Chapter 2

Response to Comments

2.1 Distribution of the Draft EIS/EIR

The Draft EIS/EIR prepared by LAHD and USACE was distributed to the public and regulatory agencies on May 2, 2014, for a 45-day review period. Approximately 107 printed and digital copies (CD) of the Draft EIS/EIR were distributed to various government agencies, organizations, individuals, and Port tenants. EPA and USACE also published a Notice of Availability (NOA) of the Draft EIS/EIR in the Federal Register (Volume 79, No. 85, page 25130), and USACE published a Public Notice on May 5, 2014. LAHD, in cooperation with USACE, conducted a public hearing regarding the Draft EIS/EIR on May 20, 2014, to provide an overview of the proposed Project and alternatives and to accept public comments on the proposed Project, alternatives, and environmental document.

Printed and digital copies of the Draft EIS/EIR were available for review at the following locations:

- Los Angeles Harbor Department, Environmental Management Division, 222 W. 6th Street, Suite 1080, San Pedro, California 90731
- Los Angeles Public Library—Central Branch, 630 West 5th Street, Los Angeles, CA 90071
- Los Angeles Public Library—San Pedro Branch, 931 South Gaffey Street, San Pedro, CA 90731
- Los Angeles Public Library—Wilmington Branch, 1300 North Avalon, Wilmington, CA 90744

In addition to printed copies of the Draft EIS/EIR, digital copies were made available in response to specific requests. Due to the size of the document, the digital copies were prepared as a series of PDF files to facilitate downloading and printing. Members of the public were invited to request a CD containing the EIS/EIR. Digital copies of the Draft EIS/EIR on CD were available free of charge to interested parties.

The Draft EIS/EIR was available in its entirety on the Port web site at http://www.portoflosangeles.org/environmental/publicnotice.htm, with the public notice available online at http://www.spl.usace.army.mil/regulatory/POLA.htm. The EPA and USACE NOAs and USACE Public Notice were also made available online at http://www.federalregister.gov and http://www.spl.usace.army.mil/Missions/CivilWorks/Regulatory, respectively.

2.2 Comments on the Draft EIS/EIR

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

USACE and LAHD received 17 comment letters and verbal comments on the Draft EIS/EIR during the public review period. Table 2-1 presents a list of those agencies, organizations, and individuals who commented on the Draft EIS/EIR.

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

Letter Code	*Date*	*Individual/Organization*	*Page*
Federal Government			
FEMA	May 5, 2014	Gregor Blackburn, CFM, Branch Chief, Floodplain Management and Insurance Branch: U.S. Department of Homeland Security, FEMA Region IX	2-16
EPA	June 16, 2014	Kathleen Martyn Goforth, Manager, Environmental Review Section: United States Environmental Protection Agency, Region IX	2-19
USDOI	June 16, 2014	Patricia Sanderson Port, Regional Environmental Officer: United States Department of the Interior, Office of Environmental Policy and Compliance, Pacific Southwest Region	2-35
FWS	June 17, 2014	Karen A. Goebel, Assistant Field Supervisor, Ecological Services, Carlsbad Fish and Wildlife Office: U.S. Department of Interior, Fish and Wildlife Service	2-37
NMFS	June 16, 2014	William W. Stelle, Jr., Regional Administrator, West Coast Region: United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service	2-40
State Government			
CCC	June 2, 2014	Larry Simon, Federal Consistency Coordinator: California Coastal Commission, Energy, Ocean Resources and Federal Consistency Division	2-50
DOT	June 12, 2014	Dianna Watson, IGR/CEQA Branch Chief: California Department of Transportation, District 7, Transportation Planning	2-52

Letter Code	*Date*	*Individual/Organization*	*Page*
OPR	June 17, 2014	Scott Morgan, Director, State Clearinghouse: California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	2-59
Regional and Local Government			
SCAQMD	June 27, 2014	Susan Nakamura, Director, Strategic Initiatives, South Coast Air Quality Management District	2-64
BOS	August 14, 2014	Ali Poosti, Division Manager, Wastewater Engineering Services Division, Los Angeles Bureau of Sanitation	2-100
Organizations			
EJ1	June 16, 2014	Adriano L. Martinez, Staff Attorney: Earthjustice: Communities for a Better Environment, Natural Resources Defense Council, Physicians for Social Responsibility – Los Angeles, San Pedro and Peninsula Homeowners Coalition, Sierra Club	2-104
EJ2	June 16, 2014	Adriano L. Martinez, Staff Attorney: Earthjustice: Communities for a Better Environment, Natural Resources Defense Council, Physicians for Social Responsibility – Los Angeles, San Pedro and Peninsula Homeowners Coalition, Sierra Club	2-107
HTA	June 16, 2014	Alex Cherin, Executive Director: Harbor Trucking Association	2-133
Individuals			
DC1	May 28, 2014	Dennis Crable, Crable & Associates	2-140
DC2	June 2, 2014	Dennis Crable, Crable & Associates	2-146
AH	June 16, 2014	Andrea Hricko, MPH, Professor of Clinical Preventive Medicine: Keck School of Medicine of USC	2-150
Draft EIS/EIR Public Hearing			
PH	May 20, 2014	Michele Grubbs, Vice President: Pacific Merchant Shipping Association	2-172

2.3 Responses to Comments

In accordance with NEPA (40 CFR Part 1503.4) and CEQA (Guidelines Section 15088), USACE and LAHD have evaluated the comments on environmental issues received from agencies and other interested parties and have prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the Draft EIS/EIR. In implementing regulations 40 CFR Park 1503.4 of NEPA and specific compliance with State CEQA Guidelines Section 15088(b), the written responses address the environmental issues raised.

In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the proposed Project is provided. In each case, USACE and LAHD have expended a good faith effort, supported by reasoned analysis, to respond to comments. This section includes responses not only to the written comments received during the 45-day public review period of the Draft EIS/EIR, but also verbal comments made at the public hearing for the Draft EIS/EIR. Some comments have prompted revisions to the text of the Draft EIS/EIR, which are referenced and shown in Chapter 3, Modifications to the Draft EIS/EIR. A copy of each comment letter is provided, and responses to each comment letter immediately follow.

2.3.1 Master Responses

Because a large number of the comment letters received had similar concerns, a set of master responses was developed to address common topics in a comprehensive manner. The following Master Responses section includes feedback on the following topics:

1) Feasible Mitigation

2) Zero Emission Technologies

3) Environmental Justice

4) Alternative Maritime Power (AMP) Requirements

Individual responses to all comment letters received on the Draft EIS/EIR are presented following the Master Responses and may refer to the Master Responses in total or in part.

2.3.1.1 Master Response 1: Feasible Mitigation

Several comments questioned whether all feasible mitigation measures have been identified within the Draft EIS/EIR to reduce impacts to the maximum degree. This response provides the CEQA and NEPA requirements for consideration of mitigation measures.

Mitigation is required only for significant environmental impacts (PRC 21100(b)(3); State CEQA Guidelines Sections 15126.4(a)(1)(A) and 15064(e)). CEQA provides that environmental analysis should emphasize feasible mitigation measures (PRC 21003(c)). An agency may, however, reject mitigation measures or project alternatives if it finds them to be "infeasible" (PRC 21081(a)(3); State CEQA Guidelines Section 15091(a)(3)). "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (PRC 21061.1; State CEQA Guidelines Section 15364). Consideration of feasibility of mitigation measures may also be based on practicality (*No Slo Transit, Inc. v. City of Long Beach* [1987] 197 Cal.App.3d 241, 257). In addition, while a lead agency is required to respond to comments proposing concrete, obviously feasible mitigation measures, it is not required to accept suggested mitigation measures (A Local and Regional Monitor (ALARM) v. City of Los Angeles (1993) 12 Cal. App. 4th 1773, 1809).

The NEPA (40 CFR 1500–1508) and USACE regulatory program regulations (33 CFR 320–332) provide authority for USACE to require mitigation for impacts on waters of the

United States (40 CFR 1508.14 and 1508.20; 33 CFR 320.4, 33 CFR 325.4, 33 CFR 325 Appendix B paragraph 9(5)(e), and 33 CFR 332). USACE also implements the EPA section 404(b)(1) Guidelines (40 CFR 230), which provide authority for USACE to require mitigation for impacts on waters of the United States, including special aquatic sites, when the impact results from a discharge of dredged or fill material. To determine mitigation requirements during the DA permit evaluation process, USACE applies established regulations and/or the 404(b)(1) Guidelines (if applicable), including the avoidance/minimization/compensation sequencing described in the USACE-EPA Memorandum of Understanding (1990) and the South Pacific Division procedures for determining compensatory mitigation ratios. Under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), which authorizes work and structures in, over, and under any navigable water of the United States, the required public interest review at 33 CFR 320.4 provides authority for USACE to require mitigation for impacts on navigable waters of the United States.

The Berths 212–224 YTI Terminal Improvements Project would not result in a discharge of dredged or fill material into waters of the United States; therefore, the 404(b)(1) Guidelines would not be applicable to this permit application. As a result, mitigation requirements for the proposed Project have been developed as part of the NEPA (EIS/EIR) process and USACE permit evaluation process to address potential impacts related to the proposed work and structures in, over, and under navigable waters of the United States, which are regulated under Section 10 of the Rivers and Harbors Act. More specifically, mitigation requirements associated with USACE's federal action on the proposed Project (i.e., potential issuance of a permit) are primarily guided by the required public interest review (33 CFR 320.4(a) and (r)). Pending EPA approval under Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413), suitable dredged material may be transported, for the purpose of ocean disposal, to the LA-2 offshore dredged material disposal site. Pursuant to USACE implementing regulations (33 CFR 325.4), the Los Angeles District Regulatory Division has developed standard special conditions that are specific to transport of dredged material for the purpose of ocean disposal; such conditions are designed to avoid and minimize impacts on ocean resources and are always included on DA permits when ocean disposal of dredged material is approved.

LAHD and USACE have identified and propose to incorporate all feasible mitigation measures. No additional mitigation measures have been determined to be feasible to reduce significant impacts disclosed in the EIS/EIR. Many of the comments on mitigation feasibility focused on zero emission technologies and AMP requirements. These two topics and their feasibility are discussed in detail in Master Responses 2 and 4, respectively. The feasibility of other specific suggested measures is discussed in the individual responses below, as appropriate.

2.3.1.2 Master Response 2: Zero Emission Technologies

Several commenters have suggested that zero-emission container movement systems (ZECMS) or transport should be included as mitigation measures or components of the proposed Project. While under CEQA, an EIR must describe feasible mitigation measures that could minimize the project's significant impacts (State CEQA Guidelines Section 15126.4(a)(1)), an EIR need not identify and discuss or analyze in detail mitigation measures that are infeasible (see Master Response 1: Feasible Mitigation) (*Clover Valley Foundation v. City of Rocklin* [2011] 197 Cal.App.4th 200, 245; *Cherry*

Valley Pass Acres & Neighbors v. City of Beaumont [2010] 190 Cal.App.4th 316, 351). Similarly, an EIR need not include an infeasible alternative within the reasonable range of alternatives evaluated in detail. Feasible means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (State CEQA Guidelines Section 15364). While zero-emission technologies are promising, zero-emission trucks and most ZECMS have not yet proven, through demonstration and evaluation, to be feasible in port operations. However, in recognition of the potential future promise of such technologies, LAHD has included lease measures in this document that require technology reviews and allow for the deployment of new technologies when they become commercially viable (LM AQ-1 and LM AQ-2). These lease measures will ensure that YTI reconsiders the feasibility of zero-emission technologies in the future as the technologies continue to develop.

The Technology Status Report – Zero Emission Drayage Trucks (TIAX 2011), prepared for the Ports of Los Angeles and Long Beach, examined the state of current zero-emission technologies and outlined a reasonable, programmatic approach to commercialization, based on thorough demonstration and evaluation. The report concludes that a two-phase demonstration approach to commercialization is needed. The first phase would be a small-scale (one to three units) demonstration to test basic technical performance. This would be followed by the second phase consisting of a broader, large-scale (ten to twenty units) demonstration to assess how the technologies fit into existing operations on a multi-unit basis.

In July 2011, at a joint meeting with the Harbor Commissions of the Ports of Los Angeles and Long Beach, staff presented the Roadmap for Zero Emissions (POLA & POLB 2011). This document, prepared by the two ports, expresses the ports' commitment to zero-emission technologies by establishing a reasonable framework for future identification, development, and testing of non-polluting technologies for moving cargo.

The TAP serves as the catalyst to identify, evaluate, and demonstrate new and emerging technologies applicable to the Port. The Ports of Los Angeles and Long Beach regularly meet with technology developers in order to stay informed about new and emerging technologies that may provide some options for reducing emissions from port operations. Furthermore, annual status reports on the TAP's completed and ongoing projects are provided on the TAP website at http://www.cleanairactionplan.org/programs/tap/default.asp. Recommendations from the TAP are taken to the Boards of Harbor Commissioners when selecting and funding projects.

ZECMS also present many operational concerns, such as charging/fueling and maintenance that need to be examined prior to full deployment into the fleet. Additionally, durability, loss of power potential, and safety need to be monitored through testing before stakeholders commit to large capital investments. The amount of existing data in these areas is extremely limited. Furthermore, without the completion of the real-world fleet testing with full loads and full duty cycles, including longer-term mechanical service and reliability over a sufficient demonstration period, a system that later proved to be unreliable would result in disruption and delay of cargo flow and trade at the Port Complex. See below for discussions of specific near-zero and zero emission container handling equipment.

Drayage Trucks

In 2006, LAHD co-funded with SCAQMD the world's first plug-in, battery-powered, heavy-duty truck prototype. Subsequently, through the Technology Advancement Program (TAP), the Ports of Los Angeles and Long Beach have funded a hydrogen fuel cell/battery hybrid. The TAP is currently considering several other zero-emission, heavy-duty truck technologies.

As part of the Port's Five-Year Strategic Plan adopted by the Board of Harbor Commissioners in April 2012, LAHD included an initiative to develop an action plan with a goal of 100% of the truck moves to proposed and existing near-dock rail yards by zero-emission trucks by 2020. These actions demonstrate LAHD's intent and commitment to advancing the use of zero–emission, heavy-duty trucks.

The Ports are currently conducting demonstration projects for two battery plug-in trucks and one hydrogen fuel cell hybrid truck. In June 2012, the battery plug-in truck was tested on a dynamometer using a port-specific duty cycle at University of California Riverside's Center for Environmental Research & Technology. The test provided a baseline for future improvements. Since the dynamometer testing, the battery-powered truck has been tested using empty and fully loaded containers that were loaned to the Port for these tests. In this testing, the unit has accumulated approximately 250 hours of use, but it has not yet been put into commercial drayage service. In February 2014, a heavy-duty battery electric truck that uses the ElecTruck drive system developed by TransPower successfully hauled a 75,000-pound load up and down the Gerald Desmond Bridge multiple times. These ElecTruck drive systems are being developed for demonstration in real-world drayage service as part of a zero-emission cargo transport demonstration program funded by a U.S. Department of Energy grant and in collaboration with SCAQMD and the Ports. After seven trucks that use the ElecTruck drive system are assembled and deployed, a 12-month demonstration period is planned by Port drayage truck operators.

The hydrogen fuel cell–powered truck has been used in isolated tests. One test, at a facility in Commerce, CA, included picking up fully loaded containers and traveling over a 6% grade. Another test was done by a national retailer picking up containers, crossing the Vincent Thomas Bridge, and delivering them to distribution centers. The truck achieved 200 miles on a single tank of hydrogen, and a demonstration of an extended range of 400 miles is planned. Both technologies have been promising in initial use and additional hours of usage are currently being accrued. In addition to the demonstrations projects mentioned above that are underway, information on planned zero-emission truck development can be found at the Port's website: http://www.portoflosangeles.org/environment/zero.asp.

It is important to note that the tests presented above do not provide enough data points to constitute a completed small-scale demonstration. A small-scale demonstration would consist of approximately one year (up to eighteen months if durability is questionable) of continuous demonstration to fully assess the technical capabilities and reliability of each technology. As stated in the TIAX report (TIAX 2011:21), "the lack of a real-world demonstration over an extended period of time makes it impossible to assess the viability of these technologies in drayage operations. For these reasons, it is not possible in this report to estimate the timing of large-scale commercial viability for this vehicle without further information and testing."

It is imperative to LAHD, its customers, and public safety that technologies be fully demonstrated and evaluated in order to be considered feasible for implementation at the scale requested by commenters, which is to convert the drayage truck fleet and cargo movement operations to 100% zero emissions. Continued collection of real-world, in-use data is essential, particularly when deploying technologies on public roads.

The technology of heavy-duty electric drive engines with the potential for zero emissions has advanced greatly in recent years. LAHD has been a leader in developing and testing zero-emission, heavy-duty trucks and has sent a clear message to technology providers that zero-emission technologies are needed as soon as practicable.

Commenters have stated that zero-emission truck technologies can be commercialized by 2016 and have identified potential zero-emission truck technology configurations that can be used for the proposed Project. Based on the information available at this time, that determination is speculative (see above analysis). There is no substantial evidence supporting the proposition that they will be commercialized by that time, nor is there any way to guarantee such an achievement. As discussed above, a programmatic approach to demonstration and commercialization must be completed before technologies can be viewed as commercially viable. One commenter identified four potential technology options for zero emission trucks: (1) battery-electric trucks; (2) fuel cell trucks; (3) hybrid-electric trucks with all-electric range; and (4) and zero-emission hybrid or battery-electric trucks with "wayside" power. None of these technologies has completed both levels of demonstration recommended by the TIAX report (TIAX 2011), nor has any been proven for full-scale implementation, including the commercialization that would follow such demonstrations. No electric or hydrogen hybrid technology has been adequately demonstrated. Demonstration projects for hybrid electric trucks with all-electric range and zero-emission hybrids with wayside power capabilities have conceptually been discussed, and some small-scale demonstrations are in the process of being implemented (e.g., the TransPower Battery Electric Trucks), but none yet have been adequately demonstrated. Accordingly, none of the four options is considered feasible at this time.

