Wilmington Boat Owners Association
Berth 203 #9
Wilmington, CA 90744

September 17, 2007

U.S. Army Corps of Engineers, Los Angeles District
Dr. Spencer D. MacNeil, Regulatory Division
P.O. Box 532711
Los Angeles, CA 90053-2325

Los Angeles Harbor Department
c/o Dr. Ralph G. Appy
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Comments on TraPac Draft EIS/EIR, Berths 136-147

Dear Dr. Appy and Dr. MacNeil,

We basically agree that TraPac needs an intermodal rail yard and that as much cargo as possible should be moved by rail versus truck until such time as newer technology, i.e. maglev or conveyor-type system is available. However, the EIR does not provide an adequate description or evaluation of the proposed relocated PHL rail yard. It should be assessed as a separate project element and potential impacts evaluated using residential standards including but not limited to:

- actual rail yard noise that considers increased capacity (twice the size of the existing yard) and activity, i.e. cargo handling including liquid and dry bulk and containerized cargo and more switch engines and/or locomotives operating simultaneously
- cumulative increase in localized noise level from rail yard, increase in rail movements on adjacent tracks including movements between the yard and terminals and Port-related traffic on Alameda, Anaheim and Henry Ford
- cumulative emissions of newer and older switch engines and locomotives operating in the yard and on adjacent tracks
- amplified impact of noise and emissions on marina and commercial areas adjacent to the rail yard due to prevailing winds, atmospheric conditions and lack of ground attenuation
- emissions and health risk assessment based on expanded rail yard activities that will be conducted on a currently vacant lot
- hazardous risk assessment on storage of chemical tank cars (potential footprint of hazardous, toxic, flammable or explosive chemicals if tank cars were to leak or rupture), vibrations on subsurface pipelines and refueling, specific Port policies and agencies that govern the storage of chemical tank cars on Port property
- rail yard lighting and containment of runoffs of operations-generated contaminates
- any new environmental requirements in the PHL lease relevant to the relocated rail yard

The Pier A rail yard is currently located well within the Port's boundaries. Activities at the yard, other than train horns, are not a significant source of noise in residential areas north of Harry Bridges or east of Avalon due to distance, container stacks, the DWP facility, tanks, other marine terminals and buildings.

The EIR states, 'The Pacific Harbor Line's (PHL) Pier A rail yard would be relocated to a 70-acre area northeast of the existing terminal, between the Consolidated Slip and Alameda Street that is currently being used as a rail transfer facility.' This tends to imply that a 70-acre rail transfer facility already exists. There are currently two or three tracks along the southern perimeter used as sidings and a switching track that allows for a through move on one or the other of two tracks.

The proposed relocation site is an approx. 100-acre paved lot enclosed by a chain-link fence that is alternately vacant or used for storage of new vehicles, neither of which generates any noise. Any activity that produces noise anywhere on the lot would increase the existing noise level. The proposed 70-acre rail yard will have 46 tracks and operate as it does at the existing yard, described as train engines coupling and uncoupling groups of railroad cars, shuttling cars back and forth on different tracks, recoupling the cars to other strings of railroad cars and generating noise levels of 68-80 dBA.

Although PHL may assemble trains at the west end of the yard, groups of cars included in these assemblies could be on any one of 46 tracks in the yard. Thus, all noise generating activities could not be confined to the west end of the yard or 800 feet from the nearest sensitive receiver.

PHL operates 24-hours-a-day. Currently 'the busiest level of activity occurs between 6:00 AM and 3:00 PM when incoming trains are sorted.' As terminals modify operations to accommodate the increase in cargo and rail lines reach capacity, sorting incoming trains and assembling trains could occur throughout the evening and nighttime hours.

According to Figure 3.8-1 'Land Use Designations for the West Basin and Project Area' the proposed site is designated as Limited Industrial, however Figure 3.8-2 'Zoning Designations for the West Basin and Project Area' indicates it is an M3 Heavy Industrial Zone. Although the site is part of the Port area and industrially zoned, it defines the boundary between the Port and the Wilmington community and likely accounts for the Limited Industrial designation, which according to the Wilmington-Harbor City Community Plan would require a buffer between heavy industrial uses and the community – Policy 19-1.4 'New and/or expanded industrial facilities to be sited to provide a sufficient open space, landscaped and maintained buffer area to minimize adverse impacts on surrounding property.'

