

LAHD Mallian Associates Design (April 28, 2009)

- 1. You made remarks regarding the high probability of "hazardous wastes" being present in the existing sediments at the Southwest Marine slips (referred to as Berths 243-245 in the Channel Deepening SEIR/SEIS), and stated that the quantity, composition and volumes of such hazardous wastes were unknown. You also stated that Gambol Industries, in their Application for Discretionary Development (ADP), had specified a sheet-pile containment bulkhead in the Gambol proposal, and that we had included "break bulk" operations in the proposed operations. Neither remark was accurate or complete.**

Thank you for your comments and we appreciate the opportunity to clarify some points made during a lengthy presentation and discussion period. Dr. Appy's definition of hazardous materials included contaminated materials that could not go to ocean disposal. The Final SEIS/SEIR identifies 80,000 cubic yards of contaminated material; Dr. Appy was referring to this material. Regarding the sheet-pile containment bulkhead, please excuse the misstatement. The term "vertical structure" should have been used. Regarding "break bulk" operations, the use of break bulk was also a misstatement and the term "liquid bulk" should have been used.

Regarding the Gambol Industries (Gambol) proposal in general, assessing a potential use by a particular company at Berth 240Z is not part of the of the Channel Deepening Project and is therefore outside the scope of the Proposed Project, which is to create additional disposal capacity for disposal of approximately 3.0 million cy of dredge material to complete the Channel Deepening Project. However, the Los Angeles Harbor Department (LAHD) did consider a proposal from Gambol through, as you point out in your comments, LAHD's Application for Development Project (ADP) process.

LAHD received an ADP by Gambol on February 18, 2009, after the Draft SEIS/SEIR was released and after the comment period had closed. LAHD retains the discretion to deny applications. After assessing Gambol's application it was rejected for a number of reasons. First, LAHD's conceptual long term land use plan for the site is to accommodate the relocation of commercial fishing facilities from Fish Harbor and a marine service station. Secondly, in its application, Gambol applied to use the site to support commercial fishing, filming, and handling liquid bulk, along with using the site as a shipyard. The area is not large enough to support all the proposed uses. Additionally, film and television production activities are inconsistent with the Port Master Plan and the California Coastal Act as these activities are not maritime-related nor water dependent or related uses. Third, in its application, Gambol proposed that LAHD should partially fill only one of the slipways. As discussed in the SEIS/SEIR, approximately 80,000 cubic cy of material from the remaining Channel Deepening project are unsuitable for ocean disposal. As shown in Figure 2-13 of the SEIS/SEIR, a properly designed CDF requires a seismically stable retainment structure, a clean material berm inside the retainment structure for encapsulation and or seismic stability purposes and additional clean material to create a cap to encapsulate contaminated material held within. In the proposed Project, 80,000 cy of contaminated material will be encapsulated by 288,000 cy of clean sediment and 180,000 cy of surcharge will be placed on the completed CDF to promote densification of deposited dredge

material. The volume of material required to construct the CDF as described above will require the use of both slips (Attachment 1). Finally, as discussed a number of shipyard/ship repair facilities exist in the Port. The need for additional stand-alone facilities is low.

- 2. If as stated today by the Environmental Director of the Port of Los Angeles, there are, or probably are, dangerous and financially burdensome "hazardous wastes" contained in the SWM slip sediments, why was this not disclosed and/or addressed in the supposedly "complete and final" SEIR/SEIS.**

Please see response to comment number 1. As discussed in Chapter 3.7 of the Final SEIS/SEIR, construction activities would be conducted using BMPs in accordance with City guidelines, as detailed in the *Development Best Management Practices Handbook* (City of Los Angeles, 2002). Applicable BMPs include, but are not limited to: vehicle and equipment fueling and maintenance; material delivery, storage, and use; spill prevention and control; solid and hazardous waste management; and contaminated soil management. Approximately 0.080 mcy of dredged material is contaminated and would be transported to the Berths 243-245 disposal site for containment and capping, which would expose people, specifically onsite workers who are in the closest contact to the soil and/or dredged sediment, to an existing source of contaminated material during construction. However, these materials would ultimately be contained and capped at the Berths 243-245 disposal site as part of Alternative 1. This would minimize the potential for exposure to contaminants.

As reported in the Final SEIS/SEIR and based on preliminary Phase I reports completed for the environmental analysis, the contaminated sediments at Berths 243-245 are similar to the sediments within the Main Channel and berths that remain to be dredged (Kinnetic Labs & Fugro, 2007), where the contaminant levels were found to be below State of California Title 22 Total Threshold Limit Concentrations (TTLC) (Kinnetic Labs & Fugro, 2007). As such, these sediments are not considered a hazardous waste under state or federal regulatory standards (Kinnetic Labs & Fugro, 2007). In addition, the slips at Berths 243-245 currently contain contaminated sediments from past shipyard operations (Weston, 2005), including concentrations of mercury, lead, zinc, polychlorinated biphenyls (PCBs), tributyltin (TBT) and polynuclear aromatic hydrocarbons (PAHs) (Weston, 2005). The levels of contaminants in these sediments are well below State of California Title 22 Total Threshold Limit Concentrations (TTLC), and these sediments are therefore not considered a hazardous waste under state or federal regulatory standards (Kinnetic Labs & Fugro, 2007).