A commenter states that the Zero-Emission Catenary Hybrid Truck Market Study prepared by Gladstein, Neandross & Associates in March 2012 (Gladstein, Neandross & Associates 2012) identifies transport between the ports and near-dock railyards as a potential market that could use overhead catenary systems. LAHD has had ongoing discussions with SCAQMD on a potential demonstration project for a catenary system. This is also being discussed as a potential project through the Zero Emission Truck Regional Collaborative, which is made up of the Port of Los Angeles, Port of Long Beach, SCAQMD, Metropolitan Transportation (METRO), California Department of Transportation (Caltrans), Southern California Association of Governments (SCAG), and Gateway Cities Council of Governments. The Regional Collaborative, with SCAQMD as the lead agency, prepared and submitted an application for grant funding to help offset the cost of a demonstration of an overhead catenary system; however, the project was not selected for funding. As funding and project details are being worked out, there is currently no project in place. A catenary system would also need to be fully demonstrated before being considered a commercially viable option.

Although zero-emission trucks are currently in limited use, development and deployment of this technology involves the following four steps: (1) research and development; (2) technology development and demonstration; (3) pre-production deployment and

assessments; and (4) early production deployments. As a funding partner in those efforts, LAHD supports accelerating zero-emission technologies through the lease measures recommended for this EIS/EIR, among other commitments as described above.

The Technologies, Challenges & Opportunities I-710 Corridor Zero Emission Freight Corridor Vehicle Systems report (CALSTART 2012) is cited by a commenter as a recent analysis to support the technical feasibility of implementing zero-emission truck technologies in the I-710 Corridor project. The report includes a high-level preliminary assessment of some potential technologies that may be able to serve the I-710 corridor by 2035. The citations generally state the possibility of zero-emission technologies being in production before 2035 and even potentially within five to ten years. The CALSTART report also identifies several challenges that need to be overcome before commercialization and feasibility can be achieved. These challenges were generalized into three categories: Design Factors, Costs, and Economic/Business Case. Specific points raised by one of the commenters are:

- "Provided there is a strong focus on the commercialization process, this assessment finds commercial viability could occur well before 2035, indeed within the next decade." This comment is speculative and is contingent upon the trucking industry's "strong focus" on commercializing zero-emission technologies. The report does not provide a definitive timeline for commercialization or its feasibility.
- "A 'dual mode' or 'range extender' Hybrid Electric Vehicle (HEV) with some EV only capability was seen as the most feasible solution." The Ports are examining dual-mode and hybrid trucks as potential zero-emission options. However, there are currently no technologies with these capabilities that are being demonstrated; therefore, the technologies are not mature enough to include as mitigation.
- "A ZE truck to serve the I-710 freight corridor (in Alternatives 6B or 6C) is fully technically feasible and can be based on vehicle architectures and designs already in prototype status." As discussed above, LAHD has been active in funding demonstration projects for zero-emission trucks. While the technologies have had some success in initial testing, this has been on a limited test basis and there is not enough definitive data to determine if a technology is commercially viable. Throughout the document, the CALSTART report outlines several development steps that must be achieved before any of the technologies examined can be fully commercialized. The report states, "It is not advisable to jump directly to the desired outcome because competing technologies must be evaluated, tested, proven, and commercialized. The commercialization process and achieving feasibility for a complex product like a Class 8 truck includes significant engineering and development work, including demonstration and validation of early prototypes, building a small number of pre-production vehicles, and constructing a business case for moving to full production – over the course of several years" (CALSTART 2012:4). This supports LAHD's desire to fully test technologies before deployment.
- "A dual-mode hybrid or range-extended hybrid (possibly using a natural gas engine) with some engine-off driving capability (hence zero tailpipe emissions) coupled with corridor-supplied electrical power (lowest risk is believed to be a catenary system) was overwhelmingly identified as the most feasible system in

the 5-year time frame" and "Development timelines run from near term demonstrations within eighteen months to three years, to the potential for production in as few as five years." However, there are currently no demonstration projects underway. Without any demonstrations, a five-year timeframe is speculative. The five-year time frame would again be contingent on the trucking industry's focus on zero-emission technologies and funding assistance to speed development, validation, and deployment as described in the CALSTART report (CALSTART 2012:31).

- "Based on interview responses, technology is not considered a barrier to a zero emission freight truck. Fundamental research and development is not required. Additional development and demonstration of systems and system integration, and on fielding and validating prototype vehicles, would be valuable." This supports LAHD's intent to fully demonstrate and validate the performance of new technologies in this duty cycle. This testing is not only valuable but critical. Additionally, as mentioned above, the CALSTART report states that the commercialization process and achieving feasibility, including development, demonstration, and fabrication of test vehicles, would take several years (CALSTART 2012:4).
- "The report also noted the need to establish an economic case for a zero-emission corridor and its vehicles, including incentives, inducements and potential regulations. CALSTART recommended that developing this structure for a zero-emission freight corridor should be conducted in parallel with technology demonstration as soon as practicable. (Page 33)." Through actions and commitments, LAHD can help to catalyze the development of zero-emission technologies, but it is unrealistic for LAHD alone to be expected to drive the market for zero-emission trucks. It is not anticipated that isolated projects with specific duty cycles would be enough to individually drive a market for zero-emission trucks.

The CALSTART report also identifies economics/business case as a challenge that needs to be overcome before commercialization or feasibility can be achieved. There is a high capital cost associated with purchasing zero-emission trucks. In some cases, electric trucks can be more than triple ($100,000 to $300,000+) the cost of a diesel truck. There may also be operational cost increases if battery swapping or charging downtime is required. A full economic analysis considering the current business model must be conducted prior to determining that zero-emission technologies are feasible. The drayage trucking industry has recently made a large investment to comply with the San Pedro Bay Ports' Clean Truck Program. There are currently over 13,000 trucks in the Port Drayage Truck registry that meet or exceed EPA 2007 emission standards. At approximately $100,000 per truck, this represents an investment of approximately $1.3 billion by the trucking industry. Including a new mitigation measure that requires up to triple that investment so soon after a major industry investment is not economically practical and, therefore, infeasible at this time.

Although the I-710 Corridor Draft EIR/EIS has been released, the lead agency's decision is pending and no alternative has been selected. Therefore, it is premature and speculative to assume that either of the zero-emissions freight corridor alternatives for that project (6B or 6C) will be selected, and it would be similarly premature and speculative to include any assumptions in the proposed Project's Draft EIS/EIR regarding

zero-emissions trucks utilizing the I-710 corridor in the future year 2035, as was suggested by one commenter. Although an EIR should make reasonable forecasts (State CEQA Guidelines Section 15144), an EIR should not speculate about the effects of contingent future events (State Water Resources Control Bd. Cases [2006] 136 Cal.App.4th 674, 797).

Cargo Handling Equipment

LAHD is also focused on the development of zero-emission technologies for cargo-handling equipment and is in the process of developing and testing some off-road cargo-handling equipment. Different zero emission technologies for CHE and demonstration projects that have been completed or are currently underway are discussed below.

Zero Emission Yard Tractors

LAHD has funded numerous zero emission yard tractor projects through the TAP, including plug-in battery electric yard tractors and a hydrogen fuel cell yard tractor. However, the feasibility of zero emission technology for yard tractors or the likelihood of availability of zero emission yard tractors on the market in the near-term has not yet been shown. Testing of zero emission yard tractors has been ongoing since 2008, including demonstration projects funded by POLA, but testing and demonstration have not yet produced a viable candidate for large-scale testing or use in a marine terminal operation and duty cycle. In 2013, CARB selected the Ports of Los Angeles and Long Beach to provide grant funding for a two-year project to develop and demonstrate two electric yard tractors; this project is expected to be completed in 2015.

The Port has been proactive in working with manufacturers (such as Balqon and Transpower) to design and produce prototype plug-in electric yard tractors, which operate on lithium-ion batteries.

Initial testing of the Balqon yard tractors at the California Cartage Intermodal Facility indicated that the yard tractors were capable of operating for over 12 hours on a single charge. YTI participated with POLA in the initial testing of the Balqon plug-in electric yard tractor in 2008, which proved to be unsuitable for a marine terminal duty cycle; the equipment lasted only a few hours of one shift before requiring recharging. YTI also tested the Capacity of Texas Inc., Pluggable Hybrid Electric Terminal Truck (PHETT^{TM}) hybrid tractor in 2009, but this was never brought to market. The Port is now beginning to test six units of the Balqon yard tractor at the APMT and Evergreen Terminals. However, just like the electric drayage trucks, the yard tractors need to undergo extensive testing and demonstration at Port terminals to prove consistency, durability, and reliability.

The Port is currently constructing electric charging stations at the APM, Evergreen, and American President's Line (APL) Terminals. APM and Evergreen will each test three Balqon yard tractors for one year, and APL will test two Transpower yard tractors for one year. Information collected during these demonstration projects will dictate whether further larger scale demonstrations using 10 to 20 yard tractors are ready to take place. Once the larger scale demonstrations are deemed successful the electric yard tractors could be ready for commercialization.

The 2010 Hybrid Yard Hostler Demonstration and Commercialization Project was a TAP project that involved three hybrid (diesel-battery-electric) yard hostlers (also known as

yard tractors). These three hybrid yard tractors were put into service at the Port of Long Beach for a period of 6 months performing ship, rail, and dock work, with a goal of measuring the emissions of a conventional and hybrid yard tractor following cycles developed from monitoring in-use activities. Results indicated that at low loads the hybrid consumed about 7% more fuel and at high loads the hybrid saved about 3% fuel, while NO_X emissions were reduced at both load levels. Considering that the results did not indicate fuel savings for the hybrid yard hostler, further refinement of the hybrid drive system design was recommended to improve the yard tractors' fuel economy.

The LNG Yard Hostler Demonstration and Commercialization Project assessed the performance and emissions of three LNG yard tractors over 8 months from June 2006 to January 2007 at the Port of Long Beach. Results indicated that LNG yard tractors used about 30% more diesel gallon equivalents than diesel yard hostlers, had higher NO_X emissions, and had an incremental cost over a diesel yard truck of approximately $40,000. In addition, the permitting process for LNG fueling infrastructure varies, and the demand for LNG yard hostlers is expected to be unlikely without financial or regulatory incentives. These examples illustrate the difficulties and challenges that continue to face developers of zero emission yard tractors to bring the technology to the market.

Electric Rubber Tire Gantry Cranes

A standard rubber tire gantry crane (RTG) runs on diesel fuel and is used for stacking intermodal containers within the stacking areas of a container terminal. An electric RTG (ERTG) runs primarily on electric power provided by a bus bar, overhead conductor, or cable reel but retains diesel engine capabilities for moving between rows of containers. The extensive infrastructure makes ERTG systems extremely expensive to build and makes the layout and operations highly inflexible, which would be difficult to implement on an existing operational container terminal. As such, ERTG systems are best suited for master-planned terminals where the physical layout and operations are specifically designed to accommodate the ERTG system. The proposed Project is an existing terminal that was not designed for an ERTG layout and operation. Reconfiguring the terminal is beyond the scope of this proposed Project. The high up-front capital investment and operational restrictions make installation of an ERTG system a reasonable option on a 20–30 year operational timeframe, depending on the type of project being considered, rather than an existing terminal with a 9-year operational period, as is the case for the proposed Project. Additionally, between 2009 and 2013, YTI repowered its RTG equipment, which has a substantial remaining useful life, to Tier 4i engine standards at a cost of over $1.5 million.

For the reasons described above, widespread use of ERTGs at the Port is limited, and their use in the proposed Project is financially and operationally infeasible.

Rail-Mounted Gantry Cranes (RMGs)

Rail-Mounted Gantry Crane (RMG) systems involve similar financial and operational restrictions to those discussed above for ERTGs, though to a greater degree. RMGs operate on rail tracks, making them even more operationally restrictive than ERTGs. Additionally, the capital investment and intensity of construction required to develop an RMG system is greater than for ERTGs. As with ERTGs, RMG systems are best suited for master-planned terminals where the physical layout and operations are specifically designed to accommodate the RMG system and the operational period is long enough

(30 years or more) to justify the major capital investment and highly specific operational parameters, as opposed to a project with a 9-year operational period involving improvements to an existing container terminal, as is the case for the proposed Project. Additionally, between 2009 and 2013, YTI repowered its RTG equipment, which has a substantial remaining useful life, to Tier 4i engine standards at a cost of over $1.5 million. For the reasons described above, the use of RMGs for the proposed Project is financially and operationally infeasible.

Hybrid RTGs (EcoCrane)

In a demonstration project sponsored by the Ports of Los Angeles and Long Beach under the TAP, a hybrid RTG, EcoCrane™ equipped with an advanced energy capture and battery storage system was placed into testing in 2009 and eventually commissioned after initial engineering issues, in 2010. While the EcoCraneTM showed reductions in criteria air pollutant emissions, fuel consumption, and greenhouse gases, as compared to a conventional diesel-electric RTG crane, it experienced engineering issues related to inverter failure, battery/inverter compatibility, and generator failure. Based on lessons learned from this demonstration, a second-generation EcoCrane™ hybrid RTG system has been developed and will be tested at the West Basin Container Terminal at the Port of Los Angeles. As such, this technology is still in the testing phase and has not been demonstrated to be commercially viable.

Additionally, between 2009 and 2013, YTI repowered their RTG equipment, which has a substantial remaining useful life, to Tier 4i engine standards at a cost of over $1.5 million. The CARB regulations governing currently in-use CHE allow for the continued use of lower tier RTG engines if the engines are retrofitted with the highest level Verified Diesel Emission Control System available. YTI voluntarily elected to exceed the regulatory requirements by repowering all of its RTG equipment with Tier 4i engines, the cleanest engine that currently is available, and completed this conversion ahead of the compliance schedule set forth in the CARB regulations.

Even if technically feasible, the cost of replacing this RTG equipment with Hybrid RTGs would equal the entire cost of the new equipment, not merely the differential or incremental cost between the Tier 4i engines and the hybrid engines, and would lead to minimal reductions in emissions. Based on the cost of a single hybrid RTG engine conversion, the conversion is not cost effectiveness based on the emission reductions that would be achieved. As such, replacing the RTG fleet at the YTI Terminal is not feasible.

In addition to the minimal reduction in emissions achieved and the lack of cost-effectiveness, additional concerns associated with the use of hybrid RTGs include: safety hazards posed by potential leaks from battery packs; the need for additional labor staffing on the ground due to the reduced visibility from the size and location of the battery box; the logistical difficulties associated with the use of the batteries, which must be drained and "equalized" every 21 days, a process that requires eight hours to complete, thereby negatively impacting the use and efficacy of the RTGs; the increased stress fractures noted in equipment welds due to the additional battery weight on one side of the equipment; and the need to dispose of the batteries (which have a useful life of only three years) as hazardous waste.

Ship-to-Shore Cranes

Ship-to-shore cranes are large stationary dockside gantry cranes used for loading and unloading intermodal containers from container ships of various sizes at container terminals. All of the ship-to-shore cranes currently servicing container vessels at the Port are powered by electricity provided from the City of Los Angeles Department of Water and Power.

Conclusion

LAHD has supported and continues to support the development of zero-emission technologies through funding and implementation of demonstration projects and through partnerships with other interested parties and agencies. However, development and testing of many of these technologies are still in the early stages, and a timeline for commercial viability is speculative at this time, making them technologically infeasible. Those technologies that are commercially available, including ERTGs and RMGs, are operationally and financially infeasible due to the short operational period and scope of the proposed Project. As such, it is infeasible to require YTI to use zero-emission truck and/or cargo handling equipment through mitigation. However, LAHD has included lease measures in this document that require technology reviews and allow for the deployment of new technologies when they become commercially viable (LM AQ-1 and LM AQ-2). These lease measures will ensure that YTI reconsiders the feasibility of zero-emission technologies in the future as the technologies continue to develop.

2.3.1.3 Master Response 3: Environmental Justice

Environmental justice is generally defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. In the context of project development, it refers to disproportionate adverse human health and environmental effects on low income and minority populations and is a required assessment of federal projects by federal agencies under NEPA. The analysis of environmental justice impacts is not required under CEQA. As such, no environmental justice significance determinations were made pursuant to CEQA.

Under the methodology used in the EIS/EIR's analysis, if a significant unavoidable impact (under NEPA) for any resource area would impact low income or minority residents, it was identified as a disproportionate impact under NEPA. Because the proposed Project and its transportation corridors would result in adverse impacts on air quality and noise, and would occur in communities with a high percentage of low-income and minority populations, the Draft EIS/EIR concluded that there would be disproportionate impacts related to air quality and disproportionate cumulative noise impacts under NEPA. However, it was subsequently determined that the marina-based residential receptors that are cumulatively impacted by noise are not classified as a low-income and/or minority population. Please see pages 3-30 and 3-31 of Chapter 3, Modifications to the Draft EIS/EIR, for an updated environmental justice discussion based on this reclassification.

Several commenters stated that the proposed Project should not go forward because it violates environmental justice principles. Those comments raise policy issues, not issues of what is allowable under CEQA or NEPA.

