- 26-65A Please refer to Response 26-31
- 26-65 Please refer to Responses 26-39, 28-1, 28-3, 28-6, and 28-71.
- Based on the data in Tables 3.2-2 and 3.2-3, Hugo Neu-Proler's operation has had no detectable impact on the groundwater at the site with the exception of the leakage from an underground diesel pipeline (DEIR page 3.2-3).
- 26-66 Please refer to Responses 28-6 and 28-71.
- 26-67 Table 3.1-1 profiles the existing contaminants in the sediments near the Hugo Neu-Proler berth. As described in the DEIR (Section 1 and Section 3.4), the project includes elements designed to prevent future discharges from the Hugo Neu-Proler facility into harbor waters. Once Hugo Neu-Proler requests maintenance dredging at its berth, LAHD will apply for Waste Discharge Requirements (WDR) from the RWQCB. As described in the DEIR (page 3.4-10), the contaminants may be resuspended for a short time period during the maintenance dredging. The LAHD will comply with any conditions contained in the WDR designed to mitigate dredging impacts. These conditions will limit the impact on biota to insignificance. Also, please refer to Response 26-68.
- 26-68 In comparison with the existing facility, proposed project features will reduce the potential for water pollution and will reduce noise impacts. When evaluated against the significance criteria (DEIR page 3.5-5), the potential impacts to biota, including endangered species, and habitats, were considered insignificant. Also, foraging of least terns is concentrated in the shallow waters adjacent to the nesting site (DEIR page 3.5-4), and in general the species is restricted to foraging in shallow water (Port of Los Angeles, 1988), making the area off Hugo Neu-Proler unattractive as a foraging location.
- 26-69 Please refer to Response 26-67.
- 26-70 California Department of Fish and Game, as a responsible agency, received a copy of the Notice of Preparation for the Hugo Neu-Proler project and provided comments to the LAHD which were considered in the drafting of the DEIR.
- 26-71 Regarding availability of SWPPP please see Responses 28-12 and 28-33. The SWPPP is described on DEIR pages 3.5-6 and 3.5-7. The issue of dust is discussed

on DEIR page 3.4-8, and metals falling into harbor waters on DEIR page 3.1-4. Please refer to Responses 28-6 and 28-71.

26-72 Please refer to Responses 28-73, 28-80, and 28-101.

26-72A Please refer to Responses 26-65A through 26-72.

26-73 The opinion of Roy F. Weston Inc., on the quality of the noise analysis is noted. There is a recognition that noise from the Hugo Neu-Proler is a concern. This has led Hugo Neu-Proler to incorporate noise reduction measures into the project which will reduce the noise impact from the project by 16 dBA for the barrier wall on the dock and by 6-8 dBA for damping the deflection plate (DEIR Section 3.7). The LAMC Chapter XI (Noise Regulations) calls for the use of Equivalent Noise Level (Leq) measured for a minimum of 15-minutes in applying the noise regulations. The 90 dBA referenced in the comment refers not to the Leq measurement, but the Lpeak and Lmax, measurements of peak, onetime short duration events recorded during the measuring period of the Leq. These measurements are included in the DEIR to give a more complete picture of the environmental setting. As with the Leq, these values will be reduced by the installation of the noise reduction elements of the project.

26-74 Please refer to Response 26-73. The survey of noise generated by ship-loading was scheduled to take place during loading of non-shredded material. As such, it represents a worst-case scenario for ship-loading as loading of shredded material does not generate impulsive noise. The loading of this non-shredded material does not take place 24-hours a day (DEIR page 1-10), and hence there will not be "intrusive ship-loading noise around the clock". Also, since all loading does not involve shredded material, the maximum noise values expressed in the DEIR will not occur with all loading. Facility improvements will reduce this maximum level and result in the noise impact being within normal levels for industrial activity and insignificant.

Although, shredding operations begin at 4 a.m. and will increase in frequency, the current noise impact associated with facility processing without ship-loading is not significant. In addition, the sound barrier to be built to screen the loading ramp from the marinas will also block some of the noise from the shredder, further reducing noise levels.

26-75 Please refer to Response 28-49.

26-76 The comment misstates the existing ambient conditions. The long term equivalent noise level at the Cherokee during processing and ship-loading is expected to increase 1.4 dBA over current levels which is below the significance threshold. In addition, the installation of the 32-foot high barrier on the dock will block processing and other facility noise, reducing it by an estimated 16 dBA over existing conditions (DEIR page 3.7-8).

26-77 The opinion of Roy F. Weston Inc., on noise impacts is noted. Please refer to Responses 26-76 and 28-49.

26-78 Please refer to Responses 26-76, 26-79, 26-81, and 26-83. The noise impacts are discussed in the DEIR (pages 3.7-8 and 3.7-9) and the conclusion is that they are not significant. Please refer to Response 28-49. The noise study demonstrating the benefits of the barrier wall was available for review by the public. Please refer to

Response 28-12.

- 26-79 Modifications to the deflector plate will reduce noise levels from the current levels (71 dBA) by 6 to 8 dBA (DEIR 3.7-9). The noise study demonstrates these benefits. Please refer to Response 28-12.
- 26-80 The opinions of Roy F. Weston Inc., on noise impacts and the ability of the public to comprehend the issues are noted. Please refer to Response 28-49.
- 26-81 A noise study was conducted by Hugo Neu-Proler's noise consultant (DEIR page 3.7-8) and included an evaluation of the noise barrier. The conclusions reached were based on computer modeling of the geometry of the barrier and the noise reduction potential of barriers of different heights. This study was reviewed by the LAHD noise consultant who concurred with the study's findings. Acoustical consultation was provided to the LAHD by an environmental acoustic specialist at Foster Wheeler Environmental Corporation. Resumes for this specialist, as well as other specialists from Foster Wheeler Environmental Corporation who provided consultation to the LAHD in the DEIR, are included in the FEIR.
- 26-82 The opinion of Roy F. Weston Inc., on the nature of sea containers is noted. Please refer to Response 26-81. The 16 dBA is the noise reduction estimated for the use of sea containers. The LAHD's acoustical consultant, Tom Adams of Foster Wheeler Environmental Corporation, concluded the large internal air space between two metal walls of the sea containers will provide better noise attenuation than a single sheet of metal.
- 26-83 Hugo Neu-Proler performed laboratory studies which indicated addition of damping material to the back of the deflector plate would decrease noise levels by 6-11 dBA (Houten, 1993). As described in the DEIR (page 3.7-9), Hugo Neu-Proler field tested the feasibility of application of damping material to the back of the deflector plate. In the field test Hugo Neu-Proler's measurements found a reduction in noise level by 6-8 dBA.
- 26-84 The noise impacts have been determined to be insignificant and no additional mitigations are necessary.
- 26-85 Hugo Neu-Proler does not propose to change the current operating hours which are described on DEIR page 1-10. As noted on DEIR page 3.7-10, "The proposed project will lower the maximum noise levels while at the same time it will increase the number of days on which maximum noise levels occur. Using the significance criteria outlined in Section 3.7.2.1, the project will not produce a significant impact and no additional mitigation measures are necessary." With the improvements to the site, the maximum noise levels are not expected to result in violations of the L.A. City Noise Ordinance. As a part of the project, the noise levels are expected to decrease.
- 26-86 Please refer to Responses 26-73 through 26-85.
- The area surrounding the Hugo Neu-Proler facility is zoned for heavy industry (M3) and the noise produced from the operation is consistent with this zoning. As identified in the DEIR (3.7-8), the long-term noise levels will increase by only 1.4 dBA. This amount of increase is under the level of perceivability (Appendix D, page 4) and will not have a significant cumulative impact.

- 26-86A Please refer to Responses 26-73 through 26-85. The DEIR adequately discussed the proposed noise impacts (both project and cumulative) and found the impacts to be insignificant. No further mitigations are necessary.
- 26-87 The approach for the traffic analysis, in general, was to quantify the baseline traffic conditions then add the project-generated traffic to the baseline conditions to determine the project's impacts. As the baseline conditions included the traffic that is currently generated by the existing facility, the impact analysis focused on the net change that would occur as a result of the proposed expansion in operations. The philosophy behind this approach is that the site has a preestablished condition to the level of traffic that is currently being generated and that the impact would be the net increase that would occur if the lease is renewed. Even if the analysis were to be conducted with the philosophy that the existing site-generated traffic and the net increase in traffic from the proposed expansion were considered cumulatively as project traffic, as suggested in the comment, the conclusions of the analysis would be the same as cited in the DEIR.
- 26-88 If the construction traffic (maximum 160 vehicle trips per day for construction and/or remediation activities) were added to the level of traffic currently generated by the project (686 vehicle trips per day), the total volume of site-generated traffic would be 846 vehicle trips per day, which is less than the 954 trips per day projected for the operation of the expanded facility. The conclusion stated in the DEIR that the construction traffic would not result in a significant impact is still valid because the volume of traffic generated during construction is lower than the volume of traffic that would be generated during operation, which was found to be an insignificant impact. This conclusion is the same regardless of the approach used to measure the traffic increase; i.e., to consider the existing plus the incremental traffic increase. It is not accurate to add both the construction traffic and the incremental traffic increase from the expanded operations to the existing traffic volumes (as stated in the comment) because the expanded operations would not occur until the construction phase is completed.
- 26-89 The intersection analysis summarized on Table 3.6-6 of the DEIR represents the year at which the project would begin fully expanded operations (2000). As the volume of site generated traffic for the year 2000 is greater than the volume of site-generated traffic for any interim years prior to year 2000, the analysis addresses that time frame. This methodology complies with the City of Los Angeles guidelines for traffic impact studies. Furthermore, the traffic conditions used as the baseline scenario for the year 2000 considered cumulative increases in traffic that would result from the development of the related projects listed in Table 4 of the Traffic Study Special Report; but the analysis does not account for any traffic reductions that may occur as a result of the Terminal Island Container Transfer Facility (or any other rail project), nor does it assume that any physical improvements will have been made to the study area intersections. The only physical modification that was assumed in the analysis is that New Dock Street would be closed west of the project site, an assumption that does not reduce the conservatism of the traffic analysis. As the intersection analysis does not take credit for any traffic improvements associated with other projects (as mistakenly suggested in the comment), as the year 2000 represents the least desirable baseline conditions as compared to any of the interim years prior to 2000, and since the site-generated traffic for the year 2000 is projected to be greater than any of the interim years, the year 2000 analysis is actually conservative as it represents a reasonable worst case scenario.

- 26-90 Table 3.6-6 of the DEIR has typographical errors for the level of service designations in the last three rows of the 2000 Without Project column. The last three rows should be 0.903 E, 0.813 D, and 0.707 C, as depicted in the Traffic Study Special Report in Table 7. The table, with these corrections, indicates that the project would not result in a level of service change nor would it have a significant impact at any of the study area intersections. Furthermore, if the additive effects of the existing site-generated traffic and the projected increase were considered in determining the project's impacts, the analysis also indicates that there would be no significant traffic impacts, as explained in the Response to comment 26-87.
- 26-91 Page 3.6-21 of the DEIR states that there could be a cumulative impact if the construction of the Hugo Neu-Proler rail spur across New Dock Street occurred simultaneously with the construction of the TICTF. The intent of that discussion was to indicate that the construction of the rail spur would result in physical blockages on New Dock Street and that the resulting impacts could be significant if the blockage occurred during construction of the TICTF. Mitigation measures were presented in the DEIR for alleviating the impacts of rail construction; i.e., to construct the crossing on weekends, to maintain at least one lane in each direction, and to prevent parking along New Dock Street during construction. These measures will prevent a significant impact from occurring. It was not intended to imply that the combined traffic from the two projects would result in a significant impact from a traffic impact according to the City of Los Angeles guidelines. With regard to the cumulative impacts of the Alameda Corridor project, it is not anticipated that it would be under construction simultaneously with the construction of the Hugo Neu-Proler project as the target year for major construction is beyond the year 2000 with full completion and operation in 2010.
- 26-92 The Los Angeles County Congestion Management Program (CMP) requires a CMP analysis if a project is expected to add 50 or more peak hour trips to a designated CMP intersection or if a project is expected to add 150 or more directional trips to a freeway segment. As the CMP intersections nearest the project site are Pacific Coast Highway/Santa Fe Avenue in Long Beach, Gaffey/Ninth Street in San Pedro, and Pacific Coast Highway/Figueroa Street and Pacific Coast Highway/Alameda Street in Wilmington, the project would not add 50 trips to any one of these intersections even if the existing site-generated traffic were to be considered as part of the project's traffic impact. With regard to the freeway threshold, the project would not add 150 trips in one direction to any freeway link, as the expanded facility including existing site-generated traffic would generate a maximum of 114 peak hour trips in either direction. The project (as well as the traffic analysis) is, therefore, consistent with the CMP as stated in the DEIR, particularly since the CMP guidelines specify that an analysis shall consider the net increase in traffic and that a credit can be claimed if an existing land use is removed from operation.
- 26-92A Please refer to Responses 26-87 through 26-92.
- 26-93 The evaluation of potential toxics included the unusual step of conducting an extensive air monitoring program to collect and chemically analyze the toxic materials which could be attributed to Hugo Neu-Proler. The comment seems to agree that the DEIR and the Air Quality Special Study document the levels of toxics associated with the site. Each of the contaminants mentioned in the comment were included in the health risk assessment. While the impacts from air toxics were found to be insignificant, some elements of the project designed to address other issues will have a secondary effect of reducing the release of air toxics from the site (e.g. auto

shredder waste storage facility, perimeter walls, paving of unpaved areas).

- 26-94 The air toxics risks summarized in the DEIR in Tables 3.8-6 are not misleading. The risks which can be attributed to the "Existing Facilities", "Proposed Facilities", and "Change Due to Proposed Project" are clearly stated in the table. The significance criteria adopted by LAHD are modeled after those used by the SCAQMD in the Draft Environmental Impact Report, ARCO Los Angeles Refinery Clean Fuels Projects, February 1993, which consider only the increase of air toxics associated with the project increment. This approach is used consistently in the Hugo Neu-Proler document, please refer to Response 28-44.

In addition, the acute health index, driven primarily by lead, for the MEI is overestimated. The Acceptable Exposure Levels (AELs) recommended by CAPCOA are designed to protect the most sensitive individuals (e.g., children and the elderly) (DEIR Appendix B, Air Quality Special Study, page 27), not workers. The OSHA Permissible Exposure Limit (Time-Weighted Average for eight hours) for workers exposed to airborne lead is 50 ug/m³, 29 times greater than the level predicted by the model for the MEI location.

Finally, in calculating the Acute Hazard Index (HI), the Acute AEL for lead that was used at the time of analysis was done was based on the state standard for a 30-day average. In the October 1993 CAPCOA Risk Assessment Guidelines, lead was essentially removed from the Acute HI calculation because it was recognized that it is inappropriate to compare hourly lead concentrations to a 30-day standard and because there was no appropriate AEL for acute exposure to lead. If lead is removed from the Acute HI calculation for this project, then there is no threat of exceeding the Acute HI of 1 from even the overly conservative scenario of existing plus future project operations.

- 26-95 The DEIR demonstrates there will not be a significant impact from air toxics (DEIR Section 3.8).

The assessment of potential public health impacts (DEIR Section 3.8) from the project focuses on the long term (operational) emissions of particulates and associated contaminants from the site. The primary construction activities at the site involve remediation; Hugo Neu-Proler intends to use existing on-site equipment for the remediation activities and other construction (DEIR page 3.3-13). As may be seen in DEIR Table 3.3-9, nearly all of the construction emissions result from the use of on-site mobile equipment. Operational emission estimates are based on the maximum use of all available equipment. If Hugo Neu-Proler removes a piece of equipment from operations and uses it for remediation, our conservative assumption is that it will continue to be used at the maximum rate and there will be no difference in the estimated emissions of particulate matter and hence contaminants from the site. The use of worst case operational emissions in the public health risk assessment is, therefore, representative of the planned operation and construction (including remediation) activities.

In addition, the remediation effort will comply with the requirements of Cal/OSHA regulations (DEIR page 3.8-15) and SCAQMD regulations. This will include a Site Health and Safety Plan developed to protect on-site workers from hazards associated with the remediation efforts and dust control measures.

- 26-96 SCAQMD Rule 1401, referred to in the comment, applies to new, relocated, or

modified permit units. The permit unit in this case is the shredder, which is not new or to be relocated, and it will not require modification and therefore does not fall under Rule 1401.

- 26-97 Risks to public health were found to be insignificant; therefore the suggested mitigation measures are unnecessary.
- 26-98 Please refer to Response 26-96.
- 26-99 The opinion of Roy F. Weston Inc., concerning alternatives to the project is noted. Also, please refer to Responses 26-39 and 26-41. Health risks were found to be insignificant (DEIR page 3.8-7 through 3.8-13). During the efforts to comply with the RWQCB's Cleanup and Abatement Order (DEIR page 3.4-8), Hugo Neu-Proler evaluated the use of chemical additives for dust control and rejected them as not effective.
- 26-100 The proper management of auto shredder waste outdoors and the construction of the auto shredder waste storage structure will reduce the potential for fires by removing the material from open storage and isolating it from potential ignition sources (DEIR page 3.8-6). Currently, the waste comes off from the processing equipment and is stored next to this equipment in the open. With the improvements, the waste will be removed from the proximity of the processing equipment and be stored in a covered three-sided structure.
- 26-100A Please refer to Response 26-93 through 26-98. The DEIR found the air toxics impacts from project to be insignificant, therefore, mitigation measures for air toxic impacts are not required.
- 26-101 Routine preventive maintenance of equipment, including oil changes and hydraulic fluid changes, which account for the vast majority of the wastes generated by maintenance and repair activities, will continue at approximately current levels. The comment is probably correct in that certain repair activities may increase marginally as facility throughput increases. However, these repair activities will not generate significant amounts of hazardous waste, and the impacts will also be insignificant because all such wastes are disposed of at licensed off-site facilities.
- If maintenance dredging takes place, the RWQCB will stipulate the requirements for sediment analysis and disposal during its permitting process.
- 26-102 Please refer to Responses 26-74, 26-76, 26-79, 26-81 through 26-86, and 28-49.
- 26-103 The opinion of Roy F. Weston Inc., is noted. The DEIR found no significant impacts from particulate emissions from the facility (Section 3.3.2.2). Also, please refer to Responses 26-47 and 26-53.
- 26-104 Please refer to Responses 26-35, 28-6, and 28-52.
- 26-105 Please refer to Responses 26-102 through 26-104.
- 26-106 The conclusions of Roy F. Weston Inc., are noted. Since the conclusions recapitulate the comments, see the responses to the Roy F. Weston Inc. comments above.