The northeast portion of the relocated rail yard would be well within 500 feet of a number of commercial/retail businesses and restaurants on the north side of Anaheim Street. There is also a proposal to build an ILWU facility within the 100-acre site at Alameda and Anaheim that would be significantly impacted by the proximity of the proposed rail yard.

The East Basin is not only Port industrial use but home to eleven marinas with long-term leases, 1700 boats, ships' chandleries, two boat repair facilities, boat brokerages, two restaurants and, according to the EIR approx. 360 to 402 live aboard residents. These marinas are Wilmington's only recreational use and physical access to its waterfront. While most of the marina tenants may not fall into the minority or low-income population the Port has stated, 'there is no where else in the Port to relocate these marinas.' Due to a statewide shortage of available boat slips it is not

possible for the 1700 boat owners to relocate inside or outside of the Port to avoid the increasing impacts.

The EIR should also take into account potential future development of the north side of the Consolidated Slip for recreational use to prevent any future determination that the proximity of the rail yard would prohibit such development. This could include relocation of marina slips due to: reconstruction of the revetments, development of the POLB Pier A West property, addition of a third rail line on the Badger Street Bridge as part of the Port-wide rail transportation plan, and construction of the Wilmington Youth Sailing Center.

According to the noise monitoring study, 'because vehicular traffic on Henry Ford Avenue and other railroad trains traveling adjacent to Henry Ford Avenue are more significant sources of noise at the Leeward Marina, the increase in the overall CNEL would be less than 1.8 dBA. So, while there will be an increase in the number of audible train horns, this is a less than significant environmental impact.' The streets bordering the proposed site, Alameda, Anaheim and Henry Ford are designated truck routes. The majority of trucks on them are hauling containers to or from Terminal Island, Pier A (Long Beach), near- or off-dock rail yards or any number of destinations. Thus it would be safe to say that a significant cause of the existing elevated ambient noise is Port-related and should not be used to minimize the potential increase in noise from the relocated rail yard.

According to Figure 3.9-8, site ST-9 in Leeward Bay Marina is approx. 200 feet from a rail line used to move containers to and from Terminal Island and the West Basin terminals, and within 500 feet of the east-west rail crossing, both of which cross Henry Ford and the entrance to the marina. Trains using these tracks sound horns continuously until the locomotives clear both the Leeward entrance and one of the two Henry Ford crossings. However, no train passed by during the 'short-term noise measurements.' According to the noise monitoring conducted at ST-2 at 57 feet north of the centerline of Harry Bridges Blvd, which places the monitoring site approx. 100 feet from the rail line, a train passed by generating a steady noise level of 69 to 70 dBA. Train horns at the Leeward and Henry Ford crossings would likely register close to 97 dBA. Because there is nothing to block the sound between the marina and these rail crossings, this is a significant impact.

At Island Yacht 2, site LT-7 the monitoring equipment appears to have been set up near a wild geese and duck habitat, which is unique to this marina and would account for the erratic and elevated noise levels that would not occur throughout the marina. To say that an increased level of activity at the DAS terminal, now WWL, would have resulted in a noisier baseline and therefore minimize the noise impact from the proposed rail yard is misleading. Greater activity prior to 2004 amounted to a few more ship calls and more autos being stored, which is intermittent as opposed to 24-hour rail yard operations. Marinas are shielded from any noise of offloading, which consists of longshore workers driving autos or construction equipment off the ship to the parking lot, by the magnitude of these bulk auto carriers.

It appears that adjusted emission factors for the proposed PHL rail yard assumes only PHL Tier 2 switch engines/locomotives will operate in the yard – 'The main contributors of Project emissions to the maximum mitigated CEQA residential cancer risk location within the Consolidated Slip Marina include … 17 percent by locomotives within the relocated PHL rail yard.' Since current operations will be the same at the relocated rail yard, older PHL switch engines, BNSF and Union Pacific locomotives will have access to the yard. Thus, the marina and surrounding area would experience immediate and prolonged elevated emissions higher than 17% from the relocated rail

yard until older locomotives are replaced or relocated outside the harbor area and ultra low sulfur-content fuels are used in all locomotive engines.

Section 3.2.2.4 states, 'The Pier A rail yard is adjacent to the existing Berths 136-147 terminal and is a source of locomotive emissions. This facility performs rail storage and switching activities that are unrelated to container operations at Berths 136-147. Since the proposed Project would relocate this facility to the Berth 200C area and expand into its current location, its emissions are considered in the existing and future baseline conditions. The Project also would construct the Harry Bridges Buffer area. As discussed in Sections 2.2.3 and 2.3.4, the proposed buffer area is largely vacant and therefore does not contribute to existing emissions.'