USACE and LAHD are committed to mitigating disproportionate effects—like all significant effects—to the extent feasible. LAHD's primary means of mitigating the disproportionate effects of air quality impacts is to address the source(s) of the impact(s) through a variety of Port-wide clean air initiatives, including the CAAP, the sustainable Construction Guidelines, and the CAAP San Pedro Bay (Health) Standards. As part of the San Pedro Bay Standards, the Draft EIS/EIR included a Health Risk Assessment (HRA), which included a quantitative estimate of health risk impacts from air emissions associated with the proposed Project as well as existing and planned (cumulative) operations at the YTI Terminal and within the Port of Los Angeles. The health risk assessment shows that health impacts would be less than significant for residential communities on land under CEQA and NEPA; however, under the proposed Project and Alternative 3, maximum incremental cancer risk under CEQA would remain significant and unavoidable for marina-based residential receptors. However, the incremental cancer risk is not significant under NEPA. It should be noted that the significant and unavoidable cancer risk under CEQA only extends over approximately 25% of a single marina directly adjacent to the Henry Ford and Schuyler Heim bridges. As discussed above, these marina-based residential receptors are not classified as part of a minority and/or low-income community. This document also includes the maximum feasible mitigation to reduce impacts on low income and minority residents where possible.

LAHD is committed to addressing the overall off-Port impacts created by Port operations on surrounding communities and their residents. The Harbor Community Benefit Foundation (HCBF) is a nonprofit organization that administers the Port Community Mitigation Trust Fund (Trust Fund). The Trust Fund was established as a result of a Memorandum of Understanding (Trans Pacific Containers Service Corporation Memorandum of Understanding, executed on April 2, 2008, and known as the TraPac MOU) between appellants and the City of Los Angeles to settle appeals to the Board of Harbor Commissioner's certification of the Berths 136–147 [TraPac] Container Terminal Project Final Environmental Impact Statement/Final Environmental Impact Report (Final EIS/EIR). Pursuant to Exhibit B of the TraPac MOU, a specific list of Port expansion projects was established for which LAHD would contribute to the Trust Fund upon project implementation. The YTI Container Terminal Improvements Project is one of the projects listed in Exhibit B. As such, LAHD has estimated the proposed Project will contribute approximately $773,500 to the HCBF in accordance with the established calculation method if the proposed Project is implemented. The final amount will be determined at the time the Board considers whether to certify the Final EIS/EIR and approve the proposed Project.

The TraPac MOU does not allow the funding to be used as mitigation for direct project effects. Rather, the HCBF awards grants to a variety of projects and programs aimed at reducing health, environmental, and community impacts from Port operations in the communities of San Pedro and Wilmington. Even after identification of all feasible mitigation measures, as required by CEQA, NEPA, and USACE implementing regulations, significant unavoidable adverse impacts associated with air quality and meteorology, biological resources (under both CEQA and NEPA), and greenhouse gas emissions (under CEQA only) would remain after implementation of the mitigation measures. The environmental justice evaluation bases its identification of high and adverse impacts to minority and low-income populations upon these significant unavoidable adverse NEPA impacts. Executive Order 12898 (EO, 1995) requires each federal agency make achieving environmental justice part of its mission by identifying

and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations, and Indian tribes. While the EO does not establish or modify analysis thresholds under NEPA, preclude a proposed action from going forward, or establish a format for evaluating impacts on minority and low-income populations and Indian tribes, the EO does compel the NEPA lead agency to heighten attention on alternatives analysis, mitigation strategies, monitoring needs, and preferences expressed by the affected community or population.

To address the EO direction on attention to alternatives, the USACE evaluated the No Federal Action Alternative and a Reduced Project Alternative, in which the most substantial in- and over water work and structures were eliminated, but the upland redevelopments would occur similar to the proposed project. The No Federal Action Alternative did not meet the project purpose and need and was determined to be infeasible. The Reduced Project Alternative, rather than reduce impacts of most concern to low income and minority populations (i.e., air emissions and associated health impacts), resulted in greater project-related and cumulative impacts on air quality than the proposed Project because the reduced project alternative would result in a greater number of ship calls (and associated air emissions). Terminal operations, including ship calls, have been determined to be outside the USACE's federal control and responsibility and permit authority, but were disclosed and evaluated in the EIS/EIR in accordance with NEPA. Mitigation strategies and monitoring needs for environmental resources that cause impacts on low-income and minority populations, but are outside the USACE's federal control and responsibility, have been developed by the LAHD in coordination with community representatives to address preferences expressed by the affected communities; such measures were also disclosed and evaluated in the EIS/EIR. As a result, the USACE has determined the alternatives analysis in the EIS/EIR and the mitigation measures and monitoring efforts established and implemented by the LAHD address the impacts and the disproportionate effects thereof on low-income and minority communities to the maximum extent feasible, and demonstrate compliance with the EO.

2.3.1.4 Master Response 4: AMP Requirements

Mitigation Measure AQ-10 requires AMP for 95% of hoteling hours for NYK Line-operated vessels, not 95% of vessel calls. Environmental documents for other projects in the Ports of Los Angeles and Long Beach, including the Middle Harbor project, have included mitigation based on percentage of vessel calls, which is different from the mitigation measure for the proposed Project. An increase of hoteling hours to 100% as suggested by the commenters is not feasible due to a variety of operational constraints including customs, the time required to tie up and untie, and the time required to plug in to AMP infrastructure. Moreover, a requirement that 100% of vessel calls plug in does not necessarily achieve higher emissions reductions than a requirement of 95% hoteling hours. In fact, the 100% vessel plug-in requirement may result in even fewer emissions reductions for the following reasons.

When a vessel arrives at the Port, it typically relies on its auxiliary engines for a small amount of hoteling activity prior to actually plugging in which precludes achieving a 100% requirement. For example, the process of tying up at berth and actually plugging into AMP infrastructure can take up to three hours, according to CARB (14 CCR 93118.3, chapter 1, subchapter 7.5, subsection (d)(1)(D)). In addition, there are mandatory federal customs and immigration procedures that must be followed before

mechanical staff are allowed to enter onto a ship to convert to AMP. For these reasons, even if all ships plug in, not all hoteling emissions may be captured. As a result, the 95% hoteling hour requirement is actually an appropriate mitigation measure that necessarily assumes the ships will carry out these pre-AMP activities very quickly and plug into the AMP infrastructure.

Commenters have also requested, further referring to Middle Harbor, that the 95% hoteling requirement be advanced from 2026 to 2017, when the proposed Project commences. It should be noted that the CARB shore power regulation will require fleets to reduce hoteling emissions by 70% starting in 2017 and 80% starting in 2020. Mitigation measure AQ-10 sets additional requirements for NYK Line-operated ships. NYK projects that in 2017, all NYK Line-operated post-panamax ships (ships over 6,000 TEU) will be AMP capable.[1] NYK further projects that AMP-equipped ships will continue to be available in the marketplace for this class size of ships, and by the time the project commences in 2017, all of the berths at the YTI Terminal will be equipped with AMP. Therefore, this will serve to maximize near-term AMP usage to the highest possible level for the greater than 6,000 TEU AMP-capable ships.

The situation is different for NYK Line-operated ships that are smaller than 6,000 TEU. During the nine-year period from 2017 to 2026, NYK projects that it will only be able to more gradually transition the fleet of these smaller vessels that visit the Port of Los Angeles to AMP-capable ships through retrofit, new purchase, or charter. This is only possible because NYK's assessment of market conditions for vessels under 6,000 TEUs indicates that large numbers of AMP-capable ships in this size classification will not be available in the near to mid-term.[2] Therefore NYK projections indicate that the 2026 requirement of AQ-10 is feasible and appropriate and consistent with NYK's assessment of an anticipated longer term market availability of AMP-capable ships that are smaller than 6,000 TEUs.

In addition to NYK Line-operated vessels, third-party invitee shipping lines call at the YTI Terminal. YTI has no corporate relationship to these carriers. It has no control over these carriers and cannot compel them to comply with AMP requirements that are above and beyond what is mandated by CARB regulation. Therefore, a mitigation measure to require these third-party carriers that are non-NYK Line operated ships to meet AMP requirements in excess of CARB regulation is infeasible.

[1] See Attachment 1: Letter from Douglas Hansen, Director of Strategic Planning, YTI, to Mr. Chris Cannon, Environmental Management Division, Port of Los Angeles. Dated September 18, 2014. Re: Responses to Comments on Port of Los Angeles Draft EIR/EIS Report- Berths 212-224 Container Terminal Improvement Project

[2] Ibid.

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2.3.2 Federal Government Comments

Comment Letter FEMA

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

May 5, 2014

Theresa Stevens, PhD., Senior Project Manager
U. S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Dear Dr. Stevens:

FEMA-1

This is in response to your request for comments on Notice of Availability of Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Berths 212-224 [YTI] Container Terminal Improvements Project, Los Angeles, Los Angeles County, California.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County (Community Number 065043) and City (Community Number 060137) of Los Angeles, Maps revised September 26, 2008. Please note that the City of Los Angeles, Los Angeles County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov

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- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

FEMA-1 cont.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Los Angeles floodplain manager can be reached by calling Gary L. Moore, City Engineer, at (213) 485-4935. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, at (626) 458-7155.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Gary L. Moore, City Engineer, City of Los Angeles
George De La O, Senior Civil Engineer, Los Angeles County, Department of Public Works
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern District
Michael Hornick, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

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2.3.2.1 U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region IX

Response to Comment FEMA-1

Thank you for your comment. The comment letter has been forwarded to LAHD's Engineering Division for their consideration during the design process. The Project will be required to comply with the City's floodplain management building requirements, as applicable. The commenter correctly notes that the City of Los Angeles is a participant in the National Flood Insurance Program. As described in Section 3.15 of the Draft EIS/EIR, the majority of the proposed project site is mapped by FEMA as Flood Zone X (defined as areas of 0.2% annual chance flood; areas of one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees from one percent annual chance flood). A portion of the site adjacent to the Main Channel is mapped as Flood Zone AE (defined as special flood hazard areas that are subject to inundation by one percent annual chance flood). As described in the impact analysis in Section 3.15 of the Draft EIS/EIR, the proposed Project would not increase the potential for flooding at the site or increase the potential for people or property to be adversely affected by flooding. Site topography and the stormwater management system at the terminal would control flood conditions to minimize harm to people and property, and there are no sensitive terrestrial biological resources on the proposed project site. Therefore, construction and operation of the proposed Project would not result in significant impacts from flooding.

Comment Letter USEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 16 2014

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
2151 Alessandro Drive, Suite 110
Ventura CA 93001

ATTN: Theresa Stevens, Ph.D.

Subject: Draft Environmental Impact Statement/Environmental Impact Report for the Berths 212-224 (YTI) Container Terminal Improvements Project, (CEQ # 20140131)

The U.S. Environmental Protection Agency is providing comments on the Draft Environmental Impact Statement (DEIS) for the YTI Container Terminal Improvements Project. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

USEPA-1 The applicant – the Port of Los Angeles – has made noteworthy long-term operational air quality improvements over the last nine years, specifically to reduce diesel particulates and health risks to nearby residents (see Inventory of Air Emissions – 2012, dated July 2013; (http://www.portoflosangeles.org/pdf/2012_Air_Emissions_Inventory.pdf). Construction and operation of the proposed renovations would result in greater emissions from the terminal.

USEPA-2 According to the DEIS, emissions from many aspects of the proposed project would be controlled through regulatory compliance, sustainable construction guidelines, project conditions, mitigation measures, and lease measures. EPA recommends the incorporation of additional measures into the proposed project that would require the adoption of available emission reduction technologies by container ships and rubber tired gantry cranes serving the Port. We also recommend that the Final EIS provide additional information about truck freight

USEPA-3 hauling efficiency (i.e., hauling both import and export freight in the same truck round-trip) to facilitate assessment of whether additional efficiency improvements are possible.

USEPA-4 With regard to water quality, we are concerned that the DEIS does not acknowledge the ecologically significant increase in mortality for amphipods that is predicted by the sediment toxicity testing results in Appendix F, Draft Sediment Characterization Report for Berths 212-224. Based on the information provided in the DEIS, EPA believes that sediment at Berths 212 – 216 is not suitable for ocean disposal.

USEPA-5 The DEIS concludes that the action alternatives' construction and operational adverse air quality impacts on the local community and the air basin would be significant, and that operations would also have significant cumulative adverse impacts on health. In addition, the DEIS predicts significant adverse impacts from greenhouse gas emissions and the introduction of nonnative species. It also acknowledges disproportionately high and adverse air quality and noise impacts

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USEPA-5 cont. to low-income and minority communities. Based on these impacts and our concerns about air and water quality, we have rated the DEIS as "Environmental Concerns – Insufficient Information" (EC-2, see the enclosed "Summary of EPA Rating Definitions"). Our concerns and recommendations are discussed further in the enclosed detailed comments.

USEPA-6 We appreciate the opportunity to review this DEIS and are available to discuss our comments. When the FEIS is released to the public, please send a copy to this office at the address above (mail code ENF 4-2). If you have any questions, please contact me at 415-972-3521, or contact Tom Kelly, the lead reviewer for this project, or Jeanne Geselbracht. Mr. Kelly can be reached at 415-972-3856 or kelly.thomasp@epa.gov; Ms. Geselbracht can be reached at 415-972-3853 or Geselbracht.jeanne@epa.gov.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions
Detailed Comments

cc: Christopher Cannon, Port of Los Angeles
John Hummer, U.S. Maritime Administration
Susan Nakamura, South Coast Air Quality Management District
Cynthia Marvin, California Air Resources Board
Linda Frame, YTI
Richard Cameron, Port of Long Beach

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EPA DETAILED COMMENTS, DRAFT ENVIRONMENTAL IMPACT STATEMENT/DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BERTHS 212-224 (YTI) CONTAINER TERMINAL IMPROVEMENTS PROJECT, LOS ANGELES COUNTY CALIFORNIA, JUNE 2014 (CEQ # 20140131)

Air Quality

Ocean-Going Container Vessels

USEPA-7 The DEIS notes that YTI, which is leasing Berths 212-221 from the Port of Los Angeles, is a wholly owned subsidiary of Nippon Yusen Kabushiki Kaisha or NYK Line (p. 1-5). NYK Line would likely be the primary shipping line served by the proposed Project, but the relative percentage by shipping lines is not specified in the DEIS. The DEIS describes the use of Alternate Marine Power to comply with the California Air Resources Board's regulations requiring an 80% reduction in hoteling emissions from ocean-going vessels at berth in California ports by 2020 (p. 3.2-41). The DEIS then proposes to exceed that requirement through mitigation measure MM AQ-10. It states that 95% of NYK Line container ships will connect to Alternate Marine Power by 2026. EPA acknowledges and appreciates this voluntary commitment by NYK Line. It is difficult, however, to assess the magnitude of the reduction that would be achieved through this measure, relative to the total emissions of the project, without know the percentage of NYK Line ships calling at the YTI terminal.

USEPA-8 The International Maritime Organization has required new engines to meet Tier II emissions standards since 2011. Tier III engines are available now, but are not required on new vessels until 2016. Tier II and III engines reduce NOx emissions by 20% and 80%, respectively, compared to older Tier I engines. We commend the Port of Los Angeles for its Environmental Ship Index Program (p. 3.2-28), which provides financial incentives for ocean cargo fleets to bring these newer and cleaner vessels to the Port of Los Angeles. Despite this incentive, the average age of container ships calling on the YTI Terminal in 2012 was ten years old, meeting only the IMO Tier I standards (p. 3.2-39).

USEPA-9 As the DEIS notes, existing container ships can be retrofitted to improve combustion, lower fuel use, and reduce emissions (3.2-41). It also states that 27% of ships calling on the YTI Terminal in 2012 were equipped with slide fuel valves (p. 3.2-41), but makes no commitment to retrofit ships (unequipped with slide valves) serving the YTI Terminal. We note that the Final EIS for the Port of Long Beach Pier S Terminal and Back Chanel Improvements project included an environmental control measure (AQ-4) that stated:

> "All OGV *(ocean-going vessels)* that call at the Project container terminal and that are capable of being so equipped shall have slide fuel valves installed on their main engines, or implement an equivalent emission reduction technology. This technology would reduce emissions of NOx and diesel particulate matter (DPM) from OGV main engines."

USEPA-10 The proposed project's significant impacts and disproportionately high and adverse effects to minority and low income communities call for the best efforts of all sectors in the chain

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USEPA-10 cont. of goods movement. As the primary beneficiary of the proposed project, the NYK Line has a significant opportunity to demonstrate leadership in this regard.

Recommendations:
Disclose, in the FEIS, the percentage of YTI terminal use that was represented by the NYK Line and each other ocean carrier line using the terminal in the baseline year (2012) and provide estimated percentages for the NYK Line versus other lines in future years, to the extent known (e.g. through current contracts).

USEPA-11 Encourage YTI's partner shipping lines to commit to mitigation measure AQ-10.

Encourage NYK Line, and other partners calling on the YTI Terminal, to develop an emissions reduction strategy through the use of Tier II and Tier III ships, slide fuel valves on auxiliary engines used for transit, and other measure to retrofit older ship engines.

Consider documenting commitments by NYK Line and other YTI partners in lease measures described in the FEIS.

Rubber-Tired Gantry Cranes

USEPA-12 The DEIS discusses the use of 11 diesel-powered rubber-tired gantry cranes (p. 2-10 and 2-12), without mention of hybrid diesel-electric retrofit technology. The Port's Technology Advancement Program prepared a final report, *Rubber-Tired Gantry Crane Hybridization Demonstration* in January 2012, noting, "Ports America will demonstrate this next generation EcoCrane™ at their West Basin Container" and "following successful completion of the [next generation] demonstration phase, it is expected that EcoPower Hybrid Systems, Inc. will seek EPA and CARB verification for the EcoCrane™ system." EPA verified the emissions reductions associated with this technology in June 2013.[1]

Recommendation for the FEIS:
Include a mitigation measure to ensure that rubber-tired gantry cranes are retrofitted to achieve emissions reductions equivalent to the Ecocrane Hybrid System.