- 26-107 The conclusions of Roy F. Weston Inc., are noted. Since the conclusions recapitulate the comments, see the responses to the Roy F. Weston Inc. comments above.
- 26-108 The conclusions of Roy F. Weston Inc., are noted. Please refer to Responses 28-78 through 28-81, 28-83 and 28-84.
- 26-109 The Notice of Preparation and the DEIR were sent to all appropriate federal, state, and local agencies concerned with the project. The impacts identified by Roy F. Weston, Inc., were found to be insignificant. None of the agencies which received the DEIR disagreed with the findings of the DEIR.
- 26-110 Please refer to Response 28-12.

LETTER 27: Reznik & Reznik

- 27-1 The public review period was extended by seven calendar-days. Additional comments were submitted during the extended period (see letter 28).

LETTER 28: Reznik & Reznik

- 28-1 Hiuka's opinion that the facility is "heavily contaminated" is noted. Soil and groundwater quality and contamination are discussed, among other places, in Section 3.2 of the DEIR. The Baseline Risk Assessment ("BRA") determined that "exposures to site-related chemicals are not associated with substantial human health risks" and that "no significant impacts on marine life would be expected" under existing conditions, and "concluded that no remediation is currently needed to adequately protect the public health" and the environment. BRA page ES-3 through ES-5. Nevertheless, the project includes remediation of soil and groundwater to further reduce the risk to human health and the environment, and to comply with the terms of the MOU between Hugo Neu-Proler and LAHD.
- 28-2 Hugo Neu-Proler's current lease provides, with certain exceptions, that, "to the satisfaction of the City, [Hugo Neu-Proler] shall at its own expense remove, neutralize or dissipate on site any contaminants from the premises." The DEIR describes such contamination and the proposed remediation (DEIR pages 3.2-1 through 3.2-16).
- 28-3 Soil remediation will commence at the same time — upon approval of the Remedial Action Plan by the RWQCB and the Port — regardless of whether the lease is renewed (DEIR p. 3.2-15). The property will be remediated as quickly as possible in light of the necessity to integrate the remediation effort into ongoing operations. The only other option would be for Hugo Neu-Proler to cease operations completely for up to a year or more to remediate the site. Such an action would threaten not only the jobs of the current Hugo Neu-Proler employees, but the viability of the company's operations as its suppliers are forced to go elsewhere to export their product. This would not meet the project objectives. Even with integration of the remediation with the operations of the site, disruption of the facility's operation during the remediation is expected. This, in and of itself, is incentive for Hugo Neu-Proler to complete the remediation as quickly as possible. It is anticipated that remediation would be completed within two years if the lease is not renewed and

within five years if the lease is renewed. Modifications associated with the proposed expansion will lessen potential adverse environmental impacts. Please refer to Responses 28-1 and 28-5.

- 28-4 Comment from Reznik & Reznik noted. No change in the DEIR is necessary.
- 28-5 The Hugo Neu-Proler bulkloader and associated equipment are described in the DEIR (pages 1–11) and include dust and spillage suppression measures (pans, covers, curtains, spill plates and a water spray system). The modification of the bulkloader will include the expansion of the existing dust control system (DEIR page 1-15). Noise damping material will also be added to the structure (DEIR page 3.7-9).
- 28-6 Existing storm water management practices involve collection and treatment pursuant to, and in compliance with, the State General Industrial Activities Storm Water Permit and the Storm Water Pollution Prevention Plan (SWPPP) (DEIR, page 1–12). The proposed storm water collection and treatment system is described on page 1–16 of the DEIR and in Section 3.4. The proposed system includes a storm water collection system with approximately 1.5 million gallons of capacity and a 400 gallon per minute storm water treatment unit and will not discharge untreated storm water into the Harbor or into the storm drains and will discharge treated stormwater only pursuant to an NPDES permit. The pollution prevention measures identified in the SWPPP and the storm water monitoring program are described on DEIR pages 3.4–7 and 3.4–8.
- 28-7 Shredding operations are an integral part of Hugo Neu-Proler's metal recycling export facility, which is a water-dependent use, dating back to 1962.
- 28-8 Please refer to Responses 28-1 and 28-3.
- 28-9 The proposed remediation of the site is discussed in the DEIR (pages 1-16, 1-17, 3.2-14, and 3.2-15 as well as other areas of the DEIR). Pursuant to the Memorandum of Understanding between the Port and Hugo Neu-Proler, Hugo Neu-Proler is required to implement a remedial action plan to remediate any hazardous concentrations of contaminants at the site under the direction and oversight of a lead agency (the RWQCB) to levels below “(a) hazardous waste threshold levels as said defined under state and federal regulations, provided contamination levels in excess of said regulatory levels may be left on the premises if certified in writing by the California Department of Toxic Substances Control as being nonhazardous; and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP, to protect human health and the environment consistent with Tidelands Trust purposes. Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD and would be performed whether or not the lease is renewed for continued use of the site by Hugo Neu-Proler” (DEIR page 3.8-3 and 3.8–4). Please refer to Response 28-1 and 28-3.
- 28-10 Hugo Neu-Proler has been the recipient of violation notices issued by regulatory agencies and has moved to remedy reported violations as discussed in DEIR Hydrology/Water Quality/Oceanography Section 3.4.1.3 on page 3.4-8 and Public Health and Safety Section 3.8.1 on page 3.8-3. Several project elements have been identified, DEIR pages 1–6 and 1–15 through 1–16, as being critical to the plan to assure Hugo Neu-Proler's long-term compliance with regulations.

An objective of the proposed project is to remediate soil and groundwater

contamination at the facility to acceptable regulatory levels. In a Memorandum of Understanding (MOU) with the LAHD, (discussed in DEIR pages 3.2-14), Hugo Neu-Proler has agreed to proceed with remediation of the site under the direction and oversight of the RWQCB to levels below: "(a) hazardous waste threshold levels as said defined under state and federal regulations..... and (b) contamination levels that are demonstrated through a risk assessment process as part of a RAP [Remedial Action Plan], to protect human health and the environment consistent with Tidelands Trust purposes." Restoration and remediation of the site will be performed in accordance with a RAP approved by the RWQCB and the LAHD.

In addition to the MOU with LAHD, Hugo Neu-Proler has entered into a cost recovery program agreement with the RWQCB, where the RWQCB assumed the role of lead agency for the site investigation and remediation. Any remediation plan executed at the site will meet the requirements of the RWQCB and be protective of public and environmental health. If Hugo Neu-Proler fails to comply with the direction of the RWQCB, Hugo Neu-Proler can be issued an enforcement order by the RWQCB. Also, under the terms of the MOU, \$10 million has been placed in an escrow account by Hugo Neu-Proler to fund the remediation of the site.

28-11 Comments from Reznik & Reznik are noted. No change in the DEIR is necessary.

28-12 Contrary to the assertions of Reznik & Reznik on behalf of Hiuka, documents mentioned in the DEIR were available for review during the comment period (and are still available for review), at the offices of the Port of Los Angeles, 425 South Palos Verdes Street, San Pedro. Public notices of the availability of the DEIR were published in the Los Angeles Times, the Long Beach Press-Telegram, and the San Pedro News-Pilot on May 25, 1995. Notice of the availability of the DEIR was provided directly to Hiuka on May 26, 1995. On June 1, 1995, Weston, also representing Hiuka, obtained copies of the DEIR and technical appendices and the following technical report -- Port of Los Angeles/Hugo Neu-Proler Air Quality Special Study Volume I: Methods and Results. On June 29, 1995, Weston made a verbal request for "unrestricted access" to Port files. Weston was asked to submit a written request for documents and information, consistent with normal Port procedures. Weston submitted a written request for a broad range of information and documents on July 10, 1995. On July 13, 1995, the Port made all readily accessible documents available for review by Weston, and promised to gather, review, and make all other non-privileged and non-proprietary information available to Weston within 20 days. Weston did not take the opportunity to review the material that was made immediately available.

Hiuka has been represented by counsel in these CEQA proceedings since at least August 1993, when Hiuka filed comments on the Notice of Preparation. Hiuka retained Weston to review technical data relating to the Hugo Neu-Proler site at least as early as January 1995, when Weston approached the Port on behalf of Hiuka to request certain general information relating to the remedial action plan process. Weston scheduled an appointment for February 9, 1995, to come to the LAHD and discuss the Hugo Neu-Proler project. The representative of Weston never kept the February 9, 1995, appointment.

Hiuka thus had ample opportunity to obtain the RAP, the Storm Water Pollution Prevention Plan, and all other documents relied upon or referred to in the DEIR. Instead, Hiuka chose to wait until the last week of the comment period to submit a written request for this information, and request an extension of the comment period.

The LAHD granted a seven calendar-day extension of the comment period. In addition, the public notice announcing the availability of the DEIR was published five days before the "official" start of the public comment period. Thus, the DEIR and supporting documents were available for public inspection a total of 57-days, 12 more than the 45-days required by statute.

- 28-13 Comment of Reznik & Reznik noted. No change in the DEIR is necessary.
- 28-14 Please refer to Responses 26-2, 28-1, 28-3, 28-9, and 28-10.
- 28-15 Please refer to Responses 26-2, 28-1, 28-3, 28-9, and 28-10. The assessment of potential impact of the release of diesel fuel on the groundwater is still ongoing under the direction of the RWQCB (DEIR page 3.2-3).
- 28-16 Please refer to Response 28-6.
- 28-17 Reznik & Reznik is correct that the project will have significant air impacts even after mitigation (see DEIR Section 3.3). All feasible mitigation measures will be implemented (see DEIR Section 3.3). The opinion of Reznik & Reznik regarding additional unspecified mitigation measures is noted. Please refer to Responses 26-60, 26-61, 26-62, and 28-7.
- 28-18 The potential for airborne toxic emissions is discussed in Sections 3.3 and 3.8 of the DEIR. The opinion of Reznik & Reznik is noted. Please refer to Responses 26-95, 26-96, and 26-97.
- 28-19 The project will decrease noise levels from existing operations and the resulting noise levels will not result in significant impacts (DEIR Section 3.7). Please refer to Response 26-78.
- 28-20 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted. With respect to the comment regarding availability of the RAP and the SWPPP, please see Response 28-12 above.
- 28-21 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted.
- 28-22 Odor impacts are discussed on page 3.3-18 of the DEIR and measures to control odors are discussed on pages 3.3-11 and 3.3-12. Reznik & Reznik does not specify what "technical analysis" they believe should support the DEIR analysis.
- 28-23 Acoustical consultation was provided to the LAHD by an environmental acoustic specialist, Tom Adams, at Foster Wheeler Environmental Corporation. This consultant, in addition to performing an acoustical study (Appendix D), evaluated the noise study performed by Hugo Neu-Proler's consultants. The conclusions of the DEIR are based on his analysis. Resumes for this specialist, as well as other specialists from Foster Wheeler Environmental Corporation, who provided consultation to the LAHD in the DEIR, are included in the FEIR. Please refer to Responses 26-78 and 26-81.
- 28-24 As stated in the DEIR, wind entrainment of metallic particles from material storage is not expected to increase because the scrap piles are not expected to increase in size. (DEIR page 3.3-15). Fugitive emissions from increased scrap handling are expected to increase and are addressed and quantified on the same page of the DEIR as material

storage emissions.

- 28-25 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted.
- 28-26 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted. The comment regarding soil and groundwater remediation has been addressed. Please refer to Responses 28-9 and 28-15.
- 28-27 The DEIR analyzes a reasonable range of alternatives, as required by CEQA (DEIR Section 4.2). The opinion of Reznik & Reznik regarding the adequacy of the DEIR alternatives analysis is noted.
- 28-28 The opinion of Reznik & Reznik regarding the adequacy of the mitigation measures described in the DEIR is noted. This comment does not define what is meant by a "highly suspect" or "unsatisfactory" mitigation measure.
- 28-29 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted.
- 28-30 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted. No change in the DEIR is necessary. The opinion of Hiuka, reported by Reznik & Reznik, regarding the adequacy of the DEIR is noted. With respect to the comment regarding availability of the RAP and the SWPPP, please see Response 28-12.
- 28-31 The opinion of Hiuka, reported by Reznik & Reznik, regarding the adequacy of the DEIR is noted.
- 28-32 The opinion of Hiuka, reported by Reznik & Reznik, regarding the adequacy of the DEIR is noted.

The legal authority cited by Reznik & Reznik is noted.

The DEIR provides sufficient information on the characterization of the soils, the range of soil quantities which will be remediated, and three likely cleanup options to be employed for site cleanup.

First, there are sufficient site specific data to characterize the range of soil and groundwater contaminants, their general concentration, and their general distribution. This information is summarized in the text, maps, and tables presented in DEIR pages 3.2-1 through 3.2-12.

Second, on page 3.2-14, the DEIR provides worst case assumptions used to determine the quantities of soil which will need to be remediated.

Third, on page 3.2-15, the DEIR describes three likely cleanup options. Schedules for remediation were also provided. The DEIR thus provides a basis for evaluation of potential impacts related to soil cleanup activities.

EIR Section 1 provides a complete project description. The setting and existing facilities are described on DEIR pages 1-1 through 1-13. Pages 1-13 through 1-20 provide information on proposed changes to processing units and facilities, including a description of all new facilities and equipment as well facility upgrades and equipment replacement. Changes in future operations are covered in DEIR Section 1.5.3. A project schedule is provided on DEIR page 1-20. Also, please refer to

Responses 28-9, 28-14, 28-15, and 28-36.

- 28-33 The comment that Weston was “effectively denied access to LAHD records regarding the HNP site” and that “the LAHD has failed to make this document available for review” is incorrect and misleading. As described in Responses 28-12, and 28-20 above, Weston waited until the last week of the comment period to specify the information sought, even though Weston was apparently retained by Hiuka as early as January of 1995 to investigate planned activities at the Hugo Neu-Proler site. Weston had scheduled an appointment for February 9, 1995, to come to the LAHD and discuss the Hugo Neu-Proler project but failed to keep the appointment. Please refer to Response 28-32.
- 28-34 The legal authority cited by Reznik & Reznik is noted.
- 28-35 Please see Responses 26-35, 26-36, 28-6, 28-12, 28-71, and 28-73.
- 28-36 The free phase hydrocarbon investigation and associated workplan are both described in the DEIR (DEIR Section 3.2, page 3.2-3). The Free Phase Hydrocarbon Investigation Workplan was explicitly made available for review by Weston immediately following their request in the last week of the comment period. Please refer to Response 28-12.
- 28-37 The DEIR project description is located in Section 1 and includes a detailed map of proposed operations (DEIR page 1-5), the specific timetable for implementing project activities (DEIR page 1-20), and adequate descriptions of all existing processing units and facilities and all proposed changes to these units and facilities.
- 28-38 The opinion of Reznik & Reznik regarding the adequacy of the mitigation measures described in the DEIR is noted.
- 28-39 The legal authority cited by Reznik & Reznik is noted.
- 28-40 The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted. As discussed above in Response 28-12, the Port did not refuse to allow timely access to its records.
- 28-41A The opinion of Reznik & Reznik regarding the adequacy of the DEIR is noted. The DEIR was prepared in accordance with the requirements of CEQA and properly evaluated the potential impacts posed by the project.
- 28-41 The opinion of Reznik & Reznik regarding the adequacy of the DEIR, and the legal authority cited, are noted.
- 28-42 The comment correctly points out that there are typographic errors in Tables 3.3-4, 3.3-6 and 3.3-7. The typographical errors did not affect the total emissions quantified in these tables (see Appendix B), and therefore did not affect the DEIR analysis and conclusions regarding air quality. The typographical errors are corrected in the Final EIR.
- 28-43 Please refer to 28-44. The DEIR concluded that the project has unavoidable significant adverse air quality impacts for some criteria pollutants (ROG, CO, and NOx). These criteria pollutants were found to exceed significance levels as given in the SCAQMD “CEQA Air Quality Handbook”. Because the SCAQMD generally

allows a significance determination to be made based on Emission Thresholds, it is not true that the SCAQMD “always” requires air dispersion modeling where a screening significance threshold is exceeded, as is misstated in Comment 26-48. Dispersion modeling of these pollutants is not usually employed merely because pollutants were projected to exceed significance thresholds. Dispersion modeling was used to predict the concentrations of PM₁₀ from the project for the purposes of evaluating air toxic impacts, since the air quality special study correlated metal and PCB contaminants with PM₁₀ (DEIR pages 3.8-7, 3.8-8, and Appendix B).

Air dispersion modeling for contaminants other than PM₁₀ was not conducted. No modeling was done for criteria pollutants since this is required only under SCAQMD Regulation XIII covering New Source Review. New Source Review applies to new permit units and modifications to existing permit units. The project includes neither new permit units nor modifications to existing permit units, and therefore Regulation XIII, and New Source Review criteria do not apply.

- 28-44 Both the baseline and the incremental emissions are discussed in DEIR (pages 3.3-10 through 3.3-18). Hugo Neu-Proler has operated at the site since 1962 and could continue to operate on a month-to-month basis. The City CEQA guidelines (Article VII 1(a)) clearly indicate that continued operation of a previously approved project without change in type or intensity of use is an exempt activity. The impact from the increased activity at the site is the proper focus of the impact analysis. Accordingly, the facility’s current operations are properly included in the baseline and are not subject to approval.

Emissions from project operation, construction (including remediation), and future operation are discussed in Section 3.3. Analysis of construction and operational impacts follows guidance provided in the “CEQA Air Quality Handbook” (South Coast Air Quality Management District, April 1993). That document, in Section 6.4, page 6-4, states that for construction impacts “...the procedure for determining significance is different than that for a project’s operational impacts.” The SCAQMD CEQA Handbook states that “construction and operation related emissions should be considered separately.” Construction and operational air quality impacts have different significance criteria and cannot be added (page 9-15). The DEIR follows this guidance, and utilizes the suggested significance criteria, the results of which are summarized in DEIR Table 3.3-9.

- 28-45 Please refer to Response 28-44.

- 28-46 Please refer to Response 26-94. In addition, SCAQMD Rule 1402 sets the action level for an existing facility’s Acute Hazard Index at 5, and therefore an existing facility such as Hugo Neu-Proler does not have to implement measures to reduce the risk caused by its emissions unless the Acute Hazard Index is 5 or greater.

- 28-47 Please refer to Response 28-44.

- 28-48 As indicated in the DEIR (page 3.6-15), the blockage of New Dock Street during train switching movement will be brief (two minutes, twice-a-day) and along the access road to the Hugo Neu-Proler facility, one westbound lane and one eastbound will remain open. The two-minute delay in traffic will result in an inconsequential increase in vehicle emissions.