The existing rail facilities at Berth 200C include two or three sidings and a switching track. The approx 100-acre lot that will be converted to a 70-acre rail yard, which is not part of PHL's current location is also largely vacant and therefore does not contribute to existing emissions. While PHL's current activities may be unrelated to container operations, the new yard could potentially be used to relieve congestion on the TraPac terminal, other West Basin terminals and the Alameda Corridor. The relocated PHL rail yard will be a separate operation on a different terminal. The emissions and Health Risk Assessment should be based on a new 70-acre rail yard and all cargo handling and other yard activities that may occur.

It appears that the Cumulative Impact Trans-5 analysis assumes only one train going in one direction on one track would potentially cross Henry Ford during peak traffic hours – 1:24, while the noise analysis states, 'The project would add 4 movements distributed throughout the day and night.' At minimum the traffic delays on one rail line should account for the probability of one inbound and one outbound - 2:24. There are 5 at-grade crossings on Henry Ford, three of which can accommodate through moves at any given time – one east/west and two north/south. Additional delays occur when they do not clear the crossings at the same time.

According to Tables 4-7 and 4-8, Intersection Level of Service Analysis between 2015 and 2030/2038 the Henry Ford/Anaheim intersection will have peak hour levels of service of F, with or without the project and no mitigation is proposed. Since the Schuyler Heim Bridge Replacement and SR-47 Expressway Project DEIR has been released and is a foreseeable project, please include any truck traffic analysis contained in this document relative to potential increases/decreases on Henry Ford, Anaheim and the Henry Ford/Anaheim intersection.

Table 4-7 also indicates peak hour levels of service at the Alameda/Anaheim intersection will be at E & F at some point beyond 2015 even with additional lanes as defined in Trans #3. Truck traffic will increase during all hours of the day due to increasing cargo volume and 24-hour terminal operations. There could also be an increase in the frequency and/or length of trains on the Alameda/Anaheim rail crossing. Due to these factors there could be a significant traffic impact on Anaheim that negatively affects the economic sustainability of commercial and retail businesses on Anaheim and the side streets both east and west of this crossing. Please evaluate any mitigation measures that could be implemented to avoid this including a grade separation.

Because there will be a significant increase in the volume of trucks and a potential increase in rail movements along Alameda, there should be an evaluation of the potential impacts from noise and emissions in the residential area along the west side of Alameda between Anaheim and PCH.

Currently multiple pole lights illuminate the parking lot at berths 200A through H. Will the existing pole lights be used, relocated, removed or replaced by a different type of lighting? Could the lighting increase illumination or glare in the adjacent marinas? Will the rail yard also use halogen floodlights for visibility or security?

Please discuss measures that will be taken to capture operations-generated contaminates that would prevent runoff into harbor waters or flood control channels.

Doubling rail yard capacity could allow for more chemical tank car storage. If tank cars currently being stored in or near any residential areas are to be relocated to the proposed rail yard, priority should be given to those stored in BNSF's Watson Yard to reduce rail movements on the McFarland line and the risks of hauling and storage of chemicals in densely populated areas of Wilmington.

The EIR indicates that by 2025, the Berths 136-147 Terminal would generate approximately 6,377 daily truck trips. If spread evenly over a 24-hour period his equates to 4.5 trucks per minute, 365 days a year. Please discuss foreseeable technology, equipment, operational changes or efficiency measures that will be implemented to accomplish this.

Increasing levels of noise, emissions and re-suspended dirt from rail yard activities, train movements and truck traffic will have long-term economic, health and general quality of life impacts on Wilmington residents and businesses on the north and south side of this rail yard and along the truck and rail corridors. While the increase in goods movement may be unavoidable, we believe that mitigating these localized impacts to a lesser degree is not.

Recommended mitigation:

- Construction of a solid wall bordered by trees with dense foliage along the northern perimeter of the rail yard from Henry Ford to Alameda Street to diminish the noise and emissions from rail yard activities, reduce dust and dirt, help contain any possible leakages, vapors or fumes from tank cars and prevent runoff of residual rail yard contaminates onto the street and into storm drains.

- Construction of a solid wall bordered by trees with dense foliage along the southern perimeter of the rail yard from Henry Ford to the eastern boundary of the WWL terminal to diminish the noise and emissions from rail yard activities and truck traffic, reduce dust and dirt, help contain any possible leakages, vapors or fumes from tank cars and prevent residual runoff of rail yard contaminates into the Consolidated Slip.