Drayage Trucks

USEPA-13 As noted by EPA's SmartWay program, when a truck carrier cannot arrange for both an inbound and outbound shipment to a destination, such as the port, the resulting empty truck trip, also called a bobtail in the DEIS, increases traffic, fuel use, and transportation costs.[2] The DEIS indicates that the Port Area Travel Demand Model was used to estimate the number of one-way truck trips generated by the proposed project (p. 3.7-9). According to Port staff, the model estimated that only 29% of truck trips to the YTI terminal were dual transaction (carrying incoming and outgoing freight in the same roundtrip) in 2012, and that

[1] See EPA's letter to MJ EcoPower Hybrid Systems Inc., dated June 13, 2013 at http://www.epa.gov/cleandiesel/documents/verif-letter-eco-hybrid.pdf
[2] Improved Freight Logistics, A Glance at Clean Freight Strategies <http://www.epa.gov/smartway/forpartners/documents/trucks/techsheets-truck/EPA-420-F00-037.pdf>

USEPA-13 cont.

such trips would rise to 45% by 2026.[3] The DEIS, however, does not contain this information nor explain how dual transactions would increase in the future. Since nearly 50% of the export freight is empty containers, this appears to represent a potentially fruitful opportunity for increasing dual transactions.

Recommendation for the FEIS:
Clarify the number of trucks arriving at the YTI Terminal that involve single transactions, dual transactions, empty chassis, and any other categories of truck transactions.

Describe barriers that limited YTI dual transactions to 29% in 2012, particularly for empty containers, and describe plans to increase dual transactions to 45% by 2026.

Zero and Near Zero (tailpipe) Emission Technologies

USEPA-14

The air basin is unlikely to attain EPA's National Ambient Air Quality Standards (NAAQS) without widespread adoption of new technologies by the freight movement sector. By 2023, the South Coast Air Quality Management District expects heavy duty trucks, ships and commercial boats, and locomotives to represent the first, third and fifth largest sources, respectively, of nitrogen oxides in the South Coast Air Basin.[4] EPA provided funding for demonstration and deployment of new freight movement technologies by the Ports of Los Angeles and Long Beach, such as the replacement, repowering or retrofit of 27 pieces of equipment including port harbor craft.[5] We look forward to continued coordination on the development of zero and near zero freight transport technologies.

Recommendations for the FEIS:
Continue to demonstrate and deploy new technologies, particularly zero and near zero tailpipe emission technologies that could allow the air basin to attain the NAAQS within the timeframes required by the Clean Air Act.

Environmental Justice

USEPA-15

The DEIS acknowledges disproportionately high and adverse impacts to low-income and minority communities (AQ-2, 3, 4 and 7 and NOI-1). As the Council on Environmental Quality guidance on Environmental Justice notes, this determination does not preclude the Army Corps from proceeding with the proposed project, but should encourage consideration of alternatives, mitigation measures, monitoring needs, and preferences expressed by the affected community or population.[6]

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[3] Personal Communication between Shozo Yoshikawa, Port of Los Angeles and Tom Kelly, EPA on June 11, 2014.
[4] Final 2012 Air Quality Management Plan, South Coast Air Quality Management District, December 2012
[5] American Recovery and Reinvestment Act: Reducing Diesel Emissions at the Port of Los Angeles: The Port of Los Angeles was selected for $1,991,750 in funding to replace, repower, and/or retrofit a total of 27 pieces of equipment, including harbor craft, currently in operation at the port.
[6] Environmental Justice Guidance Under the National Environmental Policy Act, December 1997

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USEPA-15 cont.

The DEIS briefly discusses the Harbor Community Benefits Foundation (p. 7-28), noting that the Foundation provides funding for grants and projects that "assess, protect and improve public health, quality of life, and the natural environment (p. 7-28). For projects that commit to implementing all feasible mitigation, but still have remaining disproportionate impacts, a health based grant program is a sound method to partially reduce project-related impacts. The DEIS, however, contains little detail about the foundation grants and does not explain whether there is any relationship between the proposed project and the Foundation (e.g. would the applicant provide additional funding for future grants?).

Recommendations for the FEIS:
Expand the discussion of the Harbor Community Benefits Foundation, including:

- The goal(s) of Foundation grants (e.g. health education, improved access to healthcare, reduced exposures etc.);
- A summary of past and current grants; and
- Quantifiable measures of success.

Disclose whether the action alternatives would include additional funding for community projects or grants.

Water Resources

USEPA-16

Disposal of Contaminated Sediment

The DEIS is open-ended on the disposal location for sediment dredged from Berths 212 – 224, stating "all of the dredged material, approximately 27,000 cubic yards, would be disposed of at an approved site, which may include LA-2, the Berths 243-245 CDF *[Confined Disposal Facility]*, or another approved location" (p. 2-15). Section 3.15 of the DEIS appears to suggest that all the sediment is appropriate for ocean disposal: "… toxicity testing on sediments from the two composites showed no statistically or ecologically significant effects." This statement is inconsistent with the Appendix F - Draft Sediment Characterization Report, Berths 212-224. Table 3-3 of Appendix F (Solid Phase Toxicity Results) shows a 30% higher mortality for amphipods in Composite Sample A (representing sediment at Berths 212 – 216) than at the reference location (the LA-2 Ocean Dredged Material Disposal Site). As the Sediment Characterization Report notes, "the Composite A amphipod survival level (68 percent) is not within the allowable 20 percent reference survival window" (Appendix F, p. 4-3).

The Report appears to diminish the importance of the amphipod toxicity testing, stating in several sections that the result may be due to un-ionized ammonia;[7] however, it notes that the testing is acceptable for reporting (p. 3-12), and that control test animals had an acceptable survival rate (97%) in excess of the 90% threshold for an acceptable test. Pursuant to EPA Ocean Dumping Regulations at 40 CFR 227.13, bioassays are the primary basis to determine suitability for ocean disposal. EPA relies less heavily on sediment chemistry because many factors can affect chemical bioavailability. Additionally, many

[7] Un-ionized ammonia is likely to volatilize in the dredging process, so it would not be present when sediment is deposited at another location, such as LA-2.

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metals and organic contaminants exceeded Effects Range Low (ERL) concentrations,[8] where toxic effects are occasionally observed, but below Effects Range Medium (ERM), where toxic effects are more likely.

EPA is also particularly concerned about the concentration of pyrethroids. Pyrethroids are elevated in Composite A relative to Composite B (representing sediment at Berths 217 – 224), and not detected in the reference sample at LA-2 (<1.4 ug/L). According to a review of pyrethroid monitoring and toxicity for the California Stormwater Quality Association: [9]

> Over the past ten years, pyrethroid pesticides have become the predominant group of chemicals deployed for insect control in urban areas in California (TDC Environmental, 2010b), and are the primary cause of toxicity in urban water bodies in the state (Anderson et al., 2011).

USEPA-16 cont.

The concentration of total pyrethroids in Composite A was 4.5 ug/L. As Appendix F notes, total pyrethroids do not have ERL and ERM concentrations. We note the following from the California Stormwater Quality Association review:

> What is most notable about the information . . . is that the pyrethroids are generally toxic to the most sensitive aquatic arthropods at extremely low levels – generally at concentrations in the single-digit (or lower) nanograms per liter (ng/L) (parts per trillion) range.

Based on unambiguous bioassay results and absent additional data, EPA concludes that all of the sediments from Berths 212-216 are unsuitable for ocean disposal; however, additional sampling could show that contamination is localized and some of the sediment from this area may be suitable for ocean disposal.

> *Recommendations for the FEIS:*
> State that test results indicate that sediment at Berths 212 – 216 is not suitable for ocean disposal.

No Discharge Zone

The DEIS does not appear to discuss the California No Discharge Zone. Effective March 28, 2012, the following vessels will be prohibited from discharging all sewage, whether treated or not, while in California marine waters:

USEPA-17

- Large Passenger Vessels of 300 gross tons or greater that have berths or overnight accommodations for passengers.
- Large Oceangoing Vessels of 300 gross tons or greater, including private, commercial, government, or military vessels equipped with a holding tank that has

[8] ERL and ERM concentrations are benchmark concentrations developed in cooperation with National Oceanic and Atmospheric Administration.
[9] Review of Pyrethroid, Fipronil and Toxicity Monitoring Data from California Urban Watersheds, California Storm Water Quality Association, July 2013 < https://www.casqa.org/sites/default/files/library/technical-reports/casqa_review_of_pyrethroid_fipronil_and_toxicity_monitoring_data_-_july_2013.pdf>

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remaining capacity or containing sewage generated prior to entry in to California marine waters.

USEPA-17 cont.

EPA established this regulation under our Clean Water Act Section 312(f)(4)(A) authorities. For more information, see the joint EPA-CalEPA Fact Sheet for the California No Discharge Zone.[10]

Recommendation for the FEIS:
Discuss the California No Discharge Zone and measures that the Port of Los Angeles and YTI Terminal could take to raise awareness of it among the shipping lines serving the YTI terminal.

[10] http://www.epa.gov/region9/water/no-discharge/pdf/CaNdzFinal-RuleFactSheet.pdf

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SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

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 should 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 public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended 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 analysed 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 analysed in the draft EIS, which should be analysed 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.

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2.3.2.2 United States Environmental Protection Agency, Region IX

Response to Comment USEPA-1

The comment is noted and appreciated and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment USEPA-2

See Master Response 1: Feasible Mitigation, Master Response 2: Zero Emission Technologies, and Master Response 4: AMP Requirements.

Response to Comment USEPA-3

YTI is currently testing an advanced intermodal logistics information technology system designed to improve drayage and container handling. This system, termed the Freight Advanced Traveler Information System (FRATIS), is a demonstration project sponsored and being tested by the United States Department of Transportation (USDOT). The FRATIS project seeks to improve the efficiency of freight operations by using several levels of real-time information to guide adaptive and effective decision making. Currently, freight routing, scheduling, and dispatch decisions are sometimes made with inadequate data, affecting planning and execution of intermodal orders. The FRATIS demonstration project is focused on: (1) improving communications and sharing intermodal logistics information between the truck drayage industry and port terminals such that terminals are less congested during peak hours; and (2) improving traveler information available to intermodal truck drayage fleets so that they can more effectively plan around traffic and port congestion. Together, these two areas of focus can result in significant improvements in intermodal efficiency, including reductions in truck trips, reductions in travel times, and improved terminal gate and processing efficiency. These benefits, in turn, will directly result in the public sector benefits of improved air quality, reduced traffic congestion, and increased fuel savings. Technologies that are being utilized during the demonstration test include: advanced traveler information, port terminal truck queue time measurement, automated ETA messaging to the terminals one day in advance of truck arrivals, direct messaging to trucks by terminals, and employment of an algorithm that will optimize truck deliveries and movements based on several key constraints (e.g., time of day, PIERPASS restrictions, terminal queue status). The primary user interfaces for these technologies are a web application for drayage truck dispatchers, a mobile application for drayage truck drivers, and messaging/alerts functionality for terminal operators. The FRATIS project entails the following two information technology (IT) applications:

- **Freight Specific Dynamic Travel Planning and Performance.** This IT application bundles all of the traveler information, dynamic routing, and performance monitoring elements that users need. This application will leverage existing data in the public domain, as well as emerging private sector applications, to provide benefits to both sectors. Other data includes: real-time freeway and key arterial speeds and volumes; incident information; road closure information; route restrictions; bridge heights; truck parking availability; cell

phone and/or Bluetooth movement/speed data; weather data; and real-time speed data from fleet management systems.

- **Drayage Optimization.** This IT application combines container load matching and freight information exchange systems to fully optimize drayage operations. This optimization helps to spread out truck arrivals at intermodal terminals throughout the day. Optimizing a freight carrier's itinerary requires a wide range of entities to participate in sharing their data (including rail carriers, metropolitan planning organizations, traffic management centers, customers, and the freight carriers themselves) in a manner that assesses all of the variables and produces an optimized itinerary. This requires the development of a complex set of algorithms that leverage data from multiple sources.

This demonstration project is currently in operational testing that began in December 2013. USDOT will be expanding the FRATIS project to two more container terminals at the Port Complex and eight more trucking companies in the next year. It is the desire of LAHD to expand this program to all container terminals at the Port Complex and as many trucking companies as possible. Assuming the demonstration is successful, it is assumed that the container terminals would implement to benefit from the efficiency and cost savings.

Response to Comment USEPA-4

The concerns over the sediment toxicity testing results in Appendix F, Draft Sediment Characterization Report for Berths 212–224 YTI Container Terminal Improvements Project, Los Angeles Harbor (AMEC 2013) should be alleviated by the results of the additional testing that was performed and included in the Final Sediment Characterization Report for Berths 212–224 YTI Container Terminal Improvements Project, Los Angeles Harbor (AMEC 2014). The results of the additional testing were included in Section 3.15, Water Quality, Sediments, and Oceanography, of the Draft EIS/EIR (see Section 3.15.2.3 and Table 3.15-1), but Appendix F contained the draft report because the final report was not available at the time of release of the Draft EIS/EIR. The full copy of the final report is included in this Final EIS/EIR as Revised Appendix F, and noted as a modification to Appendix F of the Draft EIS/EIR in Chapter 3, Modifications to the Draft EIS/EIR. The final report concluded that the vast majority of the sediment is suitable for ocean disposal. Only the top two feet of Composite A (Berths 214–216) were determined not to be suitable for ocean disposal, as described in more detail below.

Significant stratification was observed in sediment cores collected in Composite Area A. The top two feet of sediment consisted of unconsolidated silts, while the remaining bottom four to six feet of each core were hard clay material, similar to modeling clay. Composite sediment chemistry results and core stratification observations were presented to the Contaminated Sediment Task Force (CSTF) at its November 2013 meeting. After considering the results, the CSTF suggested further testing, using the frozen archived bottom samples collected in Composite Area A, to better evaluate disposal options. These Composite Area A bottom samples were subsequently tested and their sediment chemistry results were presented to the CSTF at its January 2014 meeting. This supplemental chemistry testing indicated low chemical levels in the bottom strata, pointing to the top two-foot strata in Area A as the source of the elevated contaminant levels previously noted in the overall Area A composite sample testing. It was concluded at the January 2014 CSTF meeting that the Composite A top two feet of unconsolidated silts (approximately 5,200 cubic yards) was not suitable for ocean disposal but could be

placed in the Berths 243–245 Contained Disposal Facility (CDF). The Composite Area A bottom material (approximately 15,800 cubic yards), as well as all of Composite Area B (approximately 21,800 cubic yards), were deemed suitable for ocean disposal.

Response to Comment USEPA-5

The comment summarizes the conclusions from the Draft EIS/EIR, which have been adequately analyzed and disclosed in the Draft EIS/EIR. LAHD and USACE, as joint lead agencies under CEQA and NEPA, respectively, acknowledge the EPA rating as EC-2, "Environmental Concerns – Insufficient Information." The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). Please see Response to Comment USEPA-15 for additional information.

Response to Comment USEPA-6

The Final EIS/EIR will be distributed to the office address listed once published.

Response to Comment USEPA-7

Comment noted. LAHD and USACE acknowledge EPA's appreciation for NYK's voluntary commitment to exceed CARB's regulation requiring an 80% reduction in hoteling emissions from ocean-going vessels at berth in California ports by 2020. While the comment suggests that 95% of NYK-operated vessels will use AMP in 2026, it should be noted that MM AQ-10 is actually based on 95% of hoteling hours for NYK-operated vessels, not 95% of vessel calls. It is projected that approximately 56% of vessels calling at the YTI terminal in 2026 would be NYK-operated vessels (Hansen pers. comm. 2013). This information is noted as footnote no. 6 in Table B1.25 (Appendix B, Air Quality Appendices, in the Draft EIS/EIR). In the baseline year (2012), approximately 45% of calls were by NYK-operated vessels. Additionally, see Master Response 4: AMP Requirements.

Response to Comment USEPA-8

EPA commends LAHD for its Environmental Ship Index (ESI) Program, which provides financial incentives for ocean cargo fleets to bring newer and cleaner vessels to the Port of Los Angeles, which include vessels with Tier II now and Tier III engines beginning in 2016. LAHD acknowledges that the average age of container ships calling on the YTI Terminal in 2012 was ten years old. This conservative assumption was carried through the analysis because the mix of older and newer ships calling at YTI in future years cannot be accurately predicted and was conservatively assumed to remain unchanged from the 2012 baseline scenario. Additionally, it should be noted that the ESI includes points for other methods of reducing emissions, not solely the use of Tier II and Tier III engines, including use of low sulfur fuel, AMP capability, and confirmation that a vessel is reporting distance sailed and fuel consumption. Additionally, it should be noted that NYK is a current participant in ESI and has been since the inception of the program at the Port. Vessel Speed Reduction Program (VSRP) is a separate incentive program that rewards ships slowing to 12 knots up to 40 nautical miles from the Port of Los Angeles. Furthermore, the following lease measure will be added in response to comments, and is noted as modifications to the Draft EIS/EIR in Chapter 3 of this Final EIS/EIR:

LM AQ-3 Container Ship Engine Emissions Reduction Technology Improvements. The tenant will encourage NYK Line to determine the feasibility of incorporating all emission reduction technology and/or design options for vessels calling at the YTI Terminal.

Response to Comment USEPA-9

Thank you for your comment. See Master Response 1: Feasible Mitigation. Based on recent information contained within the Man Slide Valve Low-Load Emissions Test Final Report (Starcrest Consulting Group LLC et. al. 2013), LAHD is in the process of reevaluating the effectiveness of slide valves for reducing NOx emissions based on new engine tests, and is reluctant to require slide valves as mitigation until the new effectiveness parameters have been established because there is evidence that they may be less effective than previously thought when operating at low speeds. In the meantime, to be consistent with the Port's 2012 annual emission inventory documents, the Draft EIS/EIR used the current published slide valve effectiveness assumptions (25% reduction for particulate matter [PM] and 30% for NO_X) during transit. These reductions were applied for 32% of the vessels for YTI (based on the current ship fleet slide valve percentage) for the mitigated and unmitigated scenarios for the baseline and all study years. These reductions were assumed for annual emissions only. No slide valves were assumed for calculation of peak-day, peak 8-hour, or peak hour emissions in order to present a conservative analysis of peak emissions.