- 28-49 This comment misconstrues the DEIR noise analysis. Existing shiploading

operations increase background noise levels by 7–9 dBA (DEIR page 3.7–5). However, the DEIR also states that damping material on the deflector plate will reduce shiploading noise levels by 6–8 dBA (DEIR page 3.7–9). The overall effect of this and other noise reduction measures discussed in the DEIR will be an overall noise reduction from existing levels (DEIR page 3.7–9).

Similarly, the noise levels detected on the deck of the Cherokee are noise levels from existing operations. The project will result in a reduction in these levels and full compliance with the City ordinance.

Peak hourly levels are described in the DEIR (page 3.7-5) and in Appendix D “Noise Special Study”. The noise ordinance in the Los Angeles Municipal Code primarily bases its consideration on the presumed minimum ambient noise level (Section 111.03). The presumed minimum ambient noise level is based on an averaging time of at least 15 minutes. As such, the hourly peak decibels have no bearing on the presumed ambient noise level except that they are included in the noise averaging. The significance criteria follow the LAMC and considers ambient noise levels.

Finally, the impulsive noises measured at levels above the City ordinance average limits, are taken into consideration in the levels established by the ordinance. As the DEIR states, the normal heavy industrial limit of 70 dBA is lowered by 5 dBA to 65 dBA for the Hugo Neu-Proler shiploading operation due to the impulsive nature of shiploading noise (DEIR page 3.7–1). The ordinance does not differentiate between day and night in its minimum ambient noise level.

28-50 Please refer to Response 26-87.

28-51 Please refer to Response 26-92.

28-52 The comment quotes DEIR page 1–12 which is a description of the storm water management practices for the existing facility. The proposed storm water collection and management system is described on DEIR page 1–16. The proposed system includes a storm water collection system with approximately 1.5 million gallons of capacity and a 400 gallon per minute storm water treatment unit, and will not result in discharge of untreated storm water into the Harbor or into the storm drains.

28-53 The project is located in a heavy industrial zone with no residential, public, recreational or tourist areas within 800 feet. The proposed site of Bannings Landing is over one-half mile away from the project location. There is no need to relocate this land use.

28-54 The shredding operation is an integral part of Hugo Neu-Proler’s metal export facility, which is a water-dependent use. The project includes improvements to shredder waste storage areas (DEIR 1-15, 3.8-13, and 3.8-14).

28-55 Alternative locations and designs for the project were considered in the DEIR process and are discussed in Section 4.

28-56 Both the baseline and the incremental increase in traffic are discussed in DEIR (Section 3.6). Hugo Neu-Proler has operated at the site since 1962 and could continue to operate, under the terms of the current lease, on a month-to-month basis. The City CEQA guidelines (Article VII 1(a)) clearly indicate that continued operation of a previously approved project without change in type or intensity of use is an

exempt activity. The impact from the increased activity at the site is the proper focus of the impact analysis.

- 28-57 Both the baseline and the incremental emissions are discussed in DEIR (pages 3.3-10 through 3.3-18). Hugo Neu-Proler has operated at the site since 1962 and could continue to operate, under the terms of the current lease, on a month-to-month basis. The City CEQA guidelines (Article VII 1(a)) clearly indicate that continued operation of a previously approved project without change in type or intensity of use is an exempt activity. The impact from the increased activity at the site is the proper focus of the impact analysis.

Analysis of construction and operational impacts follows guidance provided in the "CEQA Air Quality Handbook" (South Coast Air Quality Management District, April 1993). That document, in Section 6.4, page 6-4, states that for construction impacts "...the procedure for determining significance is different than that for a project's operational impacts." The SCAQMD CEQA Handbook states that "...construction and operation related emissions should be considered separately" (page 9-15). Construction and operational air quality impacts have different significance criteria and cannot be added. The DEIR follows this guidance, and utilizes the suggested significance criteria, the results of which are summarized in DEIR Table 3.3-9.

- 28-58 The opinion of Reznik & Reznik regarding recommended mitigation measures is noted.
- 28-59 The opinion of Reznik & Reznik regarding the adequacy of the DEIR mitigation measures is noted.
- 28-60 The opinion of Reznik & Reznik regarding the adequacy of the evidence supporting the conclusions in the DEIR, and the legal authority cited, are noted.
- 28-61 Please refer to Response 26-81.
- 28-62 The size of storage piles will not change; however, emissions associated with material dumping into piles and material movement with on-site equipment will both increase under the projected worst-case project. These emission increases have been accounted for as shown in the calculations provided in Table A-1 of DEIR Appendix B. The calculation of storage pile emissions followed the methodology given in the SCAQMD CEQA Handbook, Appendices to Chapter 9.
- 28-63 The odors described in this comment were a result of 1987 fires within the auto shredder waste piles (DEIR page 3.3-12). Hugo Neu-Proler instituted procedures to prevent this problem and it has not recurred since 1987 (DEIR page 3.3-12). The project proposes further improvement in auto shredder waste handling, which will further reduce the risk of any such odors. The only other odors expected from the project are intermittent exhaust fumes from mobile sources, which are endemic to industrial areas (DEIR 3.3-11).
- 28-64 Individual impacts were analyzed for all feasible alternatives in DEIR Section 4. Each of the alternatives identified were evaluated as to whether they would attain the basic objectives of the proposed project, whether they would be technically feasible, and whether they could possibly offer environmental advantages over the proposed project. To construct and operate a Hugo Neu-Proler site within the Port of Long Beach would entail the same types and the same or greater levels of impact on the

environment.

Please refer to Response 28-3

- 28-65 Contrary to the assertion in this comment, the DEIR considers the potential impacts on human health and the environment in appropriate sections of the DEIR (DEIR Section 3). These potential impacts specifically include potential impacts from lead, PCBs and the other contaminants found at the site (DEIR, Appendix B, page 26; DEIR Section 3.2).
- 28-66 The opinion of Reznik & Reznik regarding the adequacy of the evidence supporting the conclusions in the DEIR, and the legal authority cited, are noted.
- 28-67 The opinion of Reznik & Reznik regarding technical consistency of the DEIR, and the legal authority cited, are noted.
- 28-68 The comment correctly identifies a typographical error on DEIR page 5-1. The correct term for the lease is 30 years as stated on DEIR pages ES-1 and 1.1.
- 28-69 The project is clearly defined in Section 1 of the DEIR to include lease renewal, site remediation, and facility improvements. The comment does not specify which project references in Section 3 are inconsistent with this definition. However, the Project Description in Section 1 governs, and no incomplete reference to the project in any other section is intended to, or should be interpreted to, suggest that the scope of review should be correspondingly limited.
- 28-70 These statements are not inconsistent. Page 1-10 of the DEIR lists operating hours for normal operation and 24-hour operations during ship-loading. Although the frequency of ship-loading may increase depending upon the demand for scrap metal, the daily hours of operation will not change.
- 28-71 There will be three stormwater retention basins at the facility. Two will be new and the third is currently located near the proposed location of stormwater treatment unit.
- 28-72 Routine preventive maintenance of equipment, including oil changes and hydraulic fluid changes, which account for the vast majority of the wastes generated by maintenance and repair activities, will continue at approximately current levels. The comment is probably correct in that certain repair activities may increase marginally as facility throughput increases. However, contrary to the assertion in the comment, these repair activities will not generate significant amounts of hazardous waste, and the impacts will also be insignificant because all such wastes are disposed of at licensed off-site facilities.
- 28-73 There is no inconsistency between the quoted statement that the SWPPP will insure that construction activities do not have a significant impact on biota and habitats and the SWPPP implementation schedule. The SWPPP implementation schedule shows implementation beginning immediately upon project approval and continuing for five years (DEIR page 1-19 and Table 3.3-8). Many of the SWPPP measures, which include regrading, paving and berming, (DEIR page 3.4-7), are already in place, but some of the regrading and paving measures cannot be completed until the soil remediation is completed. However, temporary regrading and berming measures will be used during the construction period to avoid any significant impacts to biota and habitats. Please refer to Response 28-6.

- 28-74 The cited statement from DEIR page 3.5-7 regarding “no adverse effects” clearly and expressly refers only to “sensitive plants and animals” on site. There are no sensitive plants or animals on site, so there can be no adverse impacts. As the comment points out, the DEIR identifies potential impacts to offsite biota and habitats, but concludes that they will be insignificant.
- 28-75 The comment is incorrect in asserting that the DEIR fails to address PCB presence at the site. First, site remediation will address all hazardous constituents present at the site to protect human health and the environment (DEIR Section 3.2 and 3.8). Second, the auto shredder waste storage improvements will reduce any impact from PCBs in shredder waste (DEIR Section 3.8). Third, regulations banning the production of PCB-containing equipment will reduce the amount of PCB-containing waste entering the Hugo Neu-Proler facility (DEIR page 3.3–18).
- 28-76 Please refer to Responses 28-68 through 28-75. The opinion of Reznik & Reznik regarding technical consistency of the DEIR, and the legal authority cited, is noted.
- 28-77 The opinion of Reznik & Reznik regarding consideration of alternatives in the DEIR, and the legal authority cited, are noted. Please refer to Response 28-27.
- 28-78 Please refer to Response 28-27. The comment states that the DEIR attributes fewer environmental impacts to No Facility/Operation Modification alternative than to the proposed project, “but still unreasonably rejects this alternative with little technical justification.” However, it is clear that this alternative will have roughly the same overall environmental impact as the proposed project. For example, the DEIR concludes that noise impacts would be greater under this alternative, total air emissions would be lower, and all the rest would be about the same: geology, soil, groundwater, hydrology, water quality, oceanography, biota, habitat, public health, safety, public services, energy, utilities, waste management, recreation, visual resources, population and housing. See DEIR pp. 4–4 through 4–6. The DEIR certainly does not “acknowledge[] that this alternative would result in fewer environmental impacts” as the comment claims.
- 28-79 Please refer to Response 28-27. As the comment suggests, the impacts of the facility capacity expansion component of the project are identified and discussed in the DEIR and can be weighed by the decision maker separately from the other components of the proposed project. With regard to the draft EIRs cited in the comment, the Wickland Oil and Shell Mormon Island projects involve facility modifications and expansion of the facility. In the cases of the other projects, the proponents did not request an expansion of use or capacity.
- 28-80 Please refer to Responses 28-3 and 28-27. This additional hybrid alternative, which merely affects the timing of the project components, is also an option available to the LAHD and could be implemented on the basis of this DEIR. However, the remediation of the site will have a disruptive effect on the normal operation of the facility. This will preclude the attainment of the full expansion of the facility’s throughput until sometime after the completion of the remediation and installation of the improved stormwater control system.
- 28-81 Alternative use of this site was considered and found to be infeasible. Since this site is waterfront property zoned for heavy industrial use, and such sites are at a premium within the Port, any alternative use is likely to involve heavy industrial activity (DEIR

page 4–7). Since many of the "impacts of the project stem from the heavy industrial nature" of the project, as the comment states, an alternative use is likely to have similar heavy industrial impacts during operations, and much greater impacts during construction because this project is proposed for an existing facility.

- 28-82 Please refer to Response 28-27. Shredding operations are an integral part of Hugo Neu-Proler's recycled metal export facility, which is a water-dependent use. Relocation of the shredder would increase the number of truck trips associated with movement of shredded material within the South Coast Air Basin and increase air emissions of the project. The impacts of the auto shredder component of the project are identified and discussed in the DEIR and can be weighed by the decision maker separately from the other components of the proposed project.
- 28-83 Please refer to Response 28-27. This additional hybrid alternative is also an option available to the LAHD and could be implemented on the basis of this DEIR. It is the LAHD practice, however, to allow tenants a lease term which allows them to amortize major investments in facility improvements or cleanup over a long time period. Five years is not considered an adequate time period for this purpose given the extensive improvements included in the project.
- 28-84 Please refer to Response 28-27. Relocation of the facility to an alternative site, including those sites suggested in the comment, was considered and found to be infeasible (DEIR Section 4.3).
- 28-85 Please refer to Response 28-27.
- 28-86 The opinion of Reznik & Reznik regarding the adequacy of the DEIR mitigation measure analysis, and the legal authority cited, are noted.
- 28-87 Please refer to Responses 26-47, 28-43, and 28-44. The DEIR did properly analyze and address the air quality emissions from the project and concluded that the project has unavoidable significant impacts even after mitigation measures. A statement of overriding considerations will be prepared for this project.
- 28-88 Pursuant to the Port policy, all feasible measures to limit operations emissions at the project site were incorporated into the proposed project (DEIR page 3.3–19). For example, an auto shredder residue storage facility, new diesel and gasoline storage tanks, dust suppression equipment and procedures, and load inspection procedures are all part of the proposed project (DEIR Section 1). The fact that these measures are incorporated into the project, rather than being construed as mitigation measures, has no impact on their ability to reduce air emissions. The DEIR concludes that there will be unavoidable significant adverse air quality impacts from the project (DEIR page 3.3–20).
- 28-89 Please refer to Responses 28-87 and 28-88. It is not clear why Reznik & Reznik describes low NOx engines, alternative fuels and electrification of construction equipment "limited and highly-questionable." These measures are part of the 1994 Air Quality Management Plan approved by the SCAQMD.
- 28-90 Please refer to Responses 26-74, 26-76, 26-79, 26-81 through 26-86, and 28-49.
- 28-91 The opinion of Reznik & Reznik regarding the adequacy of the DEIR mitigation measure analysis, and the legal authority cited, are noted. Please refer to Responses

28-88 and 28-89.

- 28-92 The comment claims that the DEIR "demonstrates that Hugo Neu-Proler has discharged contaminated stormwater into the harbor which has resulted in significant quality impacts." However, DEIR page 3.4-7, the reference cited in support of this comment states only that "the facility was not able to collect and store all of the storm water" produced during record rainfall events during January and February 1993, and "was forced to discharge storm water to the storm drain." This does not suggest that significant water quality impacts have occurred from stormwater discharge. The opinion of Reznik & Reznik regarding the adequacy of the storm water control and treatment system is noted. Please refer to Response 28-6.
- 28-93 The opinion of Reznik & Reznik regarding the adequacy of the DEIR mitigation measure analysis, and the legal authority cited, are noted.
- 28-94 The opinion of Reznik & Reznik regarding the adequacy of the DEIR data are noted. Please refer to Response 26-1 and 28-1.
- 28-95 The opinion of Reznik & Reznik regarding the adequacy of the DEIR data, and the legal authority cited, are noted.
- 28-96 Please refer to Responses 28-43.
- 28-97 The opinion of Reznik & Reznik regarding the identification of significant impacts, and the legal authority cited, are noted.
- 28-98 The opinion of Reznik & Reznik regarding the adequacy of agency consultation is noted. As the DEIR indicates (DEIR page 7-1), the RWQCB, the Department of Toxic Substances Control, the California Air Resources Board, the South Coast Air Quality Management District and numerous other agencies were consulted in connection with the DEIR.
- 28-99 The opinion of Reznik & Reznik regarding the timing of remediation is noted. With respect to the comments regarding environmental threats during implementation of remediation, please refer to Responses 28-6 and 28-73. Please refer to Responses 28-1 and 28-3.
- 28-100 The opinion of Reznik & Reznik regarding the analysis of cumulative impacts, and the legal authority cited, are noted.
- 28-101 The schedule for the maintenance dredging has not been set and can occur at any time during the 30 year lease period. As such the cumulative impacts of simultaneous dredging can not be estimated since the amount of dredging at any particular time period in the next 30 years can not be estimated. However, all dredging within the Port of Los Angeles or Long Beach are done under permit from the RWQCB (please refer to Responses 30-4) with such conditions that the RWQCB believes necessary for the protection of water quality. Adherence to these permit conditions will prevent significant cumulative impacts from simultaneous dredging projects.
- 28-102 The opinion of Reznik & Reznik regarding the analysis of cumulative impacts on biota, are noted. The cumulative impacts are discussed in their relevant sections of the DEIR.

- 28-103 The opinion of Reznik & Reznik regarding the analysis of cumulative impacts, and the legal authority cited, are noted.
- 28-104 The opinion of Reznik & Reznik and the legal authority cited, are noted.
- 28-105 The conclusions of Reznik & Reznik are noted. Since the conclusions recapitulate the comments, see the responses to the Reznik & Reznik comments above.

LETTER 29: San Pedro Peninsula Homeowners United, Inc.

- 29-1 Comment noted. No change in DEIR necessary.

LETTER 30: California Regional Water Quality Control Board, Los Angeles Region

- 30-1 Comment noted and change made in the DEIR.
- 30-2 If the lease is not renewed and groundwater remediation requires more than two years, the ongoing remediation effort will be coordinated with any redevelopment of the site to insure the remediation is carried forward to completion.
- 30-3 The last paragraph on DEIR page 3.4-9 will be modified to reflect the need for a General Construction Activity Stormwater Permit for construction activities.
- 30-4 Comment noted, dredging at the site will comply with the conditions set forth in any Waste Discharge Requirements issued by the RWQCB.

SECTION 3

CHANGES AND CORRECTIONS TO THE DEIR

This section of the FEIR presents all of the changes and modifications that have been made to the DEIR. These changes have been made for the purpose of correcting and clarifying information contained within the DEIR.

All changes noted in this section are referenced to the DEIR Section, page number, paragraph number, and line number. Minor table and figure changes, and errata have been included in this section.

CHANGES AND CORRECTIONS

DEIR

Page Number

- | | |
|--------|---|
| 2-3 | Under the heading California Regional Water Quality Control Board, Los Angeles Regions, the following should be added to the end of the first sentence, "... and for reuse of treated soil onsite or disposal offsite in California." |
| 2-10 | Table 2.2-1, Item 18, Status should be "Approved Project". |
| 3.1.17 | Section 3.1.2.2., first paragraph should read, "In addition to a 30-year lease renewal ..." |
| 3.1.18 | Section 3.1.4., Delete the line that reads "There are no mitigation measures available beyond those required by federal, state, and local building codes." |
| 3.1.18 | Section 3.1.4.1., should read, "None" |
| 3.1.18 | Section 3.1.4.2., should read, "None, impact significant." |
| 3.2-13 | Section 3.2.2.2.1, first paragraph, second sentence should read, "Construction activities would occur during the first few years of the 30 year lease term." |
| 3.2-13 | Section 3.2.2.2.2, first paragraph, sixth sentence should read, "... petroleum hydrocarbons, and organic chemicals into the soil and groundwater at the site." |
| 3.3-18 | Section 3.3.2.2.2, under Air Toxics, last second sentence should read, "... and is discussed in Section 3.8 Public Health and Safety ." |
| 3.3-18 | Section 3.3.2.2.2, under AQMP Consistency the second sentence should read. "... is consistent with the 1994 AQMP ...". |
| 3.3-20 | Section 3.3.4.1, third bullet item should read "Encourage use of low-NOx engines, innovative technologies, alternative fuels, and electrification of equipment when feasible and use these technologies as selection criteria for purchase of new equipment." |

- 3.4-9 Section 3.4.2.2., fifth paragraph has been modified to add the following after the four sentence, "In addition , HNPC will be required to obtain a General Construction Activity Stormwater Permit for construction activities."
- 3.7-6 Section 3.7.2.1, first bullet item should read, " ... (see Table 3.7-1),"
- 3.8-4 Section 3.8.1, first paragraph, last sentence should read, "...RAP approved by the RWQCB and LAHD would be performed whether or not the lease is renewed for continued use of the site by HNPC."
- 3.8-5 Table 3.8-2, in the matrix box corresponding to "Frequency - Periodic" and "Consequence-Severe" the number three (3) should be changed to the number two (2).
- 5-1 Section 5, first paragraph, second sentence should read " ... use of the site for 30 years ..."