However, prior to construction and consistent with normal LAHD policies and state and federal regulations, direct hazardous material sampling will occur prior to dredging. If at that point, hazardous material are encountered that were missed by the Phase I report, such material would be handled, or otherwise stored in compliance with the RMP, USCG regulations, fire department requirements, and state and federal departments of transportation regulations (Title 49 C.F.R.). Furthermore, construction activities would be conducted using BMPs in accordance with City of Los Angeles guidelines, as detailed in the *Development of Best Management Practices Handbook* (City of Los Angeles, 2002). As such, compliance with hazardous materials transportation regulations and City of Los Angeles BMPs would limit the potential for exposure and impacts.

- 3. If you are aware, or suspect, that such "hazardous wastes" exist, do you have such a definitive location of these materials that you can allow them to be scooped up with a bucket**

dredge, and moved deeper inside the SWM slips, then dumped on top of other either "contaminated" or probably "hazardous" sediments? What provision are included in the SEIR/SEIS for sampling, mitigation, and containment during dredging operations Again referring to the Final SEIR/SEIS, what is the potential of a toxic plume developing in the Main Channel during the excavation and moving of these probable "hazardous wastes"?

Please see response to comment number 2. Prior to construction and consistent with normal LAHD policies and state and federal regulations, direct hazardous material sampling will occur prior to dredging. If at that point, hazardous material are encountered that were missed by the Phase I report, such material would be handled, or otherwise stored in compliance with the RMP, USCG regulations, fire department requirements, and state and federal departments of transportation regulations (Title 49 C.F.R.). Furthermore, construction activities would be conducted using BMPs in accordance with City of Los Angeles guidelines, as detailed in the *Development of Best Management Practices Handbook* (City of Los Angeles, 2002). As such, compliance with hazardous materials transportation regulations and City of Los Angeles BMPs would limit the potential for exposure and impacts.

- 4. The demolition of the piers requires either destruction or removal of the existing (4) Portal Cranes located on the piers surrounding the slips. These cranes are referenced in the SWM Buildings Demolition EIR, but are not mentioned in the Channel Deepening SEIR/SEIS documents. Our understanding is that these cranes are the subject of historical designation discussions included with the site buildings. Why are these historical assets not addressed?**

As discussed in the Final SEIS/SEIR (page 3-4.8), the Southwest Marine Shipyard facility which includes Berths 243-245 contains structures which have been evaluated as NRHP eligible (LAHD, 2006). The four Colby Cranes present on the wharves that surround and divide Berths 243 and 245—wharves that would be demolished to construct the Berths 243-245 disposal site—have been identified as facilities contributing to historic resources at the adjacent Southwest Marine Shipyard Site. Demolition or damage to the Colby cranes would result in adverse affects to a potentially significant historic resource. However, these cranes are mobile structures, and they would be relocated from their present locations to the adjacent Southwest Marine Shipyard facility (as they have been over the years as part of their intended use) prior to demolition activities at the Berths 243-245 disposal site and would not be damaged or destroyed. With regard to the wharves, however, the USACE has determined that Berths 243-245 no longer retain integrity from their period of significance and are not contributors to the Southwest Marine NRHP district and that use of these berths as disposal site under the Proposed Action would not have an adverse effect on the district.

- 5. There are several in-pier electrical substations, which contain transformers, circuit breakers and other electrical assemblies. Have these substations been tested for PCBs or other hazardous chemical compounds contained in this equipment, and what provisions are included in the SEIR/SEIS for such testing and mitigation during the demolition of the piers?**

Consistent with the objectives of CEQA, final design cannot be completed until and assuming project approval by the decision makers. Assuming project approval, these details will be addressed through incorporation into the final design of the project.

- 6. The existing storm drain system on the Southwest Marine property includes a substantial number of outfall lines leading into the slips, ranging from 4” to 18” in size. Other than**

vague references to “best management practices”, what provisions are included in the SEIR/SEIS for diversion of storm-water and other runoff from the remaining 30 acres of the site after the slips are filled? We note that there are references elsewhere in Port-generated EIR/EIS documents regarding extensive landside pollution, both known and suspected, over the extent of the Southwest Marine site. We do not see any mitigation for toxic runoff addressed within the Channel Deepening SEIR/SEIS. Are there further probable “hazardous waste” deposits within this runoff area?

As discussed in Section 3.12 of the Final SEIS/SEIR, there are eight local storm drain lines that discharge from the adjacent terminal surrounding the slip. Upon final project design, the storm drainage systems for the terminal area will be revised, new lines installed and possibly a collector drain provided. The storm drainage system for the terminal area at Berths 243-245 would be revised upon construction of the CDF to ensure adequate storm drainage at this location such that adverse environmental effects would not occur and would not be discharged through the new landfill. Further, design of the CDF would preclude percolation of contaminants through the fill and into the harbor.

- 7. The existing south pier bordering the slips appears to be buttressing the north side of the U.S. Coast Guard station, which is located above the grade level of the piers. Is there any provision in the SEIR/SEIS or the project documents to investigate and/or mitigate the potential collapse of the Coast Guard retaining wall during the demolition of the piers?**

Consistent with the objectives of CEQA, final design cannot be completed until and assuming project approval by the decision makers. Assuming project approval, complete geotechnical studies and analyses would be performed and incorporated into final design. Specific design of the rock dike would account for existing site conditions and would be detailed as to not affect the retaining wall and or other Coast Guard facilities. Work would be coordinated with Coast Guard and other surrounding entities.