As shown in Tables 3-31 and 3-34 in Appendix B2, OGV transit emissions account for no more than 2% of the overall project contribution for both annual PM_{10} and annual NO_X concentrations with and without mitigation. As such, if emission reductions from slide valves had not been assumed, the additional contribution to the annual NO_X concentrations would be approximately 0.1 $\mu g/m^3$ for both operational emissions and combined construction and operation emissions. For the annual PM_{10} concentration, the additional contribution would be approximately 0.03 $\mu g/m^3$. These extremely minor increases in annual NO_X and PM concentrations would be virtually imperceptible when rounded to the nearest 0.1 $\mu g/m^3$ and would have no effect on the impact determinations made in the Draft EIS/EIR.

The corresponding increase in cancer risk for both residential and occupational receptors associated with the extremely minor increase in PM_{10} emissions described above would be approximately 0.1 per million or less. Therefore, all impacts determined to be less than significant in the Draft EIS/EIR would remain less than significant, and all impacts determined to be significant in the Draft EIS/EIR would remain significant. Further, all cancer burden results would increase by no more than 0.07 cancer cases, resulting in all impacts remaining less than significant, both with and without mitigation.

The highest proposed project chronic hazard index, before subtracting baseline, is 0.7 after adjusting for no slide valve credit. Therefore, all chronic hazard index increments would remain less than significant, both for CEQA and NEPA, both with and without mitigation.

As described above, some emission reduction credit for slide valves was assumed in the annual emissions analysis in the Draft EIS/EIR, consistent with 2012 published slide valve effectiveness assumptions. However, there has been recent information contained within the Man Slide Valve Low-Load Emissions Test Final Report (Starcrest Consulting

Group LLC et. al. 2013) that brings into question the actual emission reductions resulting from slide valves at low loads. As such, LAHD does not propose mitigation requiring slide valves at this time. The actual emission reductions achieved in the analysis with the inclusion of reduction credit for slide valves was extremely minimal and, had these reductions not been assumed, none of the significance determinations made in the Draft EIS/EIR would change.

Response to Comment USEPA-10

See Master Response 1: Feasible Mitigation and Master Response 3: Environmental Justice.

Response to Comment USEPA-11

See Responses to Comments USEPA-7, USEPA-8, and USEPA-9. Additionally, see Master Response 1: Feasible Mitigation. The commitments, mitigation measures, and lease measures that are applicable to the proposed Project are documented in the Draft EIS/EIR and in the Mitigation Monitoring and Reporting Plan that would be adopted separately by the Los Angeles Board of Harbor Commissioners. Additionally, the following lease measure will be added, and is noted as modifications to the Draft EIS/EIR in Chapter 3 of this Final EIS/EIR:

LM AQ-3 Container Ship Engine Emissions Reduction Technology Improvements. The tenant will encourage NYK Line to determine the feasibility of incorporating all emission reduction technology and/or design options for vessels calling at the YTI Terminal.

Response to Comment USEPA-12

Comment noted. EcoCrane™ (hybrid diesel-electric retrofit technology for RTGs) was approved by EPA in July 2013. At the time that most of the analysis was done, EPA had not yet approved EcoCrane, so it was not a feasible mitigation at that time. The analysis is conservatively based on pre-EcoCrane technology because there is no guarantee of how widely available this technology might be. In a demonstration project sponsored by the Ports of Los Angeles and Long Beach under the TAP, a hybrid RTG, EcoCrane™ equipped with an advanced energy capture and battery storage system was placed into testing in 2009 and eventually commissioned after initial engineering issues, in 2010. While the EcoCraneTM showed reductions in criteria air pollutant emissions, fuel consumption and greenhouse gases, as compared to a conventional diesel-electric RTG crane, it experienced engineering issues related to inverter failure, battery/inverter compatibility, and generator failure. Based on lessons learnt from this demonstration, a second-generation EcoCrane™ hybrid RTG system has been developed and will be tested at the West Basin Container Terminal at the Port of Los Angeles. As such, this technology is still in the testing phase and has not been demonstrated to be commercially viable.

Additionally, between 2009 and 2013, YTI repowered their RTG equipment, which has a substantial remaining useful life, to Tier 4i engine standards at a cost of over $1.5 million. The CARB regulations governing currently in-use CHE allow for the continued use of lower tier RTG engines if the engines are retrofitted with the highest level Verified Diesel Emission Control System available. YTI voluntarily elected to exceed the regulatory requirements by repowering all of its RTG equipment with Tier 4i

engines, the cleanest engine that currently is available, and completed this conversion ahead of the compliance schedule set forth in the CARB regulations. The cost of replacing this RTG equipment with Hybrid RTGs would equal the entire cost of the new equipment, not merely the differential or incremental cost between the Tier 4i engines and the hybrid engines, and lead to minimal reductions in emissions.

LAHD has included mitigation measures and lease measures in the Draft EIS/EIR that facilitate the use of newer technologies as feasible, including the replacement of as-good or better technology to improve emissions performance (MM AQ-8) and periodic review of new technology by tenants to determine the feasibility in terms of cost, and technical and operational feasibility, of implementing such technology (LM AQ-1). Also, please note that YTI has replaced three diesel fork lifts with propane equipment and will replace heavy equipment with alternative fuel options when those options are feasible and available. See Master Response 1: Feasible Mitigation Measures and Master Response 2: Zero Emission Technologies.

Response to Comment USEPA-13

A summary of the 2012 baseline truck transactions is as follows: approximately 487,000 total inbound and outbound gate transactions and 33,000 bare chassis moves with approximately 140,500 being dual transaction.

Some existing operational parameters that have resulted in the 29% dual transactions include, but are not limited to: extensive fragmentation in the drayage and vessel operating industries, lack of port-wide and common appointment systems, fluctuating terminal hours of operations due to fluctuating volumes, fragmented chassis supply/management, and limited streets turns. The expected consolidation in the vessel operating and drayage industry is expected to lead to improved container management. Additionally, the Ports of Los Angeles/Long Beach, in collaboration with all industry partners are currently evaluating or implementing various measures to improve the velocity of container movement throughput the supply chain, which includes increasing dual transactions. These measures include: the development of a chassis management system; extended hours of operations, which is expected to occur over time simply due to increasing volumes and infrastructure capacity constraints (e.g., fixed size of terminals and gates); extended and common appointment systems; enhanced container management (e.g., "free-flow" container staging implemented by terminal operators for high volume shippers or 3PL); and the deployment of information technology (IT) systems to enhance container terminal management and drayage operations. See Response to Comment USEPA-3 for an in-depth discussion of those IT systems.

Response to Comment USEPA-14

See Master Response 2: Zero Emission Technologies.

Response to Comment USEPA-15

Comment noted. The information contained in this response has also been included in Section 3.2.4, Changes Made to Chapter 7, Socioeconomics, of the Final EIS/EIR.

The Port Community Mitigation Trust Fund was established in 2008 as a result of an MOU (known as the TraPac MOU) between appellants and the City of Los Angeles to settle appeals to the Board of Harbor Commissioners' certification of the Berths 136–147

[TraPac] Container Terminal Project Final EIS/EIR. The HCBF is a nonprofit organization that administers the Trust Fund.

Per Exhibit B of the TraPac MOU, a specific list of Port expansion projects was established for which LAHD would contribute funds to the Trust Fund upon project implementation. The YTI Container Terminal Improvements Project is one of the projects listed in Exhibit B. As such, LAHD has estimated it will contribute approximately $773,500 to the HCBF per the established calculation method if the proposed Project is implemented in accordance with the provisions of the TraPac MOU. The final amount will be determined at the time the Board considers whether to certify the Final EIR and approve the proposed Project.

The TraPac MOU specifies that contributions will be made to the HCBF per the established calculation for throughput in exceedance of existing capacity. As such, if a project alternative is approved that results in an increased terminal capacity, a contribution would be made to the Trust Fund. For this project, Alternative 3 would result in the same throughput in the horizon year as the proposed Project. Therefore, should Alternative 3 be approved, the Harbor Department would contribute the same funds to the HCBF as if the proposed Project was approved. Because Alternatives 1 and 2 do not result in an increase in terminal capacity, no contributions would be made to the HCBF should one of these two alternatives be approved.

The TraPac MOU does not allow the funding to be used as mitigation for direct project effects. The HCBF awards funding to a variety of projects and programs aimed at reducing health, environmental, and community impacts from Port operations in the communities of San Pedro and Wilmington. Projects and programs that have been granted funds from the HCBF include:

- Construction of a dedicated respiratory clinic at the Wilmington Family Health Center;
- Operation of the Long Beach Alliance for Children with Asthma and the Children's Clinic, which provide home visits and low- and no-cost respiratory care for families;
- Purchase of compressed natural gas buses by the Boys & Girls Club of Los Angeles to provide transportation between the Boys & Girls Club and the Harbor Community Clinic;
- Guided community exercise programs and health education provided by the Tzu Chi Community Clinic;
- Additional respiratory and asthma services for the Harbor Community Clinic in San Pedro and Rainbow Services;
- Establishment of a support network for Harbor area residents with Chronic Obstructive Pulmonary Disease, by Breathe California of Los Angeles County;
- Registration of the Harbor Community Clinic as a Certified Enrollment Entity to assist residents with respiratory illnesses in enrolling in health plans under the California Health Benefit Exchange;
- Expansion of a summer fellowship program on Port operations and respiratory health with Los Angeles Biomed;

- Hiring of a Community Health Worker for the Harbor community through the Robert F. Kennedy Institute;
- Bringing St. Mary's mobile care clinic to Wilmington for no-cost medical care for low-income individuals; and
- Continued support of the Bridge for Health program, which supports individuals with respiratory illnesses in Harbor communities through The Children's Clinic.

Please see the HCBF website at http://hcbf.org/ for further information on past and current grants. See Appendix C, Grant Project Reporting and Evaluation Guidelines, of the HCBF Strategic Plan 2013-2016, also available on the HCBF website at http://hcbf.org/wp-content/uploads/2012/07/2013.05.17-HCBF-Strategic-Plan-2013-2016.pdf, for information on how the HCBF quantifies the success of the projects and programs its funds. The HCBF monitors performance and success of the projects and programs receiving its grants.

Although the HCBF projects and programs aim to reduce off-site impacts of Port operations, any future air quality or health benefits associated with the proposed Project's funding contribution was not quantified or applied as mitigation for the purposes of the Draft EIS/EIR. Projects administered through the HCBF would contribute to reducing cumulative impacts, but this was not quantified in the Draft EIS/EIR.

See also Master Response 3: Environmental Justice.

Response to Comment USEPA-16

See Response to Comment USEPA-4.

Response to Comment USEPA-17

Comment noted. LAHD does not allow for the discharge of sewage (treated or untreated) within the Port. Port of Los Angeles Tariff No. 4 describes the rates, charges, rules, and regulations of the Port. A summary of the No Discharge Zone is included in the Port of Long Beach and Port of Los Angeles Vessel Discharge Rules and Regulations (available at www.portoflosangeles.org/DOC/WRAP_Vessel_Discharge_Rules.pdf). Discharge of sewage is specifically addressed in Section 3.3.28 of the Vessel Discharge Rules and Regulations. A discussion of the No Discharge Zone has been added to Section 3.15, Water Quality, Sediments, and Oceanography, of the Draft EIS/EIR, and the additions are shown in Chapter 3 of this Final EIS/EIR, Modifications to the Draft EIS/EIR. Terminal operators and vessels entering the harbor are required to comply with the rules and regulations of the Port.

Comment Letter USDOI

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 14/0284)

Filed Electronically

16 June 2014

Theresa Stevens, Ph.D.
U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura CA 93001

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Berths 212-224 [YTI] Container Terminal Project at the Port of Los Angeles, Los Angeles County, CA

Dear Dr. Stevens:

USDOI-1 The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

OEPC Staff Contact, Loretta B. Sutton, Loretta_Sutton@ios.doi.gov

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2.3.2.3 United States Department of the Interior

Response to Comment DOI-1

Thank you for your comment. LAHD and USACE acknowledge the U.S. Department of the Interior's review and that no comments are provided. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Comment Letter FWS

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

In Reply Refer To:
FWS-LA-14B0240-14I0366

JUN 17 2014

Aaron O. Allen, Ph.D.
North Coast Branch Regulatory Division
U.S. Army Corps of Engineers, Los Angeles District
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Attention: Theresa Stevens, Ph.D., Project Manager

Subject: Informal Section 7 Consultation for the Berths 212-224 Yusen Terminals, Inc., Container Terminal Project, Port of Los Angeles, Los Angeles County, California

Dear Dr. Allen:

FWS-1 This letter is in response to your May 12, 2014, email request for informal consultation pursuant to section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) for the proposed Berths 212-224 Yusen Terminals, Inc., Container Terminal Project in the Port of Los Angeles, Los Angeles County, California. You have requested our concurrence that the proposed project is not likely to adversely affect the federally endangered California least tern (*Sternula antillarum browni*, tern). This consultation is based on information provided with your request and the joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the project dated May 2014.

The proposed project will improve the container-handling efficiency of existing terminal space within the Inner Harbor to accommodate larger container vessel needs projected through 2026. The project includes dredging a total of 27,000 cubic yards of sediment to increase the depth at Berths 214-216 to -53 feet mean lower low water (MLLW) and the depth at Berths 217-220 to -47 feet MLLW. Sheet piles and/or king piles will be installed below the mud line to stabilize the existing wharves over a total distance of approximately 2,600 feet. The number of operational cranes will be increased from 10 to 14, and vessel traffic will increase from 162 to 206 ship calls annually by 2026. Construction will take place in two phases and will be completed in approximately 22 months (i.e., mid-2015 through mid-2017). A detailed project description, including proposed measures to avoid and minimize potential effects to terns, is included in the EIS/EIR.

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Aaron O. Allen, Ph.D. (FWS-LA-14B0240-14I0366)

FWS-1 cont.

The proposed project is located about 2.5 miles from a tern nesting site maintained by the Port of Los Angeles on Pier 400. Potential effects to terns from the proposed project include: (1) reduced foraging success as a result of construction-related disturbance and increased turbidity levels, and (2) increased potential for collisions with ships due to increased vessel traffic within the harbor. Noise and disturbance associated with installation of the wharf stabilization structures and backland improvements could discourage terns from foraging in the vicinity of the project site. According to the EIS/EIR, sound pressure waves associated with pile driving are expected to cause fish to leave the project area. While foraging by terns has been documented in the Inner Harbor where the project will occur, they prefer shallow waters of the Outer Harbor that are closer to the nesting site. Measures described in the EIS/EIR (e.g., water quality monitoring and management as necessary) will be implemented to limit the extent of turbidity from dredging to approximately 1,000 feet from the project site. Because impacts to foraging habitat will be limited to the Inner Harbor and several hundred acres of shallow water foraging habitat will be available for use by terns in the Outer Harbor, we do not anticipate construction of the proposed project to impact tern foraging success. Operation of the proposed project will increase vessel traffic by 44 ships per year by 2026; however, a Vessel Speed Reduction Program (i.e., 12 knots within 40 miles of Point Fermin) will minimize the potential for collisions with terns. Therefore, we concur with your determination that the proposed project is not likely to adversely affect the tern.

With our concurrence, the interagency consultation requirements of section 7 of the Act have been satisfied. Although our concurrence ends informal consultation, obligations under section 7 of the Act shall be reconsidered if (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (2) this action is subsequently modified in a manner that was not considered in this assessment, or (3) a new species is listed or critical habitat designated that may be affected by the action.

With respect to (1) above, our conclusions are based on the availability of other shallow water foraging areas for terns in San Pedro Bay during the construction of the proposed project. If other projects with the potential to impact shallow water foraging areas are scheduled to occur concurrently with the proposed project, our office should be contacted to determine if reinitiation of consultation is warranted. We appreciate your coordination on the above project. If you have any questions regarding this letter, please contact Fish and Wildlife Biologist Christine Medak at 760-431-9440, extension 298.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

cc:
Bryant Chesney, NOAA National Marine Fisheries Service
Loni Adams, California Department of Fish and Wildlife

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2.3.2.4 U.S. Department of the Interior, Fish and Wildlife Service

Response to Comment FWS-1

Thank you for your comment. LAHD and USACE acknowledge the U.S. Fish and Wildlife Service's concurrence of determination that the proposed project is not likely to adversely affect the federally listed as endangered California least tern and satisfaction of the interagency consultation requirements pursuant to Section 7 of the Endangered Species Act of 1973. No further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Comment Letter NMFS

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

June 16, 2014

Kimberly M. Colloton, PMP
Colonel, US Army
Commander and District Engineer
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Colonel Colloton:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the U.S. Army Corps of Engineers (Corps) Environmental Impact Statement (EIS; SPL-2013-00113-TS) for dredging and pile placement at Berths 212-224 in the Port of Los Angeles, California. NMFS offers the following comments pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Marine Mammal Protection Act (MMPA) and the Fish and Wildlife Coordination Act (FWCA).

Proposed Action

The applicant proposes to dredge approximately 21,000 cubic yards of material from Berths 214-216 from -45 feet Mean Lower Low Water (MLLW) to -53 feet MLLW with a two foot overdredge and 6,000 cubic yards from Berths 217-220 from -45 feet MLLW to -47 feet MLLW with a two foot overdredge. In addition, 1,400 linear feet of sheet and king piles would be added to Berths 214-216 and 1,200 linear feet of sheet piles would be added to Berths 217-220. The majority of sediment has met the ocean disposal guidelines and would be placed at the LA-2 disposal site and contaminated sediments would be disposed of at the Berth 243-245 Confined Disposal Facility. King piles would be placed 35 feet below the mudline and sheet piles would be 15 feet below the mudline via a combination of vibratory and impact hammers. The tops of both pile types would extend slightly above the mudline.