Table 3.3-4 Summary of Existing HNPC Fugitive Emissions

Source	<i>Emissions (lb/day)</i>	
	ROG	PM ₁₀
Wind Erosion from Storage Piles		6.0
Material Movement w/Heavy Duty Equipment (Dozers)		43.5
Material Dumping into Piles		3.7
Bulkloader		0.3
Truck and Mobile Equipment Dust		52.0
Fuel Storage Tanks	0.4	—
Total	0.4	105.5

Table 3.3-6 Summary of Existing HNPC Mobile Source Exhaust Emission

Source	<i>Emissions (lb/day)</i>				
	ROG	CO	NO _x	SO _x	PM ₁₀
On-site Mobile Equipment	156	667	1534	142	94
Ship Emissions	77	264	703	1058	129
Trucks (Delivery)	36	382	106	9	13
Trucks (Shipping)	6	68	19	2	2
Employee Vehicles	14	151	11	1	1
TOTAL	289	1532	2373	1212	239

Table 3.3-7 Summary of Emissions from Existing Operations

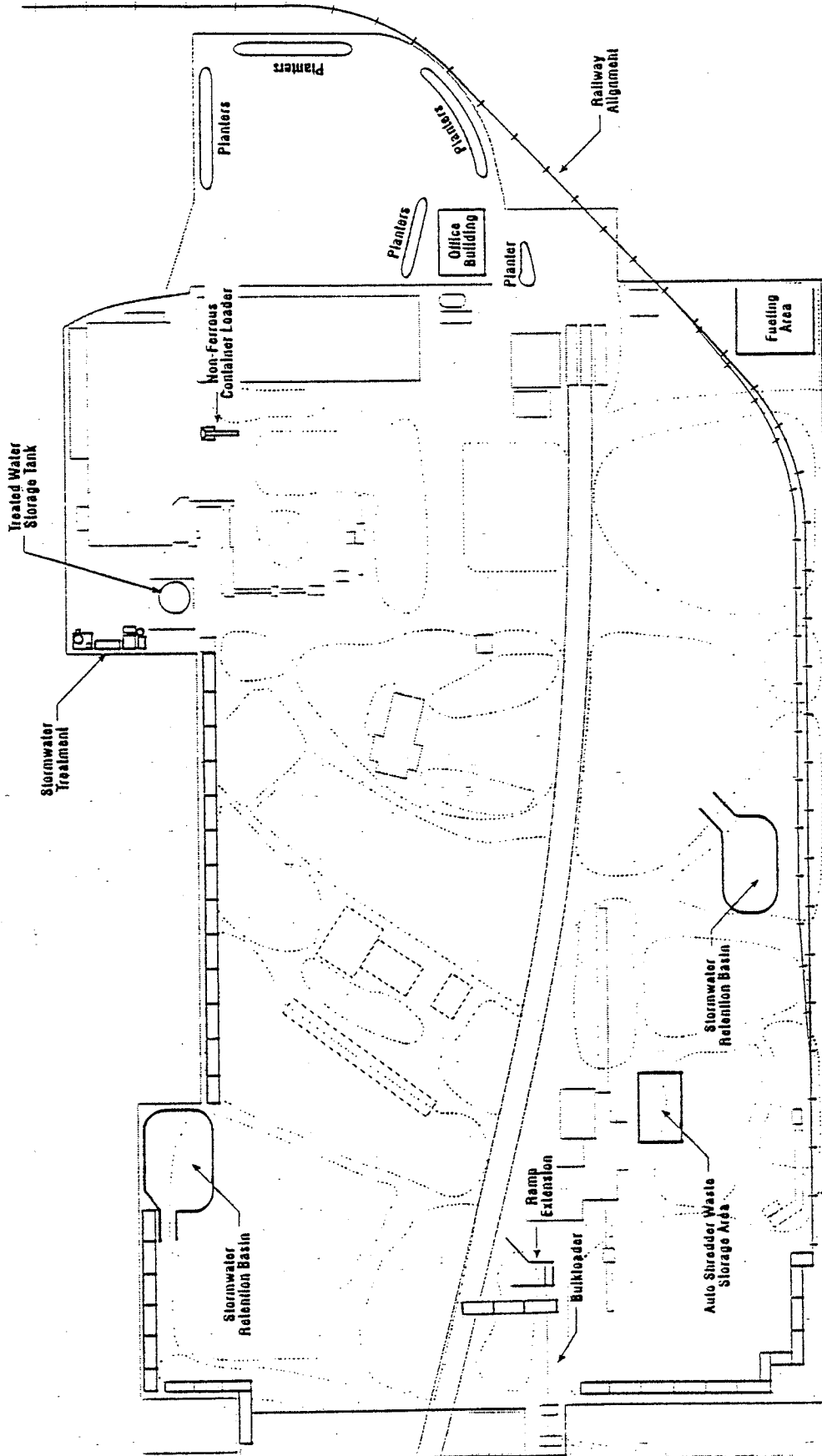
Source	Emissions (lb/day)				
	ROG	CO	NO _x	SO _x	PM ₁₀
Fugitive Emissions	0.4				105.5
Point Source Emissions	292	0.9	5.1	0.5	2.8
Mobile Source Exhaust Emissions	289	1532	2373	1212	239
TOTAL	581	1533	2378	1213	347

TABLE 3.6-6

PROJECT IMPACT ON INTERSECTION LEVELS OF SERVICE

Intersection	V/C Ratio & Level of Service				Project Impact
	Existing Conditions	2000 Ambient	2000 Without Project*	2000 With Project*	
New Dock St./Site Access					
AM Peak Hour	0.177 A	0.189 A	0.204 A	0.210 A	0.006
PM Peak Hour	0.143 A	0.153 A	0.169 A	0.176 A	0.007
New Dock St./H. Ford Ave.					
AM Peak Hour	0.213 A	0.228 A	0.269 A	0.281 A	0.012
PM Peak Hour	0.317 A	0.339 A	0.373 A	0.384 A	0.011
New Dock St./ H. Ford Bridge					
AM Peak Hour	0.145 A	0.155 A	0.179 A	0.183 A	0.004
PM Peak Hour	0.147 A	0.157 A	0.203 A	0.206 A	0.003
Seaside Ave./Toll Plaza					
AM Peak Hour	0.673 B	0.720 B	0.735 C	0.737 C	0.002
PM Peak Hour	0.567 A	0.607 A	0.621 B	0.622 B	0.001
Ocean Blvd./H. Ford Ave.					
AM Peak Hour	0.500 A	0.535 A	0.619 B	0.626 B	0.007
PM Peak Hour	0.523 A	0.560 A	0.625 B	0.631 B	0.006
Ocean Blvd./T.I. Fwy.					
AM Peak Hour	0.667 B	0.714 B	0.922 E	0.923 E	0.001
PM Peak Hour	0.772 C	0.826 D	0.903 E	0.904 E	0.001
Ocean Blvd./Gate 3					
AM Peak Hour	0.744 C	0.796 C	0.813 D	0.814 D	0.001
PM Peak Hour	0.632 B	0.676 B	0.707 C	0.708 C	0.001

* Includes ambient growth and the cumulative impact of other proposed development.



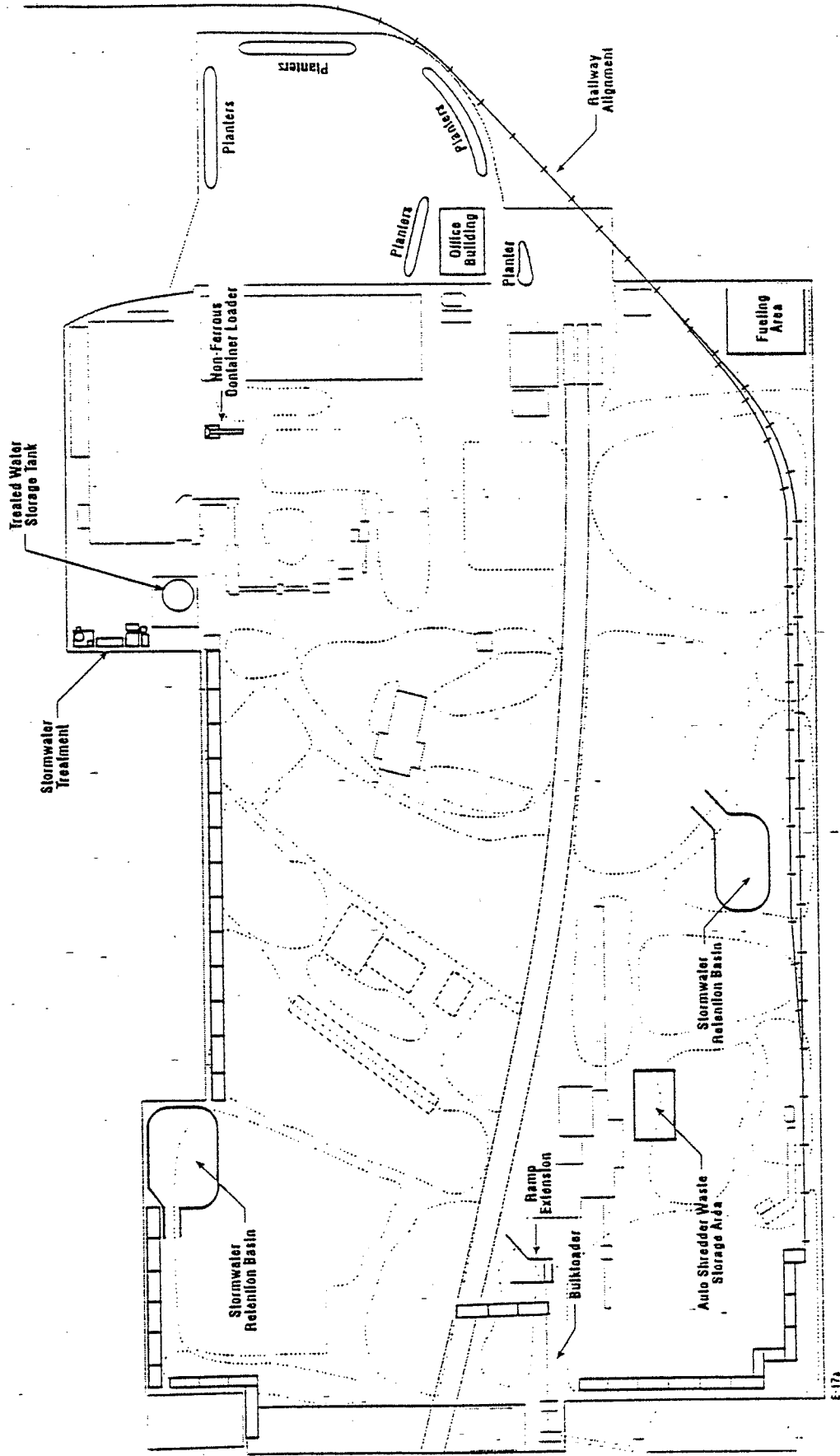
E-17a

Los Angeles Harbor Department
 Hugo New-Proler Lease Renewal
 Environmental Impact Report

Figure ES-3

Proposed Site Modifications





E-17a

Figure 1.1-4

Proposed Site Modifications



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

1011 N. GRANDVIEW AVENUE
GLENDALE, CA 91201
(818) 551-2800



March 6, 1996

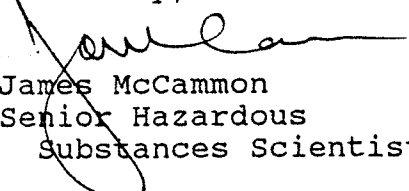
Mr. Aspet Chater
Hugo New Proler
901 New Dock Street
Terminal Island, CA 90731

Dear Mr. Chater:

Enclosed is the fully executed Stipulation and Order which settles the outstanding Enforcement Order, Docket number HWCA 94/95-071.

Please note that the Stipulation and Order was signed by the Department on March 1, 1996. This date becomes the effective date of the Order, and starts the clock for the payments required by this Order.

Sincerely,


James McCammon
Senior Hazardous
Substances Scientist

Enclosure

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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5 In the Matter of:) Docket HWCA 94/95-071
6 Hugo Neu-Proler Company)
901 Dock Street) STIPULATION AND ORDER
7 Terminal Island, CA 90731) Health and Safety Code
EPA ID No. CAL000032134) Section 25187
8 Respondent.)
9

10
11 The State Department of Toxic Substances Control
12 (Department) and Hugo Neu-Proler Company (Respondent) enter into
13 this Stipulation and Order (Order) and agree as follows:

14 1. A dispute exists regarding past violations alleged
15 in the Enforcement Order issued by the Department on August 28,
16 1995. (Attached as Exhibit 1.)

17 2. The parties wish to resolve all issues arising
18 from the outstanding Enforcement Order.

19 3. Jurisdiction exists pursuant to Health and Safety
20 Code (HSC) section 25187.

21 4. Respondent waives any right to a hearing in this
22 matter.

23 5. This Order shall constitute full settlement of the
24 violations alleged in the Enforcement Order, but does not limit
25 the Department from taking appropriate enforcement action
26 concerning other violations.

27 6. Respondent does not admit or deny, for purposes of
28 settlement, the allegations made in the Enforcement Order.

1 7. The Department has reviewed testing results from
2 an independent laboratory, and has confirmed that Hugo Neu-Proler
3 is not currently out of compliance with the law with respect to
4 the violations alleged in the original order.

5 8. Respondent is forthwith prohibited from
6 discharging auto shredder waste directly onto the ground, whether
7 or not the ground is covered with concrete pavement, unless and
8 until all waste has been satisfactorily treated to non-hazardous
9 levels. For purposes of determining adequacy of treatment,
10 Respondent may: 1) rely on the Department of Health Services
11 waste classification letter dated February 21, 1986, provided
12 that the present waste stream conforms in all significant
13 respects to the waste stream addressed in the letter; or, 2) rely
14 on other applicable laws and requirements. Respondent shall
15 sample quarterly, at the facility, and furnish to the Department
16 for a period of two years, the results of laboratory analyses in
17 accordance with testing protocols stipulated in the Waste
18 Discharge Requirements issued by the California Regional Water
19 Quality Control Board, for the destination landfill, or defined
20 in Section 2, Chapter 1483, Statutes of 1987.

21 9. In the event Respondent does not treat the auto
22 shredder waste to non-hazardous levels, or otherwise does not
23 comply with the sampling and testing protocols as set forth
24 hereinabove, Respondent shall place all auto shredder waste into
25 appropriate storage containers, pending shipment of the waste to
26 an authorized disposal facility, in compliance with all laws and
27 regulations governing storage, transportation and disposal of
28 hazardous waste.

1 10. For purposes of paragraph 9, above, Hugo Neu-
2 Proler may use an enclosed storage structure in lieu of
3 individual containers. Such structure shall comply with all
4 requirements for the management of hazardous waste, and shall be
5 subject to approval by the Department during the pendency of this
6 order.

7 11. Submittals: All submittals from Respondent
8 pursuant to this Order shall be sent simultaneously to:

9
10 Mr. Scott Simpson, Chief
11 Statewide Compliance Division
12 Department of Toxic Substances Control
13 245 West Broadway, Suite 350
14 Long Beach, California 90802-4444

15
16 Ms. Ann Tsuda
17 Division Chief
18 Hazardous Waste Program
19 5825 Rickenbacker Road
20 Commerce, California 90040

21 Mr. James Ross
22 Unit Chief
23 Regional Water Quality Control Board
24 101 Centre Plaza Drive
25 Monterey Park, California 91754-2156

26 12. Communications: All responses and decisions of
27 the Department made regarding such submittals and notifications
28 shall be communicated to Respondent in writing by a Branch Chief,
Department of Toxic Substances Control, or his/her designee. No
informal advice, guidance, suggestions, or comments by the
Department regarding reports, plans, specifications, schedules,
or any other writings by Respondent shall be construed to relieve
Respondent of its obligation to obtain such formal approvals as
may otherwise be required.

13 13. Liability: Nothing in this Order shall constitute

1 or be construed as a satisfaction or release from liability for
2 any conditions or claims arising as a result of past, current, or
3 future operations of Respondent, except as provided in this
4 Order. Notwithstanding compliance with the terms of this Order,
5 Respondent may be required to take further actions as are
6 necessary to protect public health or welfare or the environment.

7 14. Site Access: For the purpose of ensuring
8 compliance with this Order, Respondent agrees to provide access
9 to the facility at all reasonable times to employees of the
10 Department to collect samples in the event Respondent fails to
11 provide samples pursuant to Section 8, above. Except as
12 provided above, nothing in this Order is intended to limit in any
13 way the right of entry or inspection that any agency may
14 otherwise have by operation of any law.

15 15. Sampling, Data, and Document Availability:
16 Respondent shall permit the Department and its authorized
17 representatives to inspect and copy all sampling, testing,
18 monitoring, and other data generated by Respondent or on
19 Respondent's behalf in any way pertaining to work undertaken
20 pursuant to this Order. Respondent shall allow the Department
21 and its authorized representatives to take duplicates of any
22 samples collected by Respondent pursuant to this Order.

23 16. Government Liabilities: The State of California
24 shall not be liable for injuries or damages to persons or
25 property resulting from acts or omissions by Respondent or
26 related parties specified in paragraph 19 in carrying out
27 sampling activities pursuant to this Order, nor shall the State
28 of California be held as a party to any contract entered into by

1 Department of Toxic Substances Control, and shall be delivered
2 together with the attached Payment Voucher to:

3 Department of Toxic Substances Control
4 Accounting Office
5 400 P Street, 4th Floor
6 P. O. Box 806
7 Sacramento, California 95812-0806

8 A photocopy of the check shall be sent:

9 To: Mr. Scott Simpson, Chief
10 Statewide Compliance Division
11 Department of Toxic Substances Control
12 245 West Broadway, Suite 350
13 Long Beach, California 90802-4444

14 To: P. Charles Peterson
15 Office of Legal Counsel
16 Department of Toxic Substances Control
17 400 P Street, 4th Floor
18 P. O. Box 806
19 Sacramento, California 95812-0806

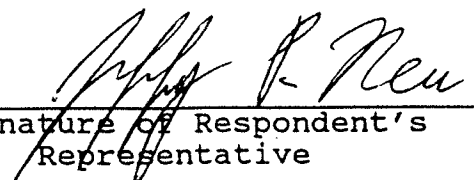
20 22. Effective Date: The effective date of this Order
21 is the date it is signed by the Department.