- Trees with dense foliage should be planted along the west side of Alameda between the rail line and the residential area from Anaheim Street to PCH.

Comments on disposal of dredged materials:

The WBA does not support any plan to dispose of <u>contaminated</u> dredged sediments at the Anchorage Road Soil Storage Site (ARSSS). The EIR states, 'Dredging and disposal would follow the requirements of the permits issued by the Army Corps of Engineers, the Water Quality Control Board, and the Port of Los Angeles.' Prior use of the ARSSS that has been permitted on a project-by-project basis without public input has had a detrimental affect on occupants and workers in and surrounding the East Basin and resulted in a recent loss of 8-9 acres of wetlands.

If the contaminate levels in sediments disposed of at the ARSSS between March – June 2006 were not high enough to trigger a warning of 'significant risk' to human health yet many people became ill during dredged sediment offloading and dirt hauling operations, then without human testing it cannot be determined who is sensitive to what contaminates and at what level. Thus it

can be assumed that if the levels of contaminants have an adverse affect on the benthic community, there is a probability they will also have an adverse affect on humans.

The Health Risk Assessment for the East Basin must take into account the cumulative affect of all contaminates including the continual exposure to emissions from ships, rail, trucks, refinery(s), SE Resource Recovery Facility (LB incinerator) and scrap metal processing terminal.

Blowing and re-suspended contaminated dirt from the ARSSS disposal site has spread contamination to areas previously unaffected, back into harbor water, into marinas, boat yards and boats and exposed occupants and workers in the surrounding area to these contaminates.

Previous discussions with Port staff indicated that the Port has no specific plan to reuse or remove existing contaminated soil at the ARSSS site. Accidental fuel spills, permitted releases of various pollutants, urban runoff and air deposition will continue to cause soil contamination as documented in the October 2004, LA Regional Contaminated Sediments Task Force Long-Term Management Strategy, which indicates that over the next 20 years the Port will need to dredge between 5.5 – 28.5 million cubic yards of contaminated soil.

Recommended mitigation:

- Provide a substantial buffer area between recreational areas and the ARSSS through the use of wetlands to restore the 8-9 acres that have been lost and dense foliage to prevent blowing dirt until the stockpile is reused or removed. Hydroseed the existing berm.

General Recommendations:

- Provide a definitive reuse plan for the existing contaminated soil at the ARSSS and any proposed additional dredged material, an approximate date that it will be removed and what the USACE and Port plan to do with future dredged contaminated soil to avoid creating multiple unusable stockpiles of contaminated soil and nonproductive land uses in other areas.

- Prepare a CEQA evaluation or the equivalent for the ARSSS site before moving the existing soil or disposal and storage of any new dredged soil. Hold a public scoping meeting in the harbor area to apprise marina operators and tenants, area workers and dirt-hauling contractors what contaminates, if any are in the soil and the precautions that will be taken to prevent adverse affects to humans and property.

As part of the 404(b)(1) evaluation the USACE should consider the following:

40cfr Part 230.5: Identify and evaluate any special or critical characteristics of the candidate disposal site, and surrounding areas which might be affected by use of such site, related to their living communities or human uses.
40cfr Part 230.10: Significant adverse effects of the discharge of pollutants on human health or welfare; significant adverse effects of discharge of pollutants on recreational, aesthetic, and economic values.
40cfr Part 230.11: The degree to which the material proposed for discharge will introduce, relocate, or increase contaminants. This determination shall consider the material to be discharged, the aquatic environment at the proposed disposal site, and the availability of contaminants.
40cfr Part 230.53: Aesthetics associated with the aquatic ecosystem consist of the perception of beauty by one or a combination of the senses of sight, hearing, touch, and smell. Aesthetics of aquatic ecosystems apply to the quality of life enjoyed by the general public and property owners.

Possible loss of values: The discharge of dredged or fill material can mar the beauty of natural aquatic ecosystems by degrading water quality, creating distracting disposal sites, inducing inappropriate development, encouraging unplanned and incompatible human access, and by destroying vital elements that contribute to the compositional harmony or unity, visual distinctiveness, or diversity of an area. The discharge of dredged or fill material can adversely affect the particular features, traits, or characteristics of an aquatic area which make it valuable to property owners. Activities which degrade water quality, disrupt natural substrate and vegetational characteristics, deny access to or visibility of the resource, or result in changes in odor, air quality, or noise levels may reduce the value of an aquatic area to private property owners.

Respectfully,
Wilmington Boat Owners Association

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