Magnuson-Stevens Fishery Conservation and Management Act Comments

Action Area

The proposed project occurs within essential fish habitat (EFH) for various federally managed fish species within Coastal Pelagic Species and Pacific Coast Groundfish Fishery Management Plans (FMPs). In addition, the project occurs within estuarine habitat, which is designated as a habitat area of particular concern (HAPC) for various federally managed fish species within the Pacific Groundfish FMP. HAPC are described in the regulations as subsets of EFH which are

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rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPC are not afforded any additional regulatory protection under MSA; however, federal projects with potential adverse impacts to HAPC will be more carefully scrutinized during the consultation process.

Effects of the Action

NMFS-1 The adverse effects of dredging on EFH may include 1) direct/removal/burial of organisms; 2) turbidity/siltation effects, including light attenuation from turbidity; 3) contaminant release and uptake, including nutrients, metals and organics; 4) release of oxygen consuming substances; 5) entrainment; 6) noise disturbances; and 7) alteration to hydrodynamic regimes and physical habitat.

NMFS-2 Many fishery species forage on infaunal and bottom-dwelling organisms, such as polychaete worms, crustaceans, and other prey types. Dredging may adversely affect these prey species at the site by directly removing or burying these organisms. Recolonization studies suggest that recovery (generally meaning the later phase of benthic community development after disturbance when species that inhabited the area prior to disturbance begin to re-establish) may not be quite as straightforward, and can be regulated by physical factors including particle size distribution, currents and compaction/stabilization process following disturbance. Rates of recovery listed in the literature range from several months to several years for estuarine muds to up to two to three years for sands and gravels. Recolonization can also take up to one to three years in areas of strong current but up to ten years in areas of low current. Thus, forage resources for fish that feed on the benthos may be reduced while recovery is achieved.

NMFS-3 Although not the cause of direct introductions, artificial structures and associated substrate within bays and harbors provide increased opportunity for non-native species colonization (Cohen et al 2002; Bulleri and Champman 2010). Non-native species cause economic and ecological damage worldwide by diminishing habitat quality, displacing native species and damaging infrastructure. The addition of king and sheet piles may provide substrate for non-native species to colonize.

NMFS-4 Another potential project concern is the spread of the invasive alga, *Caulerpa taxifolia*, from project activities. As you may be aware, this alga had been introduced to our coastline. Though it was eradicated for a substantial cost, *Caulerpa* is listed on the Global Invasive Species Database's "100 of the World's Worst Invasive Species" and may be introduced again. This alga can destroy local ecosystems, impact commercial fisheries and adversely affect navigation and recreational opportunities. Although it is not known to be present within Oceanside Harbor, it had been detected in two other locations in Southern California. If the invasive alga is present within the project area, the dredging activities may adversely affect EFH by promoting its spread and increasing negative ecosystem impacts.

NMFS-5 Pile driving can generate intense underwater sound pressure waves that may adversely affect the ecological functioning of EFH. While larger, mobile species may be able to avoid the impact area; eggs and larvae are typically carried by currents and would not be able to escape. In 2008, NMFS, in collaboration with the U.S. Fish and Wildlife Service, California Department of Fish

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NMFS-5 cont.

and Game and state transportation agencies, established the interim criteria for injury to fish from pile driving activities. The interim criteria identified the onset of injury from impact pile driving to occur at sound pressure levels of 206 dB peak and 187 dB accumulated sound exposure level (SEL) for fish equal or greater than 2 grams. For those fish less than 2 grams, the accumulated SEL was set at 183 dB. While sound impacts are considered for marine mammals in the EIS, they are not considered for fishes. Based on these criteria and the summary table of underwater sound levels produced by sheet and king pile installation, NMFS believes fishes both greater and less than 2 grams would experience noise impacts.

EFH Conservation Recommendations

NMFS-6

As described in the above effects analysis, NMFS has determined that the proposed action would adversely affect EFH for various federally managed fish species within the Pacific Coast Groundfish and Coastal Pelagic Species FMPs. Therefore, pursuant to section 305(b)(4)(A) of the MSA, NMFS offers the following EFH conservation recommendations to avoid, minimize, mitigate, or otherwise offset the adverse effects to EFH.

NMFS-7

The applicant has proposed to perform a pre-construction eelgrass survey in compliance with the Southern California Eelgrass Mitigation Policy and a *Caulerpa* survey in accordance with the *Caulerpa* Control Protocol. NMFS concurs that a *Caulerpa* survey is appropriate, but does not believe an eelgrass survey is necessary given the location of the project and lack of historic eelgrass in the project footprint.

1) The Corps should notify NMFS of the date of commencement of dredging activities not less than 14 calendar days prior to commencing work and shall notify NMFS of the date of completion of operations. In addition, the Corps should provide NMFS a summary of dredging operations including the exact volume of dredged sediment, size of dredge area, and the corresponding spatial data. This information is important for cumulative impact analyses and may be useful for identifying future conservation recommendations for dredging projects in the Port environment.

Statutory Response Requirement

NMFS-8

Please be advised that regulations at section 305(b)(4)(B) of the MSA and 50 CFR 600.920(k) of the MSA require your office to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. Your final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH conservation recommendations, you must provide an explanation of the reasons for not implementing those recommendations. The reasons must include the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

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Supplemental Consultation

NMFS-9 Pursuant to 50 CFR 600.920(l), the Corps must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations.

Marine Mammal Protection Act Comments

Harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*) are the two marine mammal species most likely to be found in the area, particularly sea lions, which are known to haul out on man-made structures for extended periods of time. Marine mammals are protected under the Marine Mammal Protection Act (MMPA) (16 U.S.C. § 1361 et. seq.). Under the MMPA, it is generally illegal to "take" a marine mammal without prior authorization from NMFS. "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. Except with respect to military readiness activities and certain scientific research conducted by, or on behalf of, the Federal Government, "harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

NMFS-10 Of the proposed components of the project, NMFS considers in-water pile installation to constitute a potential impact to pinnipeds, given what we know about the effects of anthropogenic noise on marine mammals. Concern has arisen that sounds introduced into the sea by man-made devices (e.g., pile-driving using a hammer or vibratory) could have a deleterious effect on marine mammals by causing stress, interfering with communication and predator/prey detection, and changing behavior. More significantly, acoustic overexposure to loud sounds can lead to a temporary or permanent loss of hearing (termed a temporary or permanent threshold shift). NMFS is currently in the process of finalizing safety criteria for marine mammals exposed to underwater sound. Based on information we have from other pile replacement projects where piles with large diameters were driven, consultation with experts, and published literature, mitigation and monitoring around these other pile-driving operations appeared to be sufficient to reduce any impacts to marine mammals. These projects were primarily in large bays, where marine mammals are likely to be found foraging, transiting, or remaining for longer periods of time. Given the location of this project, we expect a few pinnipeds, likely sea lions, may occasionally transit the area and remain for a short period of time. Furthermore, there are no known areas at or near the project areas where sea lions regularly haul out. Therefore, we believe the risk of harassment to be very low. However, we would appreciate being notified if any aberrant marine mammal behavior is observed during pile driving operations, vessel activity or construction in general.

In the unlikely event of an injury or mortality of a marine mammal due to this project, please immediately contact our California stranding coordinator, Justin Viezbicke, at (562) 980-3230.

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Fish and Wildlife Coordination Act Comments

NMFS-11

The purpose of the FWCA is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development [16 U.S.C. 661]. The FWCA establishes a consultation requirement for Federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage [16 U.S.C 662(a)]. Consistent with this consultation requirement, NMFS provides recommendations and comments to Federal action agencies for the purpose of conserving fish and wildlife resources. The FWCA allows the opportunity to offer recommendations for the conservation of species and habitats beyond those currently managed under the MSA. NMFS has determined that subtidal habitat will be negatively impacted by proposed project activities. As such, EFH Conservation Recommendations provided above also serve as FWCA recommendations to compensate for these negative impacts.

Please contact Mr. Adam Obaza at (562)980-4044 or via email at Adam.Obaza@noaa.gov if you have any questions concerning this EFH consultation or require additional information. Please contact Ms. Christina Fahy at (562) 980-4023 or via email at Christina.Fahy@noaa.gov regarding any questions with respect to the MMPA.

Sincerely,

for William W. Stelle, Jr.
Regional Administrator

Literature Cited

Bulleri, F. and M.G. Chapman. 2010. The introduction of coastal infrastructure as a driver of change in marine environments. Journal of Applied Ecology 47: 26-53

Cohen, A.N., L.H. Harris, B.L. Bingham, J.T. Carlton, J.W. Chapman, C.C. Lambert, G. Lambert, J.C. Ljubenkov, S.N. Murray, L.C. Rao, K. Reardon and E. Schwindt. 2002. Project report for the Southern California Exotics Expedition 2000: A rapid assessment survey of exotic species in sheltered waters

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2.3.2.5 U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service

Response to Comment NMFS-1

Comment noted. As discussed in Section 3.3 and Appendix C3 of the Draft EIS/EIR, the proposed Project is in an area of the Port designated as Essential Fish Habitat (EFH) for federally managed species described in the Coastal Pelagic Species Management Plan and the Pacific Coast Groundfish Management Plan. The status of federally managed fish species and effects of the proposed Project, including dredging activities, on them and other marine species as well as EFH are further discussed below.

LAHD and Port of Long Beach conduct regular biological surveys of the Los Angeles and Long Beach Harbor, most recently in 2008. Of the 95 species included under the Coastal Pelagic and Pacific Coast Groundfish management plans, 19 adult species have been observed within the Harbor during biological surveys, although most have been collected sporadically and in low numbers. Of the 19 species, only two are likely to occur in the proposed project vicinity: *Engraulis mordax* (northern anchovy) and *Sardinops sagax* (Pacific sardine). In the 2008 survey, the northern anchovy was the most abundant species in both the Inner and Outer Harbor areas; Pacific sardine was less abundant. These surveys also showed a stable incidence of non-indigenous species, and increased diversity and abundance of native marine species, since the prior survey.

As stated in the comment letter and described in Appendix C3 of the Draft EIS/EIR, state-issued waste discharge requirements (WDRs) and BMPs implemented during construction and operations would result in less-than-significant impacts on water quality and EFH. The proposed in- and over-water construction requires a permit from USACE, and WDRs and Section 401 water quality certification from the Los Angeles RWQCB. During construction and dredging, a water quality monitoring program would be implemented by LAHD with oversight by USACE and Los Angeles RWQCB, and as required by special conditions of the USACE permit.

Response to Comment NMFS-2

As noted in the comment, recolonization timelines generally refer to the establishment of communities similar to those found at the location at the time of disturbance. This may take years, as stated in the comment; however, this does not mean the habitat is abiotic between time of impact and the time the site is considered recovered. As in terrestrial systems, reutilization of the benthic habitat will occur in successional stages, with the first colonizers likely to settle within days to weeks (depending on project timing related to seasonal larval dispersal) following the disturbance. These will be followed by other species that may displace those that settled initially. Merkel (2010) found that benthic infauna biomass and density (i.e., benthic forage resources) were not notably different from pre-dredge conditions 5 months after dredging in San Diego Bay, although community composition took up to 24 months to recover to pre-dredge condition. Ultimately, the community may have different dominant species from the original community, based on species tolerances to different physical factors, as stated by the commenter, or as a result of random distribution of the organisms that settle at the site. Except for a short period following the impact, organisms present during all stages of recovery would be available as a forage resource to bottom-feeding fish.

Response to Comment NMFS-3

As discussed under Impact BIO-4 in the Draft EIS/EIR (Section 3.3, Biological Resources), sheet pile and king piles to stabilize the wharf in the proposed project area would be installed within a few feet of the existing wharf and would provide some new hard substrate usable as habitat by both native and non-native marine organisms. However, the king piles would be installed approximately 35 feet below the mudline and the sheet piles would be installed 15 feet below the mudline, and both would protrude only slightly above the seafloor. New hard substrate would be created at a depth of about -49 feet MLLW, which is likely too deep to support algae. As discussed in Section 3.3.2.2 of the Draft EIS/EIR (Section 3.3, Biological Resources), of the 334 species recorded in the riprap/piling communities in the Port Complex in 2008, only 12 were determined to be non-native, or 4% of the community assemblage (SAIC 2010).

Response to Comment NMFS-4

As discussed in Section 3.3 and Appendix C3 of the Draft EIS/EIR, LAHD would conduct an underwater survey for *Caulerpa* prior to construction, consistent with NMFS requirements in the *Caulerpa* Control Protocol. If any *Caulerpa* is found, an eradication plan would be developed and implemented in conjunction with NMFS and CDFW, and construction would be delayed until subsequent surveys demonstrate full eradication has been achieved. This species has not been detected in the Port Complex and was eradicated from known areas of occurrence in Southern California.

Response to Comment NMFS-5

Section 3.3 of the Draft EIS/EIR (Impact BIO-4) discusses impacts on fish from construction, and specifically pile driving. The Draft EIS/EIR acknowledges that pile driving creates underwater sound that could cause acoustic impacts on fish, particularly at the onset. Additionally, while the Draft EIS/EIR does not specifically reference fish less than two grams, it does note that smaller fish are more susceptible to acoustic injury. The species most likely to suffer mortality would be northern anchovy, Pacific sardine, and topsmelt. However, due to the limited potential impact area and the availability of suitable habitat for these species in adjacent areas, LAHD and USACE determined that the proposed Project would not result in a substantial decline in these populations. Additionally, with implementation of MM BIO-1, the pile driving would initiate with a soft start, which would minimize potential impacts on fish, which are expected to avoid or leave the area.

Response to Comment NMFS-6

Comment noted. LAHD and USACE acknowledge that NMFS has determined that the proposed Project would adversely affect EFH for various federally managed fish species within the Pacific Coast and Coastal Pelagic Species Fishery Management Plans. Section 3.3 and Appendix C3 of the Draft EIS/EIR adequately analyze the impacts on EFH, and MM BIO-1 is included to reduce impacts to less-than-significant levels. The recommended conservation measures are addressed in Response to Comment NMFS-7 below.

Response to Comment NMFS-7

Comment noted. LAHD and USACE acknowledge the conservation recommendations to avoid, minimize, mitigate, or otherwise offset the adverse effects on EFH, and they

concur that a *Caulerpa* survey is appropriate. LAHD and USACE also note that NMFS does not believe an eelgrass survey is necessary given the location of the proposed Project and lack of historic eelgrass in the proposed project footprint. With respect to notification, USACE and LAHD agree to NMFS's request. LAHD would notify NMFS no less than 14 calendar days prior to commencing construction, dredging, and disposal operations associated with the proposed Project. LAHD would also notify NMFS no less than 5 calendar days prior to completion of construction, dredging, and disposal operations. In addition, USACE will provide NMFS with a summary of dredging operations including the exact volume of dredged sediment, size of dredge area, and corresponding spatial data.

Response to Comment NMFS-8

As discussed in Section 3.3 of the Draft EIS/EIR and this response to comments section, it is LAHD's and USACE's determination that the construction and operation of the proposed Project would not result in substantial adverse project-related or cumulative impacts on marine biological resources or EFH.

As required by regulations at Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and 50 CFR 600.920(k), a written preliminary response to this comment letter was provided on June 25, 2014, from Aaron O. Allen, Ph.D., Chief, North Coast Branch, Regulatory Division of USACE, addressed to Chris Yates, Assistant Regional Administrator, NMFS. This Final EIS/EIR and the responses above constitute USACE's final response to the comments and proposed conservation recommendations in NMFS's letter; pursuant to the MSA, they will be transmitted to NMFS at least 10 days in advance of USACE's final action on the proposed Project. USACE will also prepare a Record of Decision (ROD) for the proposed Project, which will include the final response to the proposed conservation recommendations in your letter.

Response to Comment NMFS-9

Comment noted. Should the proposed Project be substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS's EFH conservation recommendations, USACE will reinitiate EFH consultation with NMFS pursuant to 50 CFR 600.920(1).

Response to Comment NMFS-10

Comment noted. Section 3.3 of the Draft EIS/EIR adequately discloses the potential impacts on pinnipeds and other marine mammals from in-water pile installation. Implementation of MM BIO-1 would require the initiation of pile driving with a soft start and the establishment of a 300-meter-radius safety zone around the pile-driving site that would be monitored for pinnipeds and cetaceans by a qualified marine mammal observer, thereby minimizing potential impacts on pinnipeds and other marine mammals. LAHD and USACE acknowledge NMFS's conclusions that, given the location of the proposed Project, few pinnipeds are expected, the most likely being sea lions that may occasionally travel the area and remain for short periods of time. Further, the comment notes that there are no known areas at or near the project areas where sea lions regularly haul out, and, therefore, the risk of harassment is believed to be very low. LAHD and USACE concur with NMFS's conclusions related to impacts on marine mammals. Consultation with a stranding coordinator concerning aberrant behavior, injury, or mortality of marine

mammals is a standard condition of LAHD marine mammal monitoring plans, which are reviewed and approved by NMFS prior to project initiation.

Response to Comment NMFS-11

Comment noted. LAHD and USACE acknowledge NMFS's determination under the Fish and Wildlife Coordination Act (16 USC 661) that subtidal habitat will be negatively impacted by the proposed project activities. Section 3.3 of the Draft EIS/EIR adequately analyzes the impacts on subtidal habitat, and Section 3.3.4.1 identifies appropriate best management practices that would be implemented to minimize impacts to subtidal habitat. The EFH Conservation Recommendations are addressed in Response to Comment NMFS-7 above.

As discussed in Response to Comment NMFS-7, LAHD would notify NMFS no less than 14 calendar days prior to commencing construction, dredging, and disposal operations associated with the proposed Project. LAHD would also notify NMFS no less than 5 calendar days prior to completion of construction, dredging, and disposal operations. In addition, USACE would provide NMFS with a summary of dredging operations including the exact volume of dredged sediment, size of dredge area, and corresponding spatial data.