22 23. Integration: This agreement constitutes the
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1 entire agreement between the parties and may not be amended,
2 supplemented, or modified, except as provided in this agreement.

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Dated: February 28, 1996



Signature of Respondent's
Representative


Jeffrey P. Neu

Typed or Printed Name

General Manager

Title of Respondent's
Representative

Dated: 3/1/96



Scott Simpson, Chief
Statewide Compliance Division
Department of Toxic Substances
Control

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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In the Matter of:) Docket NO. HWCA 94/95-071
)
Hugo Neu-Proler Company) ENFORCEMENT ORDER
901 New Dock Street)
Terminal Island, CA 90731)
EPA ID NO. CAL000032134) Health and Safety Code
) Section 25187
Respondent.)
_____)

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Hugo Neu-Proler Company (Respondent).

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 901 New Dock Street, Terminal Island, California 90731.

1.3. Permit/Interim Status. On November 13, 1991 Hugo Neu-Proler Company sent to the Department a notification of its intent to operate a Transportable Treatment Unit under Permit by Rule.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code (HSC) authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

EXHIBIT 1

1 DETERMINATION OF VIOLATIONS

2
3 2. The Department has determined:

4 2.1. The Respondent violated California Health and
5 Safety Code (HSC), section 25201(a), in that on or about
6 April 24, 1994, Respondent operated a hazardous waste "storage
7 facility" as this term is defined in HSC, section 25123.3(b)(6),
8 without a permit or other form of authorization from the
9 Department, to wit: coarse and fine auto shredder fluff was
10 stored on the cracked concrete pavement and allowed to accumulate
11 in waste piles.

12 2.2. The Respondent violated Title 22, California Code
13 of Regulations (CCR), section 66265.251, in that on or about
14 April 24, 1994, Hugo Neu-Proler Company failed to cover or
15 otherwise manage a pile of hazardous waste such that dispersal by
16 the wind could be controlled, to wit: coarse and fine auto
17 shredder fluff was ejected from the Metals Recovery Unit onto the
18 cracked concrete pavement and allowed to accumulate in large
19 uncovered piles that were not otherwise managed to control wind
20 dispersal.

21 2.3. The Respondent violated Title 22, CCR, section
22 66265.253, in that on or about April 24, 1994, Hugo Nue-Proler
23 (1) stored hazardous waste in a pile on a cracked concrete
24 pavement, (2) failed to construct and maintain a run-on and
25 run-off control system; and (3) failed to protect the pile from
26 precipitation.
27

1
2
3 SCHEDULE FOR COMPLIANCE

4 3. Based on the foregoing DETERMINATION OF VIOLATIONS,
5 IT IS HEREBY ORDERED THAT:

6 3.1. Within thirty (30) days of receipt of this Order,
7 Respondent shall cease all "storage facility" activities.

8 3.2. Immediately upon receipt of this Order,
9 Respondent shall cease and desist from creating any additional
10 hazardous waste piles.

11 3.3. Submittals. All submittals from a Respondent
12 pursuant to this Order shall be sent to:

13 Mr. Scott Simpson, Chief
14 Statewide Compliance Division
15 Department of Toxic Substances Control
16 245 West Broadway, Suite 350
17 Long Beach, California 90802-4444

18 Ms. Ann Tsuda
19 Division Chief
20 Hazardous Waste Program
21 5825 Rickenbacker Road
22 Commerce, California 90040

23 Mr. James Ross
24 Unit Chief
25 Regional Water Quality Control Board
26 101 Centre Plaza Drive
27 Monterey Park, California 91754-2156

3.4. Communications. All approvals and decisions of
the Department made regarding submittals and notifications will
be communicated to Respondent in writing by the Branch Chief,
Department of Toxic Substances Control, or his/her designee. No
informal advice, guidance, suggestions, or comments by the
Department regarding reports, plans, specifications, schedules,

1 or any other writings by Respondent shall be construed to relieve
2 Respondent of the obligation to obtain such formal approvals as
3 may be required.

4 3.5. Department Review and Approval. If the
5 Department determines that any report, plan, schedule, or other
6 document submitted for approval pursuant to this Order fails to
7 comply with the Order or fails to protect public health or safety
8 or the environment, the Department may:

9 a. Modify the document as deemed necessary and approve
10 the document as modified, or

11 b. Return the document to Respondent with recommended
12 changes and a date by which Respondent must submit to the
13 Department a revised document incorporating the recommended
14 changes.

15 3.6. Compliance with Applicable Laws: Respondent
16 shall carry out this Order in compliance with all local, State,
17 and federal requirements, including but not limited to
18 requirements to obtain permits and to assure worker safety.

19 3.7. Endangerment during Implementation: In the event
20 that the Department determines that any circumstances or activity
21 (whether or not pursued in compliance with this Order) are
22 creating an imminent or substantial endangerment to the health or
23 welfare of people on the site or in the surrounding area or to
24 the environment, the Department may order Respondent to stop
25 further implementation of this Order for such period of time as
26 needed to abate the endangerment. Any deadline in this Order
27 directly affected by a Stop Work Order under this section shall

be extended for the term of the Stop Work Order.

1 3.8. Liability: Nothing in this Order shall
2 constitute or be construed as a satisfaction or release from
3 liability for any conditions or claims arising as a result of
4 past, current, or future operations of Respondent.
5 Notwithstanding compliance with the terms of this Order,
6 Respondent may be required to take further actions as are
7 necessary to protect public health or welfare or the environment.

8 3.9. Site Access: Access to the site shall be
9 provided at all reasonable times to employees, contractors, and
10 consultants of the Department, and any agency having
11 jurisdiction. Nothing in this Order is intended to limit in any
12 way the right of entry or inspection that any agency may
13 otherwise have by operation of any law. The Department and its
14 authorized representatives shall have the authority to enter and
15 move freely about all property at the Site at all reasonable
16 times for purposes including but not limited to: inspecting
17 records, operating logs, and contracts relating to the Site;
18 reviewing the progress of Respondent in carrying out the terms of
19 this Order; and conducting such tests as the Department may deem
20 necessary. Respondent shall permit such persons to inspect and
21 copy all records, documents, and other writings, including all
22 sampling and monitoring data, in any way pertaining to work
23 undertaken pursuant to this Order.

24 3.10. Data and Document Availability. Respondent
25 shall permit the Department and its authorized representatives to
26 inspect and copy all sampling, testing, monitoring, and other
27

1 data generated by Respondent or on Respondent's behalf in any way
2 pertaining to work undertaken pursuant to this Order. Respondent
3 shall allow the Department and its authorized representatives to
4 take duplicates of any samples collected by Respondent pursuant
5 to this Order. Respondent shall maintain a central depository of
6 the data, reports, and other documents prepared pursuant to this
7 Order. All such data, reports, and other documents shall be
8 preserved by Respondent for a minimum of six years after the
9 conclusion of all activities under this Order. If the Department
10 requests that some or all of these documents be preserved for a
11 longer period of time, Respondent shall either comply with that
12 request, deliver the documents to the Department, or permit the
13 Department to copy the documents prior to destruction.
14 Respondent shall notify the Department in writing at least six
15 months prior to destroying any documents prepared pursuant to
16 this Order.

17 3.11. Government Liabilities: The State of California
18 shall not be liable for injuries or damages to persons or
19 property resulting from acts or omissions by Respondent or
20 related parties specified in paragraph 3.16 in carrying out
21 activities pursuant to this Order, nor shall the State of
22 California be held as a party to any contract entered into by
23 Respondent or its agents in carrying out activities pursuant to
24 the Order.

25 3.12. Additional Enforcement Actions: By issuance of
26 this Order, the Department does not waive the right to take
27 further enforcement actions.

1 3.13. Incorporation of Plans and Reports. All plans,
2 schedules, and reports that require Department approval and are
3 submitted by Respondent pursuant to this Order are incorporated
4 in this Order upon approval by the Department.

5 3.14. Extension Request: If Respondent is unable to
6 perform any activity or submit any document within the time
7 required under this Order, the Respondent may, prior to
8 expiration of the time, request an extension of time in writing.
9 The extension request shall include a justification for the
10 delay.

11 3.15. Extension Approvals: If the Department
12 determines that good cause exists for an extension, it will grant
13 the request and specify in writing a new compliance schedule.

14 3.16. Penalties for Noncompliance: Failure to comply
15 with the terms of this Order may also subject Respondent to
16 costs, penalties, and/or punitive damages for any costs incurred
17 by the Department or other government agencies as a result of
18 such failure, as provided by HSC section 25188 and other
19 applicable provisions of law.

20 3.17. Parties Bound: This Order shall apply to and be
21 binding upon Respondent, and its officers, directors, agents,
22 employees, contractors, consultants, receivers, trustees,
23 successors, and assignees, including but not limited to
24 individuals, partners, and subsidiary and parent corporations,
25 and upon the Department and any successor agency that may have
26 responsibility for and jurisdiction over the subject matter of
27 this Order.

3.18. Compliance with Waste Discharge Requirements:

1 Respondent shall comply with all applicable waste discharge
2 requirements issued by the State Water Resources Control Board or
3 a California regional water quality control board.
4

5 PENALTY
6

7 4. Based on the foregoing DETERMINATION OF VIOLATIONS,
8 the Department sets the amount of Respondent's penalty
9 at \$ 45,000.00. Payment is due within 30 days from the effective
10 date of the Order. Respondent's check shall be made payable to
11 the Department of Toxic Substances Control, and shall identify
12 the Respondent and Docket Number, as shown in the heading of this
13 case. Respondent shall deliver the penalty payment to:

14 Department of Toxic Substances Control
15 Accounting Office
16 400 P Street, 4th Floor
17 P. O. Box 806
18 Sacramento, California 95812-0806

19 A photocopy of the check shall be sent to:

20 Scott Simpson, Chief
21 Statewide Compliance Division
22 Department of Toxic Substances Control
23 245 West Broadway, Suite 350
24 Long Beach, California 90802-4444

25 RIGHT TO A HEARING
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27 5. You may request a hearing to challenge the Order.
28 Appeal procedures are described in the attached statement to
29 Respondent.

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EFFECTIVE DATE

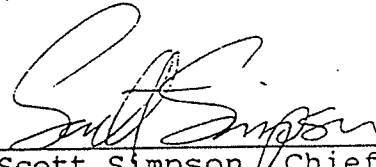
6. This Order is final and effective fifteen days from the date it is served on you, unless you request a hearing within the fifteen-day period.

TIME PERIODS

7. "Days" for purposes of this Order means calendar days.

Date of Issuance

8/28/95



Scott Simpson, Chief
Statewide Compliance Division
Department of Toxic Substances
Control

SECTION 4

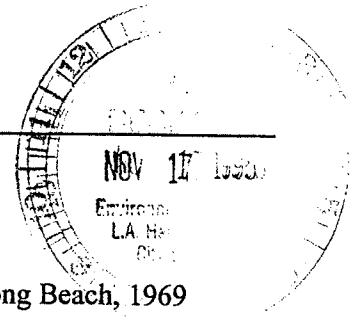
RESUMES OF FOSTER WHEELER ENVIRONMENTAL CORP. PERSONNEL

This section of the FEIR presents the resumes of some of the consultants who participated in the drafting of the EIR.

DWIGHT R. MUDRY, Ph.D.
Consulting Scientist
Foster Wheeler Environmental Corporation

Years Experience FWENC 12 Other 11

Education Ph.D., Biology, University of Calgary, 1972
M.A., Biology, California State University at Long Beach, 1969
B.S., Zoology, California State University at Long Beach, 1967



Summary of Experience

Dr. Mudry has 23 years of direct experience in environmental sciences including field surveys, analysis, and impact assessment, with 15 years of direct experience and management of multidisciplinary environmental, earth sciences, and engineering teams for resource development and environmental and hazardous waste projects.

Selected Project Experience

Dr. Mudry is responsible for conducting and managing multidisciplinary environmental studies associated with: major industrial and resource development projects; coal, biomass, and gas fired power plants; coal mine development and mining operations; hydroelectric facilities: cogeneration facilities; and, road, pipeline, and transmission lines. He provides senior technical support in the areas of power plant siting and impact assessment, biology, and aquatic ecology. His project experience includes preparation of Environmental Assessments, Initial Studies, Environmental Impact Reports and Impact Statements under CEQA, NEPA, and World Bank guidelines. Dr. Mudry's experience includes projects in Canada, Nepal, and Pakistan, as well as California and other parts of the US.

Eastern Transportation Corridor- Orange County, California

Acting Mitigation Manager responsible for coordinating and directing multidisciplinary staff monitoring all construction activities for a toll road in Orange County. The 23-mile toll road includes four major intersections, approximately 50 bridges or other structures, and 29 sensitive stream crossings. The project location includes foothill and mountain terrain with chaparral and coastal sage scrub habitat as well as agricultural lands. Monitoring includes: verification that project plans for protection of biological, archaeological, paleontological, and other resources have been implemented; evaluation of the effectiveness of sedimentation and erosion protection measures; continuous monitoring of impacts to sensitive species such as the California gnatcatcher and the cactus wren; implementation of mitigation programs for replacement of coastal sage scrub and wetlands; and, monitoring of clearing, grading, and other construction activities.

Jet Propulsion Laboratory - Environmental Risk Assessment

Responsible for coordination and preparation of a screening ecological risk assessment which is being prepared following guidelines of the California Department of Toxic Substances Control. The risk assessment is being conducted in support of the Remedial Investigations (RI) for groundwater, soil, and soil vapor contamination at the Jet Propulsion Laboratory (JPL) in Pasadena, California. The risk assessment will help to determine the potential ecological receptors, the potential contaminants of concern, and the potentially completed exposure pathways. The assessment will qualitatively evaluate the potential threat to non-human receptors posed by potential contaminants and site-specific activities.

Infrastructure Capital Group, LLC - Liberty Power Project, Pakistan

Conducted field investigations, directed local subcontractors, and prepared a draft Environmental and Social Soundness Assessment for a proposed 450 MW gas fired power plant to be located in northern Sindh Province of Pakistan. In addition to the power plant itself, the project also included construction of approximately 110 km of natural gas pipeline, a 7 km transmission line, a site access road, and a residential colony housing approximately 300 staff and support personnel. The draft report documents the affected environment, identifies potential adverse impacts, and proposes appropriate mitigation measures using the guidelines of the Government of Pakistan and the World Bank. Principal areas of environmental concern included pipeline construction through desert and agricultural lands, planned river crossings through sensitive riparian and aquatic habitats, air and water quality impacts, traffic impacts during construction, displacement of on-site residents due to project construction, and socio-economic impacts related to the operation of the facility.

Rio Linda Water District - Initial Study and Negative Declaration

Responsible for preparation of an Initial Study and Negative Declaration for proposed six mile pipeline through a residential and agricultural area to connect the Rio Linda Water District's existing water distribution system with the nearby Northridge Water District. Tasks included development of a project description and field evaluation of potential impacts to biological, cultural, traffic, noise, and land resources. Potential environmental impacts were assessed, mitigation measures were proposed, and a mitigation monitoring program was prepared. Prepared all CEQA documents and notices for the client, responded to comments on the Initial Study from the public and other agencies, and attended public hearings on the project.

Korean Electric Power Company (KEPCO) - Environmental Training Program

Principal instructor for two six-month training programs for environmental staff from the Korean Electric Power Company (KEPCO) working on the Samchonpo Units 5 and 6 and Taean Units 1 and 2. These two projects are coal fired facilities, each unit rated at 510 MW. Instruction focused on environmental issues in use of coal for power production, siting of coal fired power plants, evaluation of environmental impacts of coal fired power plants and supporting infrastructure, and development and application of mitigation measures and monitoring programs.

ARK Energy - Ethanol Plant and Cogeneration Plant Permitting

Project Manager responsible for preparation of an Application for Certification (AFC) for submission to the California Energy Commission for a proposed 148.5 MW cogeneration facility and associated ethanol manufacturing plant near Sacramento, CA. The Application included completion of baseline surveys, impact assessment and mitigation planning. Other documents prepared in support of various permit applications included: Soil and Erosion Control Plan, Wetlands Mitigation Plan, NPDES Application, and Deep Well Wastewater Disposal Application. Dr. Mudry managed a project staff of over 20 scientists and technical specialists, participated in public hearings, and cooperated with several state and local agencies during the review and permitting process.

Caltico Oil Corporation - Conditional Use Permit Application

Responsible for preparation of a Conditional Use Permit Application submitted to the City of Santa Clarita for development of the Confusion Hill oil field. The project consisted of 62 oil production wells and 28 steam and water injection wells and modification of existing oil and steam distribution pipeline systems. Approximately 50 old tanks and other equipment will be dismantled and removed. Special studies included biological surveys, archaeological surveys, noise assessment, and investigation of land use issues. An evaluation of potential impacts was completed using a CEQA Initial Study format.

Los Angeles County Internal Services Department - Supplemental EIR

Preparation of an Initial Study and Supplemental Environmental Impact Report for proposed West Los Angeles Courthouse. Tasks included traffic analysis, evaluation of potential impacts, and development of mitigation measures.

Carson Energy - Cogeneration Facility Permit Application

Responsible for preparation of a project description for a proposed 98 MW cogeneration facility and associated ice manufacturing plant near Sacramento, CA. Documentation was prepared to support a Small Power Plant Exemption (SPPE) to be submitted to the California Energy Commission.

Air Products and Chemicals, Inc. - Power Plant Siting and Permit Requirements

Prepared a review of all permit requirements required for siting a cogeneration project in California. The analysis identified and provided a discussion of permits which would be required for project of less than 50 MW, 50 100 MW, and greater than 100 MW. Several schedules of various permit scenarios were also provided.

Government of Nepal - Hydroelectric Project Environmental Assessment

Chief Environmentalist for an environmental assessment and mitigation planning for the 405 MW Arun III hydroelectric facility in north eastern Nepal. Selected by the World Bank as supervisor of an environmental team to provide impact assessment and mitigation planning for expected impacts of this major facility. Project facilities include: 90 meter high dam and impoundment; 10 km of tunnels; powerhouse; quarries; 125 km access road; transmission lines; and, company housing and other infrastructure. Special areas of concern include soil erosion, loss of agricultural land, impacts to migratory fish, and socio economic impacts including resettlement of people displaced by the project. Tasks included preliminary evaluation of potential impacts, identification of data needs, development of field data collection programs, direction of field programs, evaluation of potential impacts, mitigation planning, and write-up and editing of an environmental impact and mitigation report.