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2.3.3 State Government Comments

Comment Letter CCC

From: Simon, Larry@Coastal [mailto:Larry.Simon@coastal.ca.gov]
Sent: Monday, June 02, 2014 11:22 AM
To: Ceqacomments; Stevens, Theresa SPL (Theresa.Stevens@usace.army.mil)
Cc: Padilla, Al@Coastal
Subject: Draft EIS/EIR for Berths 212-224 Container Terminal Improvements Project

CCC-1 I have reviewed the Notice of Availability for the above-referenced document. The Port of Los Angeles will need to submit a consistency certification to the Coastal Commission for its proposed disposal at the LA-2 ocean disposal site of project dredged sediments. That submittal will need to include a suitability determination for ocean disposal of these sediments.

Larry Simon
Federal Consistency Coordinator
Energy, Ocean Resources and
Federal Consistency Division
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
larry.simon@coastal.ca.gov
www.coastal.ca.gov

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2.3.3.1 California Coastal Commission

Response to Comment CCC-1

Thank you for your review of and comment on the Draft EIS/EIR. LAHD acknowledges the requirement to submit a Federal Coastal Zone Management Act consistency certification to the Coastal Commission for the proposed disposal of dredged sediments at the LA-2 ocean disposal site (as indicated in Table 1-3 of the Draft EIS/EIR), which will include a suitability determination for ocean disposal of these sediments. For reference, see Revised Appendix F of this Final EIS/EIR (noted as a modification to Appendix F of the Draft EIS/EIR in Chapter 3, Modifications to the Draft EIS/EIR), Final Sediment Characterization Report for Berths 212–224 YTI Container Terminal Improvements Project, Los Angeles Harbor (AMEC 2014), which includes a suitability analysis and reference to the approval of suitability at the January 2014 CSTF meeting for open water/ocean disposal of the bottom material from Composite A (approximately 15,800 cubic yards), and all of Composite B (approximately 21,800 cubic yards).

Comment Letter DOT

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN, JR., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, TRANSPORTATION PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-9140
FAX: (213) 897-1337

Flex your power!
Be energy efficient!

June 12, 2014

Mr. Christopher Cannon
Director of Environmental Management
425 S. Palos Verdes Street
San Pedro, CA 90731

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Venture Field Office
c/o Theresa Stevens, Ph.D.
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

IGR/CEQA No. 140506AL-DEIR
Ref. IGR/CEQA No. 130415AL-NOP
Berths 212-224 [YTI] Container Terminal Improvements Project
Vic. LA-710 / PM 4.96, LA-47 / PM 3.5, LA-110/ R0.93
SCH # 2013041017

Dear Mr. Cannon and Ms. Stevens:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project involves the construction and operation of terminal improvements within the YTI Terminal; these consist of dredging and installing sheet piles and king piles, adding and replacing/extending wharf cranes, extending the 100-foot gage crane rail, improving/repairing backlands, and expanding the TICTF on-dock rail.

Caltrans goal is to assist the City to disclose defensible and complete environmental documents in the CEQA process and to protect the public safety on the State facilities. Below are Caltrans' major concerns with the Draft Environmental Impact Report (DEIR) for the Berths 212-224 [YTI] Container Terminal Improvements Project:

DOT-1

1. Caltrans submitted a comment letter dated April 25, 2013, on the Notice of Preparation (NOP) and met with the Lead Agency on June 13, 2013 and had a telephone conference with the Lead Agency on July 18, 2013, to discuss Caltrans' concerns about the project's impact on the US-101 freeway and on/off ramps. The traffic consultant acknowledged Caltrans' concerns and it was understood by both parties that the traffic procedures for analyzing impacts to the State highway system would follow standard statewide procedures outlined in Caltrans Traffic Study Guide. In the meeting, it was agreed that the Lead Agency will submit model assumptions, ports trip generation/distribution for Caltrans comment. To be able to determine how far and how much the project impact

"Caltrans improves mobility across California"

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DOT-1 cont.

would be, please submit the select zone analysis and missing information from the EIR for Caltrans review.

DOT-2

2. Caltrans' Guide for the Preparation of Traffic Impact Studies, December 2002, "The level of service (LOS) for operating State highway facilities is based upon measures of effectiveness (MOEs). . . . If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained." Many of the existing freeways' LOS are operating at LOS "F" during the peak hours at the project vicinity, so any further degradation of the MOE would constitute a potential significant impact. When additional traffic trips are assigned to those freeways, existing freeway condition should be maintained.

DOT-3

3. The intent of the CMP is to assist federal, state and local agencies in developing and implementing comprehensive planning strategies to handle traffic congestion. (Gov. Code, § 60588) Unfortunately, the CMP process does not adequately evaluate the impacts to the SHS (State Highway System) for CEQA purposes, nor does it make the City the final authority over highway safety issues. As the owner and operator of the SHS facilities, Caltrans provides comments on environmental documents and the analysis of impacts to the SHS.

   The EIR only used the Los Angeles County Congestion Management Program (CMP) criteria. However, the CMP fails to provide adequate information as to direct and cumulative impacts to the freeway mainline and ramps, per CEQA. For example, the CMP does not adequately address cumulative transportation impacts and does not analyze for safety, weaving problems, or delay. The CMP improperly uses a percentage criterion for determining the significance of traffic impacts on freeways. The use of a "ratio theory" or "comparative approach" such as the CMP's 2% increase in V/C, improperly measures a project's incremental impact relative to the existing cumulative effect rather than measuring the combined effects of the proposed project and other relevant past, present, and future projects.

DOT-4

4. Currently, many segment of the freeway Level of Service (LOS) for I-710, I-405, SR-91, and I-110 are operating at LOS F. Any additional trips will worsen the existing freeway condition in measuring delay, density, or speed. On page 4-6 of the DEIR, there are a total of 94 present or reasonably foreseeable future projects in the project vicinity. The DEIR did not include an adequate cumulative traffic analysis for the freeways, which would include the trips generated from the Port of Los Angeles Master Plan.

DOT-5

5. The report should include Exhibits showing: designated truck routes from/into the proposed site, generated trip distribution in/out of the site, volumes/Geometry/LOS.

DOT-6

6. The impact analysis to be calculated for truck lane movement not for overall intersection. For example, the designated truck route to use left turn pocket at analyzed intersection, therefore, the LOS of this movement to be calculated and shown as well as overall intersection LOS. The analysis should include the queuing, the adequacy of storage length, and the turning radius of truck turns where it is applicable.

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DOT-7 7. The impact analysis to be recalculated (Table 3.7-18) where no project alternative for year 2026 should have same capacity as baseline year 2012. No trip credit should be given in the analysis for the State facilities when the berth is not currently in operation.

DOT-8 8. The on/off ramps to be analyzed based on designated truck route to and from proposed site. An analysis of the off-ramps in the project vicinity should utilize the Highway Capacity Manual (HCM) 85th percentile queuing methodology with the actual signal timing at the ramps' termini.

DOT-9 9. The Highway Capacity Methodology to be used to analyze state facilities. Please refer the project's traffic consultant to Caltrans' traffic study guide Website below:

http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

DOT-10 10. Caltrans recommends that the Lead Agency develop a funding mechanism of its own to implement transportation improvements on the State highway system. These funds may serve as matching funds to attract State and Federal funds. The farir share to be calculated based on impacted movement not overall intersection. Thus, the other projects generated traffic on impacted movement to be considered for calculation of the fare share.

DOT-11 Caltrans is majorly concerned that the project impacts may result in unsafe conditions due to additional traffic congestion, unsafe queuing, and difficult maneuvering. These concerns need to be adequately addressed in the DEIR. In summary, without the necessary traffic analysis, Caltrans cannot recognize the DEIR as adequately identifying and mitigating the project's impacts to the State highway facilities.

In the spirit of mutual cooperation, we would like to invite the lead agency, Port of Los Angeles to the Caltrans office to discuss traffic impact and fair share contributions towards planned freeway improvements. Please contact this office at your earliest convenience to schedule a meeting in the near future.

If you have any questions, please feel free to contact Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 140506AL.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

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2.3.3.2 California Department of Transportation

Response to Comment DOT-1

Thank you for your comment. The analysis has been conducted for the proposed Project and its alternatives using the Highway Capacity Manual (HCM) methodology as prescribed in Caltrans' "Guide for the Preparation of Traffic Impact Studies" (December 2002). All requested information is included in the Draft EIS/EIR: the model assumptions are described in the Draft EIS/EIR in Section 3.7 on page 3.7-20; details involved in the preparation of traffic forecasts, including regional growth and the Port's growth, are provided in the Draft EIS/EIR in Section 3.7 on pages 3.7-20 through 3.7-22; and the proposed Project's trip generation is detailed in Table 3.7-18 on page 3.7-52. The distribution of the proposed Project's trips were obtained from the select zone assignment performed using the model detailed in the pages noted above. Select zone plots were provided to Caltrans District 7 on September 9, 2014 in response to this comment. Table 2-2 below summarizes the large-format plots that were sent to Caltrans.

Table 2-2. Freeway Mainline Screening

Freeway	Segment		Direction	Number of Lanes [1]	Capacity [2]	Trigger @ 1% [3]	YTI Build-Net Project Trips		Trigger Exceeded?
							AM	PM	
I-710	Begin of Freeway	Ocean/Harbor Scenic/Pico	NB	3	6,000	60	9	6	No
			SB	2	4,000	40	11	4	No
I-710	Ocean/Harbor Scenic/Pico	Shoreline Dr.	NB	3	6,000	60	8	4	No
			SB	3	6,000	60	10	4	No
I-710	Shoreline Dr.	Anaheim St.	NB	4	8,000	80	8	4	No
			SB	3	6,000	60	10	4	No
I-710	Anaheim St.	Pacific Coast Highway	NB	3	6,000	60	8	4	No
			SB	3	6,000	60	11	4	No
I-710	Pacific Coast Highway	Willow St.	NB	3	6,000	60	10	5	No
			SB	3	6,000	60	14	5	No
I-710	Willow St.	I-405 Freeway	NB	3	6,000	60	11	9	No
			SB	3	6,000	60	14	6	No
I-710	I-405 Freeway	Del Amo Blvd.	NB	4	8,000	80	14	9	No
			SB	4	8,000	80	18	6	No
I-710	Del Amo Blvd.	SR-91 Freeway	NB	5	10,000	100	13	8	No
			SB	4	8,000	80	17	6	No
SR-47	I-110 Freeway	Harbor Blvd.	WB	2	4,000	40	10	15	No
			EB	2	4,000	40	11	5	No
SR-47	Harbor Blvd.	Ocean Blvd.	WB	2/3	4,000	40	12	16	No
			EB	2/3	4,000	40	12	6	No
SR-47	Ocean Blvd.	New Dock St.	NB	3	6,000	60	0	0	No
			SB	3	6,000	60	0	0	No
SR-47	New Dock St.	Heim Lift Bridge	NB	3	6,000	60	26	23	No
			SB	3	6,000	60	37	17	No

Table 2-2. Freeway Mainline Screening

Freeway	Segment		Direction	Number of Lanes [1]	Capacity [2]	Trigger @ 1% [3]	YTI Build-Net Project Trips		Trigger Exceeded?
SR-47	Heim Lift Bridge	Henry Ford Ave.	NB	3	6,000	60	26	23	No
			SB	3	6,000	60	37	17	No
SR-103	Henry Ford Ave.	Anaheim St.	NB	3	6,000	60	9	12	No
			SB	3	6,000	60	12	5	No
SR-103	Anaheim St.	Pacific Coast Highway	NB	2	4,000	40	9	11	No
			SB	2	4,000	40	11	4	No
SR-103	Pacific Coast Highway	Willow St.	NB	2	4,000	40	2	7	No
			SB	2	4,000	40	2	1	No
I-110	SR-47	Channel St.	NB	2	4,000	40	8	7	No
			SB	3	6,000	60	6	3	No
I-110	Channel St.	C St.	NB	4	8,000	80	8	7	No
			SB	4	8,000	80	6	3	No
I-110	C St.	Anaheim St.	NB	4	8,000	80	8	7	No
			SB	4	8,000	80	6	3	No
I-110	Anaheim St.	Pacific Coast Highway	NB	4	8,000	80	8	7	No
			SB	4	8,000	80	6	3	No
I-110	Pacific Coast Highway	Sepulveda Blvd.	NB	4	8,000	80	8	6	No
			SB	4	8,000	80	6	3	No
I-110	Sepulveda Blvd.	Carson St.	NB	4	8,000	80	6	5	No
			SB	4	8,000	80	6	3	No
I-110	Carson St.	Torrance Blvd.	NB	4	8,000	80	6	5	No
			SB	4	8,000	80	6	3	No
I-110	Torrance Blvd.	I-405 Freeway	NB	3/4	6,000	60	3	3	No
			SB	3/4	6,000	60	4	2	No
I-405	Vermont Ave.	I-110 Freeway	NB	3	6,000	60	2	1	No
			SB	3	6,000	60	2	1	No
I-405	I-110 Freeway	Avalon Blvd.	NB	4	8,000	80	0	0	No
			SB	4	8,000	80	0	0	No
I-405	Avalon Blvd.	Carson St.	NB	4	8,000	80	0	0	No
			SB	4	8,000	80	2	1	No
I-405	Carson St.	Wilmington Ave.	NB	4	8,000	80	0	0	No
			SB	4	8,000	80	2	1	No
I-405	Wilmington Ave.	Alameda St.	NB	4	8,000	80	0	0	No
			SB	4	8,000	80	1	0	No
I-405	Alameda St.	I-710 Freeway	NB	4	8,000	80	0	0	No
			SB	4	8,000	80	0	0	No
I-405	I-710 Freeway	Wardlow Rd.	NB	4	8,000	80	0	0	No
			SB	4	8,000	80	0	0	No
SR-91	Vermont Ave.	I-110 Freeway	WB	3	6,000	60	0	0	No
			EB	3	6,000	60	0	0	No

Table 2-2. Freeway Mainline Screening

Freeway	Segment		Direction	Number of Lanes [1]	Capacity [2]	Trigger @ 1% [3]	YTI Build-Net Project Trips		Trigger Exceeded?
SR-91	I-110 Freeway	Avalon Blvd.	WB	5	10,000	100	0	0	No
			EB	4	8,000	80	0	0	No
SR-91	Avalon Blvd.	Central Ave.	WB	5	10,000	100	0	0	No
			EB	4	8,000	80	0	0	No
SR-91	Central Ave.	Wilmington Ave.	WB	4	8,000	80	1	0	No
			EB	4	8,000	80	0	0	No
SR-91	Wilmington Ave.	Alameda Str.	WB	4	8,000	80	0	0	No
			EB	4	8,000	80	0	0	No
SR-91	Alameda St.	Long Beach Blvd.	WB	5	10,000	100	0	0	No
			EB	5	10,000	100	0	0	No
SR-91	Long Beach Blvd.	I-710 Freeway	WB	5	10,000	100	0	0	No
			EB	5	10,000	100	0	0	No
SR-91	I-710 Freeway	Cherry St.	WB	5	10,000	100	1	1	No
			EB	5	10,000	100	2	2	No

[1] Number of lanes does not include auxiliary or HOV lanes.

[2] Per "Agreement Between City of Los Angeles and Caltrans District 7," assumes a capacity of 2,000 vehicles per hour per lane (vphpl).

[3] Assumes worst case threshold: 1% of capacity if LOS E or F, using 2,000 vphpl capacity.

Response to Comment DOT-2

Comment noted. The analysis of freeway segments has been conducted for the required scenarios under CEQA and NEPA for the proposed Project and its alternatives using the Highway Capacity Manual (HCM) methodology as prescribed in Caltrans' "Guide for the Preparation of Traffic Impact Studies" (December 2002). The results of the analyses are summarized in Sections 3.7 and 4.2.7 of the Draft EIS/EIR. Additionally, using the "Agreement Between City of Los Angeles and Caltrans District 7 On Freeway Impact Analysis Procedures," executed in October 2013, an assessment was conducted to further verify that additional State Highway System (SHS) locations beyond that contained in the Draft EIS/EIR do not need to be analyzed, as the criteria for warranting analysis was not satisfied (see select zone plots provided to Caltrans via e-mail on September 2, 2014). From Tables 3.7-23 and 3.7-24 in the Draft EIS/DEIR, it is also evident from the demand to capacity ratio (D/C) changes that additional locations do not need to be analyzed.

Tables 3.7-23 and 3.7-24 compare future year cumulative conditions without and with the proposed Project to determine potential State Highways Systems (SHS) impacts as prescribed in "Guide for the Preparation of Traffic Impact Studies." As shown, for all locations projected to operate at densities between 26 (level of service [LOS] D) and 45 (LOS E) passenger car equivalents (PCE)/lane/mile during peak hours, the densities would change a very nominal amount (less than 1%) due to the proposed Project. For those locations projected to operate with densities greater than 45 (LOS F) PCE/lane/mile, which actually exceeds the intended bounds of the Highway Capacity Manual (HCM) equations and LOS definitions due to oversaturated/unstable traffic flow conditions, the D/C method is considered to be more appropriate, and was used to

determine potential impacts. Therefore, based upon the results of the D/C assessment, it was determined there would be no significant SHS impacts.

To specifically address comment DOT-2, a queuing analysis was conducted at all SHS off-ramp intersections using the HCM methodology (see results in Table 2-3 below). As shown, none of the turn lane storage lengths are exceeded at any of the analyzed intersections.

It is also important to note that the Caltrans "Guide for the Preparation of Traffic Impact Studies" and the "Agreement Between City of Los Angeles and Caltrans District 7 On Freeway Impact Analysis Procedures" do not prescribe any criteria for the determination of a significant impact. These documents do not stipulate that "any further degradation of the MOE [measures of effectiveness] would constitute a potential significant impact," as stated in the comment letter from Caltrans. Furthermore, deeming any increase in vehicle density (or delay for intersections) at any prevailing LOS as a significant impact is not considered appropriate from a traffic engineering and transportation planning perspective. Therefore, as the CEQA lead agency, LAHD has exercised its discretion in selecting a reasonable significance criterion in the absence of such criteria from Caltrans.