ARCO Oil and Gas Company - Conditional Use Permit Application and Initial Study

Responsible for preparation of a Conditional Use Permit Application and Initial Study submitted to the City of Santa Clarita for redevelopment of the Placerita oil field and modification of oil production facilities. The project consisted of 55 oil production wells and 44 steam and water injection wells, and modification of existing oil and steam distribution pipeline systems including 135,000 feet of new pipe. Special studies included biological surveys, archaeological surveys, and a noise impact assessment. An evaluation of potential impacts was completed using a CEQA Initial Study format.

Los Angeles County Department of Public Works - Negative Declaration

Prepared a Negative Declaration under CEQA for proposed San Gabriel Reservoir Sand and Gravel Removal Project. The project site is in the Los Angeles National Forest and includes the removal of accumulated sediment, sand, and gravel from the exposed portions of a reservoir. Site investigations included biological surveys, air quality impact assessment, noise surveys, traffic impact analysis, cultural resource surveys, and preparation of spill response and mitigation monitoring plans.

Modesto Irrigation District - Power Plant EIR

Responsible for preparation of an Initial Study, Draft and Final Environmental Impact Report (EIR), Mitigation Monitoring Plan, and supporting studies for a planned 49 MW gas fired power plant in Modesto, CA. The project required special attention to concerns related to storage and use of ammonia

and construction of natural gas pipelines. The EIR was certified and the project is now under construction.

Bonneville Pacific Corporation - Power Plant Initial Study

Responsible for preparation of a Conditional Use Permit application and an Initial Study for a proposed 46 MW cogeneration facility at the DuPont plant in Antioch, CA. Special studies included examination of cultural resources, wetlands, and noise.

Federal Energy Regulatory Commission - Natural Gas Pipeline EIS

Responsible for analysis of routing alternatives for two large gas pipelines planned for the New England area for the Federal Energy Regulatory Commission. Responsibilities included analysis of land use and physical and biotic parameters for use in an environmental impact report (EIR) prepared in compliance with the National Environmental Policy Act (NEPA).

California Energy Commission - Power Plant Siting and EIRs

Project Manager for staff review of the 200 MW Crockett Cogeneration Project Application for Certification for the California Energy Commission Siting Certification Program. Activities on this project required the coordination of a multidisciplinary environmental and engineering team of approximately 20 staff members through the discovery, analysis, and hearings phases. Testimony in 25 areas of expertise was prepared and presented in public meetings and hearings. Edited preliminary and final staff assessments and authored a section on project alternatives.

SOFAR Project - Hydroelectric Project Permits and Mitigation Plans

Responsible for preparation of plans required to obtain a special use permit from the US Forest Service for construction and operation of four dams, tunnels, and power plants, which make up the South Fork American River hydroelectric project. Plans prepared include: Transportation Plan, Fire Prevention Plan, Reclamation Plan, Spoil Plan, Erosion and Sediment Control Plan, Raptor Management Plan, Cultural Resources Management Plan, Hazardous Spill Control and Countermeasure Plan, Public Safety Plan, Vegetation Clearing Plan, and others.

Northern California Power Agency - Environmental Assessments for Five Power Plants

Prepared an environmental overview and the initial studies (under CEQA) for five combustion turbine peaking sites located in Placer County, San Joaquin County, Mendocino County, and Alameda County, California. Tasks included input on siting and evaluation of land use, physical and biotic parameters necessary to comply with CEQA, and other legislation. Expert witness at two public hearings. The plants were subsequently constructed and are now in operation.

Corn Products Corporation - Coal Fired Cogeneration Project EIR

Managed and prepared an EIR for a 49.5 MW coal fired recirculating fluidized bed cogeneration facility at an existing plant in Stockton, California. Responsibilities included supervision of a multidisciplinary study team that prepared an EIR that included a project description, resource evaluation, potential impacts, and mitigation measures. Principal areas of environmental concern included fuel handling, air quality impacts, and ash disposal. The EIR was certified as complete by the City of Stockton, California; the plant was constructed and is now in operation.

Pembina Resources Ltd. - Oil Pipeline Environmental Assessment

Supervised study team preparing environmental overview and environmental protection plan for two oil pipelines totaling approximately 200 miles in length. Edited report and wrote sections dealing with aquatic resources.

Home Oil Company. - Site Selection for Oil Pipeline

Supervised study team preparing biophysical assessment and route selection for proposed 80 mile pipeline in Rocky Mountain foothills location. Several route alternatives were comparatively assessed, with route selection criteria based on identified environmental sensitivities.

Mobil Oil Company- Environmental Assessment for Oil Sands Mine

Supervised multidisciplinary study team preparing environmental and socioeconomic assessment in connection with an evaluation of a 12,000 acre lease for possible oil sands mining. The environmental assessment covered all phases of the project including: survey and planning, facility siting, exploratory drilling and test pits, land clearing, construction of plant facilities and tailings ponds, and plant operation and maintenance. The environmental assessment included field studies for evaluation of all major environmental resources, impact assessment, and development of possible mitigation measures.

Baymag Mines Company - Environmental Assessment for New Mine

Project Manager for environmental studies for proposed magnesite mine. Assignments included initial environmental overview, input to feasibility studies and cost estimation, field data collection (air quality and climatology, hydrology and water quality, surficial geology and soils, agriculture, aquatic resources, wildlife and habitat, and land use) and subsequent impact assessment, reclamation planning and preparation of applications for related permits.

B. C. Hydro and Power Authority - Fisheries Impacts Study

Principal Scientist responsible for a two year research project undertaken on behalf of B. C. Hydro and Power Authority. The study investigated possible effects of parasite transfaunation on salmon and other fish stocks for proposed McGregor Diversion Project. Supervised field collections, conducted laboratory analysis of several thousand fish and authored final report. Economic species of importance included king salmon, sockeye and kokanee salmon, rainbow trout, bull trout, and lake trout.

McLeod Coal Ltd.-Coal Mine EIS

Supervised multidisciplinary study team preparing environmental impact statement (EIS) and supporting technical reports for major planned coal mine. The mining project will produce four million tons-per-year of coal for export to Europe, Japan and other Pacific Rim countries. Project facilities include the mine, tailings dam and tailings pond, wash plant, 12 km coal conveyor system, rail loadout facilities, access road, and support buildings. A full range of aquatic and terrestrial field studies were undertaken including: hydrology, limnology, aquatic invertebrate and fisheries habitat studies; fish movement, population and spawning studies; vegetation, soils and forestry investigations; furbearers, big game, and avian range and population studies; and land and resource use studies.

Gregg River Resources-Coal Mine Construction Permits and Compliance

Project Ecologist for construction phase of major coal mine and processing facility in western Canada. Construction included: excavation of three million cubic meters of cover material to gain access to the coal seams; construction of tailings ponds and associated dams, diversions and impoundments; coal processing and wash plant; and, road and railway construction. Environmental work included acquisition

of over 200 permits; reclamation planning; monitoring dust fall and stream water quality; and salvage of merchantable timber.

Alberta Energy Company-Environmental Compliance Audit

Project Biologist for technical audit of Syncrude Canada Ltd. oil sands mining operation. The open pit mining operation at Syncrude is one of the largest in the world, producing approximately 150,000 barrels of synthetic oil per day. Waste sand and process water are accumulated in a tailings pond with an area of nearly 10 square miles. The study assessed compliance with current legislation dealing with pollution control and environmental protection measures. Project tasks included review and evaluation of long-term reclamation plans for the site, including the mine pits and tailings ponds.

Onakawana Development Ltd.-Lignite Mine and Power Plant Environmental Assessment

Project Manager for Environmental Impact Assessment for proposed lignite mine and associated power plant development in northern Canada. The project site is located in a remote area with no existing support infrastructure. Planned development of the site required river diversions, construction and operation of an open-pit one million ton-per-year lignite mine, and construction of cooling ponds, and power generation and transmission facilities. Final site reclamation was a key concern and site work included field biological investigations, revegetation plot trials, data analysis, and development of revegetation and reclamation plans.

Yoho National Park - Biological Survey

Headed an intensive two year study gathering quantitative and qualitative data on fish and fish habitat at 22 lake and 30 stream sites in Yoho National Park as part of an aquatic resources inventory for management and interpretation. Developed investigative program, conducted and supervised two year field program, undertook all laboratory analysis of morphometric, chemical, benthic invertebrate, zooplankton, and fish data. Authored a three volume final report.

Pacific Rim National Park - Aquatic Resources Inventory

Conducted Pacific Rim National Park aquatic resources inventory which included an intensive two year examination of seven lakes and a number of streams which were being considered for inclusion in the park system. Physical, chemical, and biotic parameters were examined to describe the diverse aquatic communities of the study area. Field collections were conducted for phytoplankton, zooplankton, benthos, macrophytes, and fish. Principal fish species included sockeye and kokanee salmon, coho salmon, bull trout and cutthroat trout. Taxonomic and population data were developed and analyzed in subsequent laboratory investigations. Authored the final report.

Spray River - Fisheries Impacts Study

Conducted a study to gather basic qualitative and quantitative information on fish and fish habitat which was impacted by reduced water flows following construction of a dam and hydroelectric facility. Field studies were conducted for physical, chemical, and biotic parameters such as algae, benthic invertebrates, and fish populations. Fish species present included *Salvelinus malma* and *S. fontinalis*. Taxonomic and population data were developed and analyzed in subsequent laboratory investigations. Authored the final report. Results included recommendations for improvement and enlargement of important salmonid habitat through changes in release patterns of impounded waters.

Native Trout Population Studies

Planned investigations program and supervised collection and analysis of the native and resident cutthroat trout (*Salmo clarki*) in the Bow, Kootenay- Columbia and Waterton River systems. The

purpose of the study was to identify sources and characterize populations of native cutthroat trout using morphological and electrophoretic methods. Twelve lake and three stream sites were sampled and the results were used to develop management plans for maintenance of native stocks.

Zooplankton and Benthic Invertebrate Investigations - Several Projects

Conducted taxonomic and qualitative zooplankton and benthic invertebrate investigations on several projects at lake and stream sites for pollution detection, management, or impact assessment purposes. Comparative studies involved both quantitative and qualitative aspects.

Ski Resort Aquatic Impacts Investigation

Conducted limnological and fisheries investigations on three streams affected by an operating ski and winter recreation area. Work included systematic sampling of water chemistry, coliform bacteria, phytoplankton, benthos, fish habitat and relative fish abundance.

Alaska North Slope- Parasites of Arctic Char

Applied research on parasites of Arctic char (*Salvelinus alpinus*) from the north slopes of Alaska and Canada. This study formed part of an investigation of the biology along a proposed pipeline route. Resulted in the publication of two papers.

Miscellaneous Projects

Responsible for management of staff involved in the following projects: Potrero Canyon Environmental Impact Report (EIR); Review of eight power plants under the California Energy Commission Siting Program; preparation of incineration feasibility study for Basin F remediation at the Rocky Mountain Arsenal; Berths 212-215 Remediation Plan and EIR for Port of Los Angeles; Hazardous waste site investigations at sites in Downey, Los Angeles, Indio, Fresno, Vernon and Westminster, California, as well as others; Investigation under the Defense Environmental Restoration Account on behalf of the US Corps of Engineers; and, Preparation of air quality and environmental documents for projects such as UNOCAL Cogeneration Project, Genstar Coyote Canyon Landfill Gas Power Plant, O'Brien Energy Corporation projects (several), and Delano Biomass Power Plant.

MICHELLE LONG

Senior Environmental Engineer
Foster Wheeler Environmental Corporation

PROFESSIONAL SUMMARY

Ms. Long has obtained experience in managing environmental projects while working for various industries, a government agency, and consulting engineering firms. Her experience includes: air pollution monitoring; air pollution control equipment specification, permit application preparation for air, hazardous waste, and wastewater, emissions estimating, toxic air pollutant estimating and reporting, environmental auditing and contaminated site investigating.

EDUCATION

B.T., Environmental Engineering, University of Dayton, Dayton, OH, 1983
M.B.A. Studies, California State University - Long Beach, CA and Ball State University, Muncie, IN
Certified Hazardous Material Manager courses, U.C. Irvine, 1984-85.
VOC Control and Dispersion Modeling courses, Air Pollution Training Institute, San Diego, CA, 1984

REGISTRATIONS AND CERTIFICATIONS

Registered Environmental Assessor (R.E.A.): California, 1987
Certified Hazardous Materials Manager (C.H.M.M.), 1989

PROFESSIONAL AFFILIATIONS

Air and Waste Management Association

APPLICABLE EBASCO EXPERIENCE

ARK Energy Inc.

An Application for Certification was prepared for submittal to the California Energy Commission for operation of an 143 MW natural gas fired cogeneration facility. The facility utilizes thermal energy in the production of ethanol from rice straw. Ms. Long prepared the public health analysis, including an analysis of the health risk from air toxics, and prepared the air quality analysis for emissions from the facilities. Ms. Long also prepared the NPDES application for disposal of wastewater and stormwater from the facility.

NASA-Jet Propulsion Laboratory

An environmental compliance assessment was performed at JPL facilities in Pasadena, and Ms. Long was a member of the assessment team. Her assignment included reviewing and determining the facility's compliance status in regard to air pollution, asbestos, radon, environmental radiation, and outdoor noise.

Carson Energy

Ms. Long prepared the public health and safety testimony for a small power plant exemption application submitted to the California Energy Commission for a 85 MW cogeneration/ice making facility.

Teledyne Picco

An AB2588 Air Toxics "Hot Spots" update report required Ms. Long to develop toxic air pollutant emission factors from available published emission factors and operating data from this precision casting operation. The air toxic emission factors were also used to revise the facility's SARA Form R reported emissions.

APPLICABLE EXPERIENCE (Continued)

GWF Power Systems Company

Ms. Long has prepared air toxics release and risk assessment reports in support of California AB2588 Toxic Hot Spots requirements. Facility types include coal and petroleum coke fluidized bed combustor electrical generation plants. Ms. Long has also prepared an air quality impact assessment for increasing the firing rate at five small petroleum coke fueled electrical generation plants. She had also prepared several permit applications for new cogeneration facilities utilizing delayed petroleum coke as a full source.

National Power Corporation

Ms. Long prepared three applications for Authority to Construct 49 MW natural gas fired cogeneration facilities at existing sugar processing facilities in California. The new installations would all replace existing steam generators, and therefore, emission reduction credits were calculated and applied for in conjunction with the ATC applications.

Modesto Irrigation District

Ms. Long prepared the authority to construct application for a natural gas fired cogeneration facility in Modesto, California. The application included an assessment of the risks associated with operating an ammonia based air pollution control system (SCR). The application also included emissions modeling. Ms. Long also prepared the air quality analysis portion of the initial study.

Imperial Irrigation District

As part of a repowering project, selective catalytic reduction was added as a control technology for nitrogen oxide emissions. The use of anhydrous ammonia in the system required the preparation of a RMPP. Ms. Long wrote the administration procedures and emergency response procedures for the plan.

Enserch Development Corp

Ms. Long prepared an application to construct a cogeneration facility adjacent to an existing wall-board manufacturing facility. The application included calculation of emission reduction credits for the shutdown of wallboard drying kilns.

City of Anaheim Peaking Plant

Ms. Long contributed to the development of a Risk Management Prevention Program for a natural gas fired cogeneration peaking plant. Ms. Long developed and documented many administrative procedures necessary to implement a complete RMPP program.

ARK Energy Company

Ms. Long prepared a request to modify a Prevention of Significant Deterioration Permit for a refinery in Oildale, California. The modification involved improvements to a combustion turbine generator located at the refinery. Emissions reductions were calculated to determine that the modification yielded emissions increases below PSD significant threshold levels. Also prepared an authority to construct application for the facility modification for submittal to the local air permitting authority.

PRIOR EXPERIENCE

Ball Corporation

Environmental Engineer (2 years)

Performed volatile organic emissions measurements, prepared test reports, identified pollution control equipment operating problems and proposed remedial actions, implemented a corporate environmental compliance audit program, performed numerous environmental audits, and prepared emission reports and reviewed dispersion modeling for criteria and toxic air pollutants. Managed environmental consultants performing site assessments and reviewed their reports. Managed consultants performing source tests at various manufacturing facilities. Coordinated air permitting application activities.

EMCON Associates

Environmental Engineer (2 years)

Supervised site assessment and remediation projects involving contaminated soils and groundwater. Contamination included petroleum products, pesticides, and other solvents and wastes. Performed real estate due diligence studies, and assisted clients with developing and maintaining environmental compliance programs. Examples of compliance programs included hazardous waste handling, business plans, contingency plans, spill prevention control and countermeasure plans, hazard communication standards, PCB handling and disposal procedures, and other environmental programs.

PPG Industries

Environmental Engineer (3 years)

Maintained compliance with environmental regulations as a facility environmental engineer at a coating and resins manufacturing facility. Responsibilities included air and hazardous waste (Part B) permitting, hazardous waste disposal and storage compliance, (including development of contingency plan and spill prevention control and countermeasure plan), waste minimization and recycling management, waste water pretreatment design and monitoring, emergency response to hazardous materials incidents, and communicating between the company and regulatory agencies. Assisted clients with hazardous waste disposal problems.

The Miami Conservancy District

Water Resources Engineer Aide (2 years)

Developed pretreatment standards for a regional waste water treatment facility, reviewed EPA Clean Water Act grant applications, managed a landfarm data base, coordinated industrial sewer use billings, and performed laboratory analyses on sewage, sludge, and treated water. Reviewed laboratory data to verify compliance with NPDES permit conditions.

RONALD W. KEPFORD
Associate Resource Planner
Foster Wheeler Environmental Corporation

Years Experience	FWENC	Other
Education	M.S., Community & Regional Planning, University of Texas at Austin, 1990 B.S., Journalism, University of Texas at Austin, 1979	
Professional Affiliations	American Planning Association	

Summary of Experience

Mr. Kepford has nearly six years of progressively responsible planning experience. Accordingly, he has acquired a broad base of technical and analytical expertise in assessing complex environmental impacts and planning issues, working extensively with multidisciplinary staffs of environmental scientists, engineers, and designers. He has managed, coordinated, and prepared a broad range of planning documents, environmental studies and entitlement for a wide variety of residential, commercial, and industrial projects.

Selected Project Experience

Mr. Kepford has been responsible for conducting multidisciplinary environmental studies for major industrial and resource development projects. He also provides Foster Wheeler Environmental extensive technical support in implementing NEPA, CEQA, and a variety of other federal and state environmental laws and statutes. Mr. Kepford's relevant experience at Foster Wheeler Environmental includes projects for the following:

Bureau of Indian Affairs

Provided project management support and edited sections of a third party Environmental Impact Statement for a waste recycling facility on the La Posta Indian Reservation in San Diego County, California. Mr. Kepford was responsible for providing the socioeconomic, land use, and public services analyses in the document. Mr. Kepford also provided the analysis of relevant planning issues and tribal objectives associated with the project. As the project entered the public participation phase, Mr. Kepford helped coordinate the public hearings and prepared responses to comments.

Caltico Oil Corporation

Responsible for preparing land use and related sections of an Initial Study and Conditional Use Permit application to allow redevelopment of an oil field in Santa Clarita California.

ARK Energy, Inc.

Responsible for preparing the socioeconomic, land use, and public services analyses for a proposed 148.5 MW cogeneration facility and an associated ethanol manufacturing plant located near Sacramento, California. Documentation was prepared to support an Application for Certification (AFC) to be submitted to the California Energy Commission. Mr. Kepford has also prepared land use and related documentation for a Conditional Use Permit for the Ethanol Manufacturing Plant.

Modesto Irrigation District

Responsible for preparing the socioeconomic, land use, and public services analyses sections of an Initial Study, a Draft and Final Environmental Impact Report, and various supporting studies related to the approval of a proposed 45 MW gas-fired power plant in Modesto, California.

Bonneville Pacific Corporation

Responsible for preparing sections of a Conditional Use Permit application, an Initial Study and Air Quality permitting documents for a proposed 46 MW cogeneration facility at the DuPont plant in Antioch, California. Mr. Kepford was also responsible for coordinating the special studies related to establishing mitigation monitoring guidelines.

Los Angeles County Department of Public Works

Responsible for preparing a Negative Declaration and all supporting special studies for a proposed dredging operation in the Los Angeles National Forest, north of Azusa, California. Special studies included noise surveys and spill response plans.

Los Angeles County Internal Services Department

Responsible for preparing sections of an Initial Study and special studies for a proposed Municipal Courthouse planned for the area surrounding the Los Angeles International Airport.

In addition to his project experience, Mr. Kepford has worked with staff members to analyze and input extensive geotechnical records. He has designed and prepared a variety of graphic materials in support of a number of planning documents and environmental reports. He has provided substantial technical editing support for a variety of Army Corps of Engineers projects. Mr. Kepford was also responsible for preparing lecture materials and instructing environmental law and public participation policies as part of an international training program sponsored by the Korean Electrical Power Company

Prior Experience

FORMA

Project Planner (2 years)

Mr. Kepford was extensively involved in the environmental analysis, entitlement processing, and project management of several coastal resort communities in Southern California. His responsibilities included preparing and managing many phases of project entitlement and permitting associated with the Newport Coast Planned Community. Documents analyzed local coastal programs, master planning and engineering issues, infrastructure improvements, residential and resort development issues, community design programs, and subdivision approvals. He also took part in preparing an overall Development Agreement for the project. While regularly coordinating with and supervising text and graphic staff in all phases of document and presentation material preparation, Mr. Kepford was also instrumental in developing a complex interactive project mitigation monitoring database, project budgets and checkbooks, and planning schedules.

In addition, his responsibilities included all phases of the planning, permitting, and environmental assessment of the Salt Creek and Otay Ranch Planned Communities in San Diego County, and the Holly-Seacliff project in Huntington Beach, California. In all these efforts, Mr. Kepford was responsible for managing remote sensing and Geographic Information System applications.

Office of Land Development Services

Assistant Planner(1 year)

Mr. Kepford accumulated data, assessed cumulative development impacts, and established land use recommendations in a series of comprehensive studies of undeveloped areas in the Austin adopted sphere of influence. Mr. Kepford then helped to design a database and develop a spreadsheet that projected anticipated infrastructural demands, and indexed and calculated the cumulative impacts of project development scenarios. His responsibilities also included reviewing plans and development applications, analyzing project compatibility with established regulations and guidelines, and coordinating numerous meetings with neighborhood associations, developers and city staff. Mr. Kepford also helped analyze and prepare a number of ordinances which established special historical districts, parkland dedications/ and watershed zoning regulations in the city of Austin.

Texas Senate

Legislative Assistant (1 year)

As a Legislative Assistant on the staff of the Natural Resources Committee of the Texas Senate, Mr. Kepford was responsible for monitoring and promoting the progress of proposed bills and legislative resolutions . He organized and coordinated expert testimony on comprehensive water resource legislation. Other responsibilities included negotiating with and interviewing Senate staff, consultants, and citizen's groups on a variety of natural resource programs . Mr. Kepford also prepared extensive analysis of comprehensive oil and gas statutes, habitat enhancement and preservation programs, surface and groundwater conservation districts, proposed coastal development projects, and infra-structure planning and financing regulations.

University of Texas

Research Assistant (1/2 year)

As a graduate student, Mr. Kepford was responsible for creating, developing and publishing the results of a comprehensive housing study and market demand model for affordable housing in the Austin Metropolitan Statistical Area. This was a rather complex model that required familiarity with and use of the university's computer capabilities. The study and model were used to locate and define the characteristics of potential markets for affordable housing in the Austin area, incorporating census tract data and multivariate analysis techniques.

DELAINE L. WINKLER

President and Principal Planner of WINKLER ENVIRONMENTAL PLANNING

Project Assignment

Environmental Documentation Processing

Years of Experience

Almost 11

Education

M.S. Biology, University of Southern California, 1979; B.S. Biological Sciences, University of Southern California, 1975

Previous Employment

Environmental Planner (1986-1989), Southern California Association of Governments
Environmental Scientist (1981-1986), Los Angeles Harbor Department
Marine Scientist and Laboratory Supervisor (1979-1981), Institute of Marine and Coastal Studies/University of Southern California

Professional Registration

State of California—Registered Environmental Assessor #01356

Professional Affiliations

Association of Environmental Professionals
American Planning Association
Phi Sigma—National Honor Biology Society
National Trust for Historic Preservation

Professional Papers

Johansen, P.S. and D.L. Winkler. 1990. Significance Criteria for Environmental Assessments Involving Contamination at Marine Oil Terminals. May 4, 1990. 1990 Association of Environmental Professionals—State Conference, San Francisco.

Winkler, D.L., K.L. Duncan, J.E. Hose, and H.W. Puffer. 1983. Effects of Benzo(a)pyrene on the Early Development of California Grunion. Fishery Bulletin, 80(3): 473-481.

Winkler, D.L., K.L. Duncan, and H.W. Puffer. 1978. Effects of Benzo(a)pyrene on the Embryonic Development of the Grunion—Initial Findings. Pacific Slope Biochemical Conference, Santa Barbara, CA.

Business Certifications

City of Los Angeles, Bureau of Public Works—Certified as Woman-owned Business Enterprise
City of Los Angeles, Harbor Department—Listed as Woman-owned Business Enterprise
Southern California Association of Governments—Listed as Disadvantaged Business Enterprise
State of California, Office of Small and Minority Business—Certified as Small Business Preference for service contracts

General Qualifications for Working on Port Projects

Delaine Winkler has over eight years experience working with the Port of Los Angeles—both as an employee (environmental scientist) and private consultant. With her extensive knowledge of the Port's policies, organization, and capital improvement projects, Delaine has performed a variety of tasks including preparing and managing environment documentation for ultimate approval by the Board of Harbor Commissioners, acting as cultural resource coordinator/advisor/reviewer, training staff on CEQA, coordinating interagency meetings, and assisting the Port in securing permits/approvals. In 1990, she prepared the CEQA Mitigation Monitoring Program for the Environmental Management Division, coordinating this effort with several Port divisions including Engineering and Construction Management. Currently, she is writing and finalizing the Organization and Procedures Manual for the Environmental Management Division.

Key Qualifications for Working on the Berth 142 - 146 Project

Delaine Winkler has extensive knowledge and experience with the Berth 142-146 Wharf and Backland Improvements Project both in the capacity as Port employee and as independent consultant.

Three negative declarations were done by the Port in the 1980s on previous upgrades relating to this new project. The first negative declaration was prepared by Frank Edmonds who also coordinated with Delaine. In turn, she prepared the entire second negative declaration between 1982 and 1983. This environmental document focused on air, traffic, and cultural resource issues. In particular, Delaine did extensive research on the "Bloody Thursday" longshoreman event in the 1930s and consulted with the Army Corps of Engineers, State Historic Preservation Office, and the San Pedro Historical Society. This document led to the placement of a large monument on B Street and Neptune Avenue to mitigate the demolition of the Berth 145 transit shed. The third negative declaration was prepared by Harley Martin with the assistance of Delaine, who by that time was an inhouse consultant to the Port.

Relevant Experiences

1. *Under contract to finalize the Organization and Procedures Manual for the Environmental Management Division of the Port of Los Angeles (January, 1991 through January, 1992).*

This manual discusses: the organization of the Port; the CEQA and permit processes done at the Port; and the Port's Hazardous Materials Management Program.

2. *Under contract to prepare the citywide guidelines on mitigation monitoring for the City of Los Angeles, Environmental Affairs Department (June, 1990 through June, 1992).*

Ms. Winkler is now writing the draft citywide mitigation monitoring program, based on interviews with most Los Angeles City departments dealing with CEQA and applicable outside agencies, as well as on a literature review on how best to handle the newest and major amendment to CEQA (AB 3180). The citywide guidelines will fit within the existing administrative framework of the departments, yet provide feedback into how effective the mitigations are in reducing overall impacts to the environment. In addition, Ms. Winkler has trained various city personnel on overall CEQA requirements.

3. *Under contract as a subconsultant to prepare the Environmental Impact Report (EIR) for the Regional Transportation Plan for the Sacramento Area Council of Governments (October, 1991—release of DEIR).*

Ms. Winkler assessed and wrote two chapters (biological resources and cultural resources) in the environmental document.

4. *Co-prepared as a subcontractor the Supplemental EIR regarding the 1988 Revisions to the San Francisco Bay Area Regional Seaport Plan for the Metropolitan Transportation Commission (June, 1991).*

Ms. Winkler assessed and wrote almost one-half of this environmental document, including the chapters on project description, earth, water resources and oceanography, biological resources, natural resources, human health/safety & risk of upset, and cultural resources. The SEIR was certified on time and within budget.

5. *Consulted for the Port of Los Angeles (June, 1989 to June, 1990).*

Ms. Winkler acted as an inhouse consultant to assist in: training new staff on the CEQA process, advising staff on cultural resource issues, assisting staff on specific Port issues such as the 2020 Plan and related aspects of the Pier 300 Project, writing request for proposals for EIR preparation, preparing an NOP for the West Basin Entrance Widening Project, writing the draft Organization and Procedures Manual, and developing and writing the Port's Administrative CEQA Mitigation Monitoring and Reporting Program.

6. *Worked as a City of Los Angeles employee for five and one-half years (1981 through 1986) at the Port of Los Angeles.*

She has a strong understanding of how to assess and prepare environmental documentation as related to harbor development/coastal issues/seaport transportation. As an environmental scientist with the Port, Ms. Winkler prepared, wrote, and commented on a number of port projects.

She assessed hundreds of projects that were found to be exempt from CEQA and then completed these assignments administratively (processing Notice of Exemption forms and transmittals to the county and city clerks' offices).

She assessed, wrote, and processed a number of negative declarations including:

- Negative Declaration for the Proposed Construction and Lease of Fire Station No. 112. October 1, 1986. This project dealt with the building of a new fire station at Berth 86 and housing of an historic fire boat.
- Negative Declaration for Union Ice Company for Proposed Cold Storage Addition. September 26, 1986. The assessment focused on the expansion of the existing cold storage facility to accommodate the demand for more imported frozen foods.
- Negative Declaration for Evergreen Container Terminal Gate Entrance, Backland Expansion and Terminal Way Modifications. June 25, 1986. This project encompassed the expansion of an existing container handling facility to accommodate the relocation of Japan Line.
- Negative Declaration for the Terminal Island Processing, Inc.--Proposed Expansion of Car Storage Facility. January 8, 1986. This assessment examined the impacts relating to the expansion of an existing car handling facility to process a new line of imported Korean automobiles.
- Negative Declaration for the Vehicular Receiving Facility in Reeves Field. August 21, 1985. The project was evaluated on the policy for allowing nearby marine terminal operators in Terminal Island to have imported cars taken to a first, point-of-rest facility on Reeves Field rather than parked at a first, point-of-rest adjacent to the wharves. Coordination with the U.S. Fish and Wildlife Service was vital, since the site was adjacent to an area set aside for the protected endangered bird species, the California least tern.
- Negative Declaration for the Proposed Wharf and Buildings Demolition at Berths 57 to 60. August 15, 1983. This project dealt with the demolition of 2,500 lineal feet of concrete wharf and two steel truss buildings (46,000 and 180,000 square feet).
- Negative Declaration for the Berth 142-145 Wharf and Backland Improvement Project (Metropolitan Stevedore). February 16, 1983. This project dealt with the demolition of a transit shed, wharf, and improvements to the backland. Coordination with the U.S. Army Corps of Engineers, State Historic Preservation Office, and others interested in cultural resources was done because of the historic significance of the area.
- Negative Declaration for the Lease Amendment and Expansion of a Liquid Bulk Storage Facility (Refiners Marketing Company); Terminal Island. November 25, 1981. This project involved amending the existing lease and expanding the existing liquid bulk facility with 14 storage tanks, two warehouses, and one lab.

Ms. Winkler's involvement with Port projects requiring EIRs includes:

- Final Programmatic EIR/EIS for Landfill Development and Channel Improvements. November, 1985. Ms. Winkler participated in this process (including writing, reviewing, and coordinating) with other agencies such as the Army Corps of Engineers and the Port of Long Beach. The project involved planning the development of the two ports up to the year 2020, including the potential landfilling of 2,600 acres of harbor waters.

- Final EIR/EIS for the Pacific Texas Pipeline Project. November, 1985. Ms. Winkler participated in this process (i.e., writing, reviewing, and coordinating) with other agencies including the Bureau of Land Management and the U.S. Fish and Wildlife Service. This project proposed to construct a pipeline at the Port and extend it through to Midland, Texas.
 - Final Supplemental II EIR for the Wharf and Backlands Improvements at Berths 225-229. July, 1984. Ms. Winkler was the environmental project manager for this job. The project had several objectives: replacement of deteriorated buildings and wharves, increased capacity to handle projected increases of containerized cargo at the terminal, and construction of a new wharf and supporting backland able to accommodate modern container vessels. Ms. Winkler participated in the negotiations leading to the first mitigation "bank" for habitat credits/debits at the Port of Los Angeles, as this project involved the filling of a slip.
 - Final EIR for the Intermodal Container Transfer Facility (ICTF). October, 1982. Ms. Winkler wrote EIR chapters for this project, which dealt with the development of an offsite rail facility to handle the increased container throughput demand at the Ports of Los Angeles and Long Beach.
 - Final Supplemental EIR for the Berth 188-190 Wharf Modification and Slip No. 5 Deepening Project. June, 1982. Ms. Winkler co-wrote and co-managed the environmental analysis. This project involved renovating an existing liquid bulk transfer facility and providing for safer mooring of fully laden vessels for a Port tenant.
7. *Worked as an environmental planner for the Southern California Association of Governments (SCAG) (1986 through 1989), Ms. Winkler reviewed the preparation of the EIRs for SCAG's 1989 Regional Mobility Plan and Growth Management Plan.*

Ms. Winkler aided in the preparation of adequate and defensible EIRs for planning the transportation needs and accommodating growth in the Southern California region. The EIRs were prepared in a short timeframe and certified on time.

8. *Assisted and wrote chapters during the preparation of SCAG's "Santa Monica Bay Project—State of the Bay—Management Assessment" in 1988.*

Ms. Winkler assisted in the preparation (within a tight budget and short timeframe) of an excellent reference document on agencies involved with the management and planning practices of Santa Monica Bay as of 1988.

References

Three professional references are listed below:

- Reference No. 1:

Mr. Paul S. Johansen
Manager of CEQA Program
Environmental Management Division
Los Angeles Harbor Department
(310) 519-3678

- Reference No. 2:

Ms. Lillian Y. Kawasaki
General Manager
Environmental Affairs Department
City of Los Angeles
(213) 237-0462

- Reference No. 3:

Mr. Paul H. Hatanaka
Environmental Principal
Southern California Association of Governments
(213) 236-1809

Billing Rates and Charges

As a small business enterprise, WINKLER ENVIRONMENTAL PLANNING provides excellent service at a reasonable cost (\$55 per hour).

In addition, other charges include: \$2 per page for faxed materials sent or received, 10¢ per page copied, and charges for phone calls made outside the State of California. Costs for the packaging and mailing of a large volume of environmental documentation will be negotiated prior to contract approval. WINKLER ENVIRONMENTAL PLANNING utilizes the services of Kinko's Copy Center in Van Nuys for all duplication/faxing services.



EDUCATION

M.S. 1990 Geology, California State University, Northridge, California
B.S. 1986 Geology, University of Aston, Birmingham, Great Britain

06/5/93 AEG Short Course, "Application of Soil Stratigraphy to Engineering & Environmental Geology"

10/5/92 AEG Short Course, "Earthquake Site Analysis and Critical Facility Siting".

PROFESSIONAL AFFILIATIONS

Association of Engineering Geologists
American Geophysical Union
South Coast Geological Society
American Association of Petroleum Geologists

EXPERIENCE

1992- Project Geologist, MAA Engineering Consultants, Inc.
1991-1992 Staff Geologist, MAA Engineering Consultants, Inc.
1988-1991 Staff Geologist, Mesa², Inc., Whittier, California
1988-1989 Teaching Assistant, Graduate and Student Assistant, Department of Geology, California State University Northridge

Mr. Mills is a project geologist specializing in the characterization and subsequent reduction of geologic and seismic risk to major public sector projects. He has completed a major published study of the offshore portion of the Newport-Inglewood Fault Zone and has made several presentations concerning the Fontana-Yorba Linda seismic trend in southwestern San Bernardino County. Mr. Mills is experienced in deterministic and probabilistic seismic hazard studies, geological field exploration and reconnaissance, and the seismic stratigraphic analysis of offshore fault zones. In addition, he has experience in geotechnical field exploration using Cone Penetrometer, Hollow Stem Auger and Rotary Wash drilling equipment, and subsequent office-based interpretation of the collected data. He has additional experience in environmental field exploration, construction inspection and testing, and computer-based drafting using AutoCAD. Mr. Mills has completed the 40-hour OSHA worker safety program and yearly 8-hour refresher course, and is licensed to operate a CPN Company nuclear density gauge. His project experience includes:

PORT & HARBOR

- Project Manager, Hugo Neu-Proler Company Environmental Impact Report, Port of Los Angeles, California: Review of site geologic and seismic setting, recommendation of mitigation measures to reduce potential geologic and seismic impact upon the project.



- Project Manager, Additional site investigation program, Pier 300 Container Wharf & Retaining Structure, Port of Los Angeles, California: Rotary wash drilling and subsequent characterization of marine sediments beneath landfill retaining structure.
- Project Geologist, Pier 300 Container Wharf & Retaining Structure, Port of Los Angeles, California: Seismic stratigraphic and structural interpretation of geophysical seismic reflection profiles traversing the Palos Verdes Fault Zone: Deterministic seismic hazard study based on results of seismic reflection profile interpretation, and probabilistic seismic hazard study based on an integration of both regional and site-specific data.
- Staff Geologist, Bulk loading facility, Northern San Diego Harbor: Offshore vibracoring and van veen sampling of copper-contaminated sediments; subsequent forensic sediment investigation.
- Staff Geologist, B Street Pier Redevelopment Project, Port of San Diego: Deterministic and probabilistic seismic hazard analysis.
- Staff Geologist, Second Harbor Entrance Feasibility Study, Port of San Diego, California: Geologic review of offshore subsurface borings.
- Staff Geologist, 2020 Plan Preliminary Geologic Investigation, Port of Los Angeles, California: Computer processing and interpretation of paleogeologic mapping data.

TRANSPORTATION

- Project Manager, Los Angeles-Bakersfield High Speed Ground Transportation System, Preliminary Engineering Feasibility Study for the California Department of Transportation: Extensive geologic and seismic characterization of three major routes, and ten sub-routes, for this proposed rail link between Los Angeles and Bakersfield. Geologic mapping performed at 1: 24,000 scale based upon available data. A geologic constraints analysis assessed the relative merits of each alignment alternative.
- Project Geologist, Caltrans Statewide Bridge Seismic Retrofit Program: Deterministic seismic hazard and geologic analyses for the La Cienega Bridge in San Benito County, American River bridge in Sacramento, Chino Creek Bridge in San Bernardino county, Browns Canyon Wash Bridge, and Santa Monica Viaduct in Los Angeles.
- Project Geologist, Santa Clarita Metro Rail Passenger Station, California: Geological trenching and logging across the San Gabriel fault, within an Alquist-Priolo Special Studies Zone, to assess the hazard to the proposed station.
- Project Geologist, Metro Red Line Mid City Segment, Los Angeles, California: Extensive geotechnical field exploration program using the rotary wash drilling method. Geotechnical and environmental sampling performed at 3 feet intervals in each boring, and groundwater monitoring wells installed at selected locations along the proposed subway route. Groundwater and soil samples continually tested for methane and hydrogen sulphide gas.



- Project Geologist, Ventura Freeway Aerial Alignment Project Study Report, San Fernando Valley, California: Characterization of seismic hazard, assessment of geologic and hydrologic setting. Data interpretation included historic aerial photography, topographic maps, groundwater elevation, and seismicity data.
- Project Geologist, City-Wide Bridge Retrofit Program, City of Los Angeles, California: Deterministic seismic hazard and geologic analyses for 30 single span and pedestrian bridges. These bridges included the Henry Ford Avenue Bridge in San Pedro, the La Tijera/I-405 bridge in Inglewood, and the Macy Street and North Broadway bridges that cross the Los Angeles River in Los Angeles.
- Staff Geologist, Ontario International Airport, California: Extensive seismic hazard characterization for expansion of the passenger terminals in order to supplement the master plan document. Characterization of the Fontana microseismic trend and assessment of future seismic potential.
- Staff Geologist, Commuter Rail Maintenance Facility, Los Angeles, California: Site investigation, seismic hazard evaluation, geologic study, and subsequent dynamic compaction inspection.
- Staff Geologist, Los Angeles Transportation Commission Commuter Rail Project, California: Deterministic seismic hazard and geologic evaluation of seven bridge and flyover sites in, Van Nuys, Burbank, and El Monte.
- Staff Geologist, Cucamonga Creek service road and bridge, Ontario International Airport: Site exploration program using hollow stem auger drilling equipment in order to document thickness of previously-placed fill.

INFRASTRUCTURE

- Project Geologist, Lopez Canyon Sanitary Landfill, San Fernando Valley, California: Implementation of mitigation monitoring reporting program concerning both the seismic hazard of the site within an Alquist-Priolo Special Studies Zone, and the periodic monitoring of daily construction activities.
- Project Geologist, Bishops Canyon Landfill, Los Angeles, California: Site exploration to determine thickness of soil cover above refuse, geologic, hydrologic and seismic evaluation of this closed landfill.
- Staff Geologist, Bolo Station Landfill Siting Study, Amboy, Mojave Desert, California: Geologic Field Reconnaissance, deterministic and probabilistic seismic hazard analysis.
- Staff Geologist, Hyperion Outfall Project, El Segundo, California: Computer processing and interpretation of paleogeologic and historical seismicity data.



ENVIRONMENTAL

- Staff Geologist, Parcel 2 of the Cornfield Rail Yard: Phase I Environmental Site Assessment, College/Alameda Streets, Los Angeles. Performed an historical records search of both federal and state databases for all sites within a 1 mile radius with known or suspected cases of soil or groundwater contamination. Other data reviewed included historic Sanborn Fire Insurance Maps, and contact with Department 9 of the Los Angeles City Fire Department for the existence of underground storage tanks at the site.
- Staff Geologist, Dobbs International Catering Service, Los Angeles International Airport, California: Phase I Environmental Site Assessment. Federal and state databases reviewed for contaminated waste sites with a 1 mile radius. Los Angeles County Assessors Office contacted in order to document historic site development.
- Staff Geologist, Alameda Transportation Corridor Preliminary Engineering Study, Los Angeles to Long Beach, California: Phase I environmental site assessment. Principal activities involved detailed field inspection of each commercial facility, within a 4000 foot radius of the route, that had been identified from state or federal databases as being characterized by actual or likely contaminated soil or groundwater.
- Staff Geologist, Sepulveda Tunnel Demonstration Project, Los Angeles International Airport, California: Seismic hazard and geological analyses, Phase I Environmental Site Assessment.

RESIDENTIAL & COMMERCIAL CONSTRUCTION

- Project Geologist, City of Norco Sierra Avenue Sector Sewer Installation: Review and reinterpretation of seismic refraction and rippability estimates for use by expert witness in lawsuit brought by private consultants against the City of Norco.
- Project Geologist, Navy-Main shopping center addition, Venice, California: Site exploration using hollow stem auger drilling equipment.
- Staff Geologist, Alamitos Bay Property, Long Beach, California: Site investigation and subsequent liquefaction analysis using Cone Penetrometer Testing, seismic hazard evaluation in Alquist-Priolo Special Study Zone site associated with Newport-Inglewood Fault Zone.
- Staff Geologist, First Street South Plaza development, Los Angeles, California: Site exploration program using hollow stem auger drilling equipment, deterministic and probabilistic seismicity assessment, and liquefaction hazard evaluation.
- Staff Geologist, Dobbs International Catering Service, Los Angeles International Airport, California: Probabilistic seismic hazard assessment.



- Staff Geologist, proposed hillside residential development, Mulholland Drive, Beverly Hills, California: Geological trenching, geological hazards analysis to characterize nearby pre-historic large landslide.
- Staff Geologist, Los Angeles Convention Center Expansion Project, Los Angeles, California: Geotechnical inspection, grading and foundation construction.

PRESENTATIONS

- "The Fontana Trend: A Northeast-Trending Microseismic Alignment in Southwestern San Bernardino County", poster presentation at AAPG/SEPM Pacific Section meeting in Long Beach, California, 5/5/93.
- "The Fontana Trend: A Northeast-Trending Microseismic Alignment in Southwestern San Bernardino County", presentation at Fourth Biennial Desert Studies Consortium, Occidental College, Los Angeles, California, 5/2/92.
- "Segmentation and Thrusting Along the Offshore Newport-Inglewood - Rose Canyon Zone of Deformation", presentation at AAPG/SEPM Pacific Section annual meeting, Bakersfield, California, 3/27/91.
- "The Offshore Newport-Inglewood-Rose Canyon Zone of Deformation", poster session, South Coast Geological Society, Tustin, California, 11/88 and 11/89.
- "Newport-Inglewood - Rose Canyon Zone of Deformation", co-author, presentation and abstract, Geological Society of America National Meeting, Denver, Colorado, 11/88.

PUBLICATIONS

- Fischer, P.J., and Mills, G.I., 1991, The offshore Newport-Inglewood - Rose Canyon fault zone, California: Structure, segmentation and tectonics, in, Abbott, P.L., and Elliott, W.J. (eds), Environmental Perils, San Diego Region: Geological Society of America Annual Meeting, October 20, 1991, p.17-36.

S. CYNTHIA FULLER, Ph.D.

Education

Ph.D. Zoology, Rutgers University - 1986

B.A. Biology, University of California, Santa Cruz - 1979

Qualifications

Dr. Fuller has over 13 years of training and experience in marine science, with particular emphasis on environmental studies of marine habitats in California, environmental impact reports, and molluscan taxonomy. She has managed and participated in a wide range of studies, including both field collections and laboratory analyses, involving marine invertebrates, fish, water quality, and sediments. She is experienced in managing multi-disciplinary projects, developing laboratory and field procedures, and applying statistical techniques to environmental and laboratory data. Dr. Fuller is a certified SCUBA diver.

As MEC's laboratory manager, she is responsible for sample receipt, tracking, and scheduling. She supervises the sorting, taxonomy, and voucher collection for biological analyses and particle grain size, total organic carbon concentration, and soil moisture content for sediment analyses. She ensures QA/QC of laboratory equipment, procedures, documentation, and analytical results.

Relevant Experience

Program Manager, Encina Wastewater Authority Receiving Water Monitoring Program. Responsible for field sampling, analysis, integration, and reporting of biological, chemical, and water quality data collected for NPDES monitoring.

Project Biologist, Encina Receiving Water Monitoring Summary Report, July 1985-June 1991. Prepared demersal fish/epibenthic macroinvertebrate and fish tissue bioaccumulation report sections. Presented summary to Encina Wastewater Authority Board.

Assistant Program Manager, County Sanitation Districts of Orange County 301(h) environmental monitoring program (now in year 9). Oversees sorting, taxonomy, grain size, and organic carbon analyses of benthic samples. Maintains voucher collection of infaunal and trawl specimens. Co-authors annual report.

Project Manager, preparation of the Biological Assessment for the proposed sale or exchange of Parcel G-2 at the Naval Air Station, Miramar, San Diego.

Project Biologist, Gaviota Marine Terminal Expansion EIR/EIS. Oversaw the CEQA/NEPA documentation of biological resources along the California coast together with a comprehensive assessment of potential impacts from increased vessel traffic and possible oil spills.

Project Biologist, Pier 300 EIR, Los Angeles Harbor. Prepared baseline descriptions and impact assessments for marine biological resources.

Project Biologist, National City Marine Terminal. Assessed potential impacts of contaminated sediments at the Marine Terminal on biota and beneficial uses of San Diego Bay.

Project Biologist, Shoreline Aquatic Park, Long Beach Harbor. Summarized historical biological baseline of the Park and present day inventory of infauna, fish, and birds; compared resources with those of other Southern California embayments.

Project Biologist/Taxonomist, identified Mollusca from Prince William Sound, Alaska, following the Exxon Valdez Oil Spill. Coordinated primary and secondary taxonomy among 15 taxonomists; assisted with sample and data tracking.

Field Biologist, emergency response to American Trader oil spill in Huntington Beach. Led beach sampling surveys of baseline conditions and areas impacted by the oil spill. Prepared field survey summary reports.

Principal Investigator, research on the identification of bivalve larvae. Coordinated a multi-institutional, multi-year research project that included the culture of 50 species of estuarine and marine bivalves and the documentation of their shell morphology. Researched developmental shell morphology for distinguishing larvae of closely related bivalve species.

Principal Investigator, documentation of bivalve larval shell morphology. Developed methods using scanning electron microscopy for accurate documentation of shape and quantifiable measurement of dimensions of bivalve larval shells.

Selected Publications

Hu, Y.P., S.C. Fuller, M. Castagna, R.C. Vrijenhoek, and R.A. Lutz. 1993. Shell Morphology and Identification of Early Life History Stages of Congeneric Species of *Crassostrea* and *Ostrea*. *Journal of the Marine Biological Association of the United Kingdom*. In press.

Goodsell, J.G., S.C. Fuller, A.G. Eversole, M. Castagna, and R.A. Lutz. 1992. Larval and early postlarval shell morphology of several venerid clams. *Journal of the Marine Biological Association of the United Kingdom* 72:231-255.

Fuller, S.C., R.A. Lutz, and A. Pooley. 1989. Procedures for accurate documentation of shapes and dimensions of larval bivalve shells with scanning electron microscopy. *Transactions of the American Microscopical Society* 108:58-63.

Fuller, S.C. and R.A. Lutz. 1989. Shell morphology of larval and post-larval mytilids from the north-western Atlantic. *Journal of the Marine Biological Association of the United Kingdom* 69:181-218.

Kennedy, V.S., R.A. Lutz, and S.C. Fuller. 1989. Larval and early postlarval development of *Macoma mitchelli* Dall (Bivalvia: Tellinidae). *Veliger* 32:29-38.

Fuller, S.C., Y.P. Hu, R.A. Lutz, and M. Castagna. 1989. Shell and pallet morphology in early

developmental stages of *Teredo navalis* L. (Bivalvia: Teredinidae). *Nautilus* 103:1-12.

Fuller, S.C., R.A. Lutz, & Y.P. Hu. 1989. Bilateral asymmetry in the shell morphology and microstructure of early ontogenetic stages of *Anomia simplex*. *Biological Bulletin*. 177:83-95.

Fuller, S.C. and R.A. Lutz. 1988. Early shell mineralogy, microstructure, and surface sculpture in five mytilid species. *Malacologia* 29:363-371.

Fuller, S.C. 1986. "Comparative analyses of larval and early post-larval shell morphology in seven mytilid species." Delivered at the National Shellfisheries Association Annual Meeting, June 1986, Seattle, Washington; (abstract) *Journal of Shellfish Research* 7:119.

Fuller, S.C. 1986. "Microstructure and surface sculpture in early shells of *Brachidontes exustus* and *Geukensia demissa*" delivered at the American Malacological Union Annual Meeting - July 1986, Monterey, California; (abstract) *American Malacological Bulletin* 4:233-234.

Fuller, S.C. 1984. "Structure and mineralogy of larval and post-larval shells of *Mytilus edulis* and *Ischadium recurvum*." Delivered at the National Shellfisheries Association Annual Meeting, June 1984, Tampa, Florida; (abstract) *Journal of Shellfish Research* 5:36.

STEVENS-GARLAND ASSOCIATES, INC.

PROFESSIONAL RECORD

RICHARD GARLAND

EDUCATION

<u>SCHOOLS</u>	<u>YEAR</u>	<u>DEGREE</u>
University of California, Berkeley	1979	M.S., Civil Engineering
Vanderbilt University	1976	B.S., Civil Engineering

PROFESSIONAL CREDENTIALS

Registered Traffic Engineer, P.E. - California

SPECIALIZATION

Transportation Planning	Port Access & Circulation
Traffic Engineering	Transit Planning/Operations
Parking	Traffic Impact Studies

EXPERIENCE RECORD

Mr. Garland has over 16 years experience in traffic engineering and transportation planning, having been involved in many aspects of the transportation field. He has conducted traffic impact, transit, parking, circulation, TSM, safety, and traffic control studies for a variety of locations and situations, ranging from individual development projects to regional planning efforts. His experience includes the planning, design, and analysis of transportation facilities for airports, central business districts, redevelopment areas, ports, neighborhoods, and institutions. He has conducted transportation studies for numerous development projects, including the construction or expansion of office buildings, hospitals, shopping centers, residential developments, industrial sites, hotels, and recreational facilities. Specific examples representative of Mr. Garland's experience are cited below.

Conducted access, circulation, and traffic impact studies for several proposed developments in the Port of Los Angeles. These include the Pier 300 container and dry bulk terminals, the modernization of the Berths 212-215 container terminal, the Hugo Neu-Proler scrap metal facility, the Banning's Landing waterfront access/office development, the GATX San Pedro Terminal at Berths 70-71, the Wilmington liquid bulk terminal at Berths 187-193, and the installation of new wastewater facilities and pipelines on Terminal Island, in San Pedro, and at Ports O' Call Village.

Conducted traffic impact studies for several proposed developments in the Port of Long Beach, including a container terminal, a coal terminal, and a harbor lead track improvement project.

Prepared access, circulation, and traffic impact studies for several proposed projects administered by the San Diego Unified Port District, including the Bayside cogeneration project in National City, the expansion of Seaport Village in downtown San Diego, and an expansion/redesign of the San Diego Airport (Lindbergh Field).

Served as assistant project manager for the San Pedro Bay Ports Transportation Study which was conducted for the Ports of Long Beach and Los Angeles to identify deficiencies in the transportation system into, out of, and through the harbor area. The analysis focused on the movement of goods by highway, railroad, and pipeline.

Conducted the transportation analysis as a part of the Ports of Los Angeles/ Long Beach Coal Train Environmental Study. This project involved the evaluation of 292 at-grade railroad crossings along the Union Pacific and Santa Fe lines extending from the ports to the California border. The crossings were analyzed to determine the impacts (potential accidents, delays to vehicles) associated with increased coal train activity to/from the ports.

Prepared the transportation component of the environmental impact reports for a proposed commercial enterprise zone in Wilmington and a condominium development in San Pedro, both of which are in the vicinity of the Port of Los Angeles.

City Traffic Engineer for the Cities of El Segundo and Manhattan Beach, California, where he has been involved with traffic signal design and operations, citizen requests, public hearings, parking programs, development review, speed surveys, neighborhood traffic intrusion programs, and general plan preparation.

Conducted access, circulation, and parking studies for Honolulu International Airport, Phoenix Sky Harbor International Airport, Burbank Airport, John Wayne-Orange County Airport, San Diego Lindbergh Field, Seattle-Tacoma International Airport, and San Francisco International Airport.

Responsible for the preparation of short-range and long-range transportation plans for municipalities and redevelopment areas such as Bakersfield, Baldwin Park, Santa Monica, Chinatown (Los Angeles), San Bernardino, Apache Junction, Arizona and Paintsville, Kentucky. Conducted parking studies for the City of Orange Old Towne, the Santa Ana Civic Center, and the Chinatown Redevelopment Area. Developed a preferential permit parking program for the City of Coronado.