Response to Comment DOT-3

See also Response to Comment DOT-2. The Los Angeles County Congestion Management Program (CMP) adopted by METRO provides the guidelines for impact evaluation of the CMP Highway Network and is a requirement under CEQA and NEPA. The CMP analyses provide evaluation of both direct and cumulative impacts. The commenter incorrectly states that the Draft EIS/EIR did not include an adequate cumulative traffic analysis for the freeways. The commenter is directed to the traffic forecasts for the future (2026) conditions in the Traffic Study. These forecasts were generated using the Port Travel Demand Model, which accounts for all Ports of Los Angeles and Long Beach traffic growth, including the projects outlined in the Port Master Plan, and is contained in the model being utilized for the I-710 Corridor Project EIR/EIS and the latest SCAG Regional Transportation Plan model as described in Section 3.7 and Section 4.2.7 of the Draft EIS/EIR. Section 15130 (b)(1)(A and B) of the State CEQA Guidelines allows an EIR to rely on a list of cumulative projects or projections contained in adopted plans, stating "such projections may be supplemented with additional information such as a regional modeling program." The reliance on regional traffic models was upheld in *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 408 Cal.App.4th 899.

Response to Comment DOT-4

See Responses to Comments DOT-2 and DOT-3.

Response to Comment DOT-5

The designated truck routes were represented accurately in the Port Travel Demand Model, and the select zone assignment plots for the proposed project site were provided to Caltrans District 7 on September 9, 2014. Additionally, the traffic volumes, geometry, and LOS for all analyzed locations are included in the Traffic Appendices to the Draft EIS/EIR (Appendix D).

Response to Comment DOT-6

To specifically address comments DOT-2 and DOT-6, a queuing analysis was conducted at all SHS off-ramp intersections using the HCM methodology (see results in Table 2-3). As shown, none of the turn lane storage lengths are exceeded at any of the analyzed intersections.

Table 2-3. Freeway Off-Ramp Queue Analysis

#	Intersection	Movement Group	Storage Length (feet) [a]	Future 2026 Proposed Project Conditions: Volume (vehicles per hour) AM	MD	PM	85% Queue Length (feet) [d] AM	MD	PM	Exceeds Storage Length [e]
8.	Henry Ford Ave/Terminal Island Fwy ramps & Pier A Way SR-103 NB off-ramp	NBL	250	15	33	18	25	40	25	NO
		NBT	1,585	1,140	734	783	343	185	213	
		NBR	150 [b]	72	86	53	0	0	0	
		OFF-RAMP	2,020							
10.	Terminal Island Fwy (SR-103) & Willow St. SR-103 NB off-ramp	NBL	555	234	342	471	43	45	98	NO
		NBLT	555	19	6	7	50	48	100	
		NBR	585	344	368	758	48	38	15	
		OFF-RAMP	[c]							
11.	Ocean Ave/SR-47 SB off-ramp & New Dock St. SR-47 SB off-ramp	SBLTR	745	288	179	95	316	128	130	NO
		SBR	745	759	396	281	285	47	48	
		OFF-RAMP	1,110							
13.	Terminal Island Fwy (SR-47) & Ocean Blvd ramps WB SR-47 WB off-ramp	WBL	560	51	45	101	50	25	60	NO
		WBT	1,250	222	190	164	105	55	48	
		WBR	200 [b]	54	87	123	0	0	0	
		OFF-RAMP	1,250							
17.	Pier S Way & Ocean Blvd. ramps EB SR-47 EB off-ramp	EBL	325	248	170	135	69	52	39	NO
		EBT	965	1,351	985	1,334	210	140	205	
		OFF-RAMP	965							

Notes:

EB: eastbound lane; EBL: eastbound left lane; EBT: eastbound through lane; NB: northbound lane; NBL: northbound left lane; NBLT: northbound left turn lane; NBR: northbound right lane; NBT: northbound through lane; SB: southbound lane; SBLTR: southbound left/through/right combination lane; SBR: southbound right lane; WB: westbound lane; WBL: westbound left lane; WBR: westbound right lane; WBT: westbound through lane

[a] Most constrained storage length for each lane group reported. Measured from stop bar to end of lane. Overall off-ramp storage length measured from stop bar to freeway mainline.

[b] Free-flow movement; therefore, no queue length reported for this movement.

[c] Freeway ends at this location. No off-ramp at this location to measure.

[d] Based on HCM 2010 methodology.

[e] The results of queuing analysis include the following evaluations:
LANE: Storage capacity exceeded in turn pocket only.
YES: Storage capacity exceeded in entire ramp, resulting in back-up into the mainline.
NO: Storage capacity has not been exceeded.

Response to Comment DOT-7

The YTI Terminal is currently in operation and the Year 2026 No Project Alternative provides projections of growth at the terminal that would occur without the proposed Project. Table 3.7-18 in the Draft EIS/EIR details the trip generation estimates. Analyses and comparison of Project Conditions to both CEQA and NEPA baselines reflective of Existing (2012) and Future (2026) without Project Conditions, respectively, have been conducted and are provided in Tables 3.7-21 and 3.7-22 of the Draft EIS/EIR.

Response to Comment DOT-8

See Response to Comment DOT-6. Table 2-3 provides a summary of the results from the HCM 85th-percentile queuing analyses at the off-ramps in the proposed Project's vicinity.

Response to Comment DOT-9

See Response to Comment DOT-2. Both the HCM Methodology as required by Caltrans and the vehicle to capacity (V/C) Methodology per CMP requirements have been used to analyze the state facilities. The results, including density (from HCM) and V/C ratio and LOS (from CMP), are included in Tables 3.7-21 to 3.7-24; 3.7-33 to 3.7-36; 3.7-40 to 3.7-43; 4-5; and 4-6 of the Draft EIS/EIR.

Response to Comment DOT-10

As indicated in the Draft EIS/EIR and Response to Comment DOT-2, the proposed Project would not have any significant impacts on traffic or transportation patterns; therefore, mitigation or a "funding mechanism" is not required. However, LAHD has and continues to demonstrate its commitment to collaborating with Caltrans and partnering agencies in addressing future traffic conditions on the I-710. LAHD is a technical partner to Caltrans and METRO for the Project Approval/Environmental Documentation (PA/ED) phase of the I-710 Corridor Project. The I-710 Corridor Project Draft EIR/EIS proposes improvements to the entire 20-mile corridor to accommodate all Year 2035 Port of Los Angeles, Port of Long Beach, and regional traffic. Year 2035 Port of Los Angeles and Port of Long Beach traffic represents buildout conditions at the Ports. The corridor area includes the mainline freeway and adjacent arterial street system. The I-710 Corridor Project EIR/EIS utilizes HCM methodologies (weaving, mainline, ramp diverge/merge), which is appropriate for a transportation facility environmental document and preliminary engineering. LAHD contributed $5 million for the PA/ED phase, and participates directly and extensively by providing technical guidance/input for the preliminary engineering; the Administrative, Draft, and Final EIR/EIS; and the Caltrans Project Report. This input is also provided on all technical studies, including (but not limited to): air quality; transportation; goods movement; rail/intermodal; and alternative technology. For these studies, LAHD provided all Ports of Los Angeles and Long Beach traffic volumes for direct incorporation into the I-710 Corridor Project EIR/EIS model (which is a focus model of the SCAG Regional Transportation Plan model).

Response to Comment DOT-11

See Responses to Comments DOT-1 through DOT-10.

Comment Letter OPR

EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

KEN ALEX
DIRECTOR

June 17, 2014

CITY OF LOS ANGELES
JUN 19 2014
ENV MGMT DIV
HARBOR DEPARTMENT

Christopher Cannon
Port of Los Angeles, Dept. of Env. Mgmt Div.
425 South Palos Verdes Street
San Pedro, CA 90731

Subject: Berths 212-224 [YTI] Container Terminal Improvements Project
SCH#: 2013041017

Dear Christopher Cannon:

OPR-1 The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on June 16, 2014, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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Document Details Report
State Clearinghouse Data Base

SCH# 2013041017
Project Title Berths 212-224 [YTI] Container Terminal Improvements Project
Lead Agency Los Angeles, Port of

Type EIR Draft EIR

Description The proposed Project includes performing deepening and improvements at Berths 214-216 and Berths 217-220, extending a 100-guage crane rail to Berths 217-220, expanding the Terminal Island Container Transfer Facility (TICTF) by adding a single loading track, raising up to six existing cranes and replacing up to four existing cranes, and improving backlands, which involves replacing and reconstructing asphalt and concrete.

Lead Agency Contact

Name Christopher Cannon
Agency Port of Los Angeles, Dept. of Env. Mgmt Div.
Phone (310) 732-7675 **Fax**
email
Address 425 South Palos Verdes Street
City San Pedro **State** CA **Zip** 90731

Project Location

County Los Angeles
City
Region
Lat / Long 33° 45' 13.74" N / 113° 15' 32.06" W
Cross Streets New Dock Street & Pier S Avenue
Parcel No. 7440-023-911
Township **Range** **Section** **Base**

Proximity to:

Highways SR 47, 103, 710, 110
Airports
Railways Port of LA Red Car Line
Waterways Los Angeles Harbor
Schools POLA HS
Land Use LU - General / Bulk Cargo (Non-Hazardous Industrial and Commercial) Zoning - [Q]M3-1

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 7; Air Resources Board; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 05/01/2014 **Start of Review** 05/01/2014 **End of Review** 06/16/2014

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2.3.3.3 California Governor's Office of Planning and Research

Response to Comment OPR-1

Thank you for the review and comment on the Draft EIS/EIR. LAHD acknowledges that the State Clearinghouse submitted the Draft EIS/EIR to selected state agencies for review, and that no state agencies submitted comments to the State Clearinghouse by the close of the public review period on June 16, 2014. LAHD did receive comments from the California Coastal Commission on June 2, 2014, and provides a response above in Response to Comment CCC-1. In addition, the California Department of Transportation, District 7, submitted comments on June 12, 2014; those comments are addressed above in Responses to Comments DOT-1 through DOT-11. Further, LAHD acknowledges that, as the lead agency, it has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

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2.3.4 Regional and Local Government Comments

Comment Letter SCAQMD

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: June 27, 2014
ceqacomments@portla.org
Theresa.stevens@usace.army.mil

June 27, 2014

Chris Cannon
Director of Environmental Management
Los Angeles Harbor Department
P.O. Box 151
San Pedro, CA 90733-0151

U.S. Army Corps of Engineers
Los Angles District, Regulatory Division
Ventura Field Office
ATTN: Theresa Stevens, Ph. D
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Review of the Draft Environmental Impact Statement/Report (Draft EIS/EIR) for the Proposed Berths 212-224 (YTI) Container Terminal Improvements Project

SCAQMD-1 The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the Draft EIS/EIR for the Proposed Berths 212-224 (YTI) Container Terminal Improvements Project. The proposed Project involves deepening two existing berths, adding one additional berth, modifying and replacing cranes, adding on-dock rail track, and constructing backland improvements. At completion, the modifications will increase the terminal capacity by approximately 13 percent from 1,692,000 TEUs to 1,913,000 and result in a 10 and 13 percent increase in resulting truck and train trips, respectively over the No Project Alternative.

SCAQMD-2 The proposed Project is also one of two major port projects that are currently going through the approval process (Yang Ming being the other one). It is important that these projects are developed in a complementary and coordinated manner to achieve the long-term goal of reducing the significant air quality impacts the Ports of Los Angeles creates in the South Coast Air Basin.

SCAQMD-3 Based on the Draft EIS/EIR, the proposed Project will cause significant impacts after mitigation for construction and operation. The proposed project's regional emissions impacts from construction under CEQA will remain significant after mitigation for PM2.5, NOx, CO, and VOC. PM2.5 is significant after mitigation in 2015. Construction impacts also cause exceedances of the significance thresholds for the localized impacts

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SCAQMD-3 cont.

from NO_2 and PM10 during both construction years (2015 and 2016). The proposed project's regional operational emissions impacts under CEQA will remain significant after mitigation for NOx, CO, and VOC. Peak day operational emissions impacts also cause exceedances of the localized significance thresholds for NO_2 and PM10. SCAQMD staff is also concerned that the modeling conducted for this EIR demonstrates that emissions from this terminal exceed the federal ambient air quality standard for NO_2 during long-term operations. Further, the proposed Projects impacts on cancer risk show that even after mitigation, the maximum predicted cancer risk is above 10 in 1 million for occupational and marina-residential receptors in comparison to the future CEQA baseline (31 in 1 million for occupational, and 11 in I million for marina-residential), which is above the significance threshold.

SCAQMD-4

Exceedances of the SCAQMD significance thresholds even after implementation of proposed mitigation measures necessitate the lead agency to mandate additional mitigation measures. These findings of significance show that all feasible mitigation measures including zero emission technologies such as battery-electric truck technologies are necessary, and should be incorporated as enforceable project requirements. Further,

SCAQMD-5

although the DEIR states that on-dock rail is already being maximized at this facility, given the significant air quality impacts related to other rail yard projects proposed for development off port, the lead agency should reconsider this conclusion and provide additional analysis showing the possibilities for increasing on-dock rail beyond what is currently proposed. In Attachment A, the SCAQMD staff has provided a discussion of

SCAQMD-6

changes to existing mitigation measures and some additional mitigation measures which the lead agency should implement. Attachment A also includes specific comments on the Draft EIS/EIR's modeling and emission quantification analysis and assumptions.

SCAQMD-7

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD staff with written responses to all comments contained herein prior to the adoption of the Final EIS/EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me, at (909) 396-3105, if you have any questions regarding the enclosed comments.

Sincerely,

Susan Nakamura

Susan Nakamura
Director, Strategic Initiatives

SN:EE:IM:JK
Attachments

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ATTACHMENT A

SCAQMD-8

Zero Emission Container Transport System

- The proposed Project will increase the number of containers at the YTI terminal. The change to the on-dock rail yard as proposed has insufficient capacity to handle the increase in containers. As a result, the number of annual truck trips to near or off-dock rail yards will increase by 10% over the No Project Alternative (Table 3.2-7). Because of the significant NOx regional emissions and NO_2 localized impacts from the proposed Project operations (including trucking activities) identified in the Draft EIS/EIR, CEQA requires the lead agency to implement all feasible mitigation (CEQA Guidelines 15126.4). The proposed project should include a measure that requires transport of containers using a zero-emission technology that does not create tailpipe emissions from the vehicle or system that is transporting containers. Zero-emission container transport technologies can be commercialized in sufficient time to begin operational deployment between the YTI terminal and the near-dock railyards. An update to the discussion of zero-emission truck technologies and their current state of commercialization previously submitted with our comments to the Draft and Recirculated Draft Environmental Impact Report (Recirculated DEIR) for the Southern California International Gateway (SCIG) Project in 2012 is also included in this comment letter as Attachment B.

SCAQMD-9

Compatibility with the 2010 CAAP and San Pedro Bay Standards

- The proposed Project is not consistent with the San Pedro Bay Standards. As outlined in the 2010 Update to the Clean Air Action Plan (CAAP)[1] the San Pedro Bay Standards represent the health risk and emissions reduction goals for the ports through the year 2023. According to the San Pedro Bay Standards, environmental analysis of each proposed port project, such as the YTI Container Improvement Project must include a review of newly feasible and available project-related emission control technologies, if any, that if imposed on the proposed project, would contribute to achievement of the 85% risk reduction goal of the Health Risk Reduction Standard and the various emission reduction goals of the Emission Reduction Standards outlined in the CAAP. The proposed Project is inconsistent with this goal.

  One example of the inconsistency with the San Pedro Bay Standards is that all projects must meet the 10 in 1,000,000 (10 in 1 million) in excess residential cancer risk threshold, as determined by health risk assessments conducted subject to CEQA statute, regulations and guidelines, and implemented through required CEQA mitigations associated with lease negotiations. However, the proposed Projects impacts on cancer risk shows that even after mitigation, the maximum predicted cancer risk is above 10 in 1 million for occupational and marina-residential receptors in comparison to the future CEQA baseline (31 in 1 million for occupational, and 11 in 1 million for marina-residential), which is above the significance threshold.

[1] San Pedro Bay Ports Clean Air Action Plan 2010 Update, http://www.portoflosangeles.org/CAAP/12_21_2010_CAAP_update_full_text.pdf

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The Final EIS/EIR should provide a comparison of the proposed Project's with the San Pedro Bay Standards. As specified in the 201 Update to the CAAP, the evaluation should be based on the following criteria[2]:

- Projects must meet the 10 in 1 million excess residential cancer risk threshold, as determined by health risk assessments conducted subject to CEQA statute, regulations and guidelines, and implemented through required CEQA mitigations associated with lease negotiations.
- Projects that exceed the SCAQMD CEQA significance threshold for criteria pollutants must implement the maximum available controls and feasible mitigations for any emissions increases.
- The contribution of emissions from a particular project to the cumulative effects, in conjunction with CAAP and other adopted/implemented control measures, will allow for the timely achievement of the San Pedro Bay Standards.

SCAQMD-9 cont.

Criteria Pollutant Impacts

- *NO_2 Ambient Air Quality Standard Exceedance*

Table 3.2-35 of the EIR shows that the mitigated incremental project impact (36 $\mu g/m^3$), when added to the background (164 $\mu g/m^3$), yields a total project impact of 200 $\mu g/m^3$. This concentration causes an exceedance of the federal 1-hr NO_2 ambient air quality standard (188 $\mu g/m^3$) during long-term operations. Although the exceedance is dominated by the background concentration, the location of the background monitor within about a quarter mile of the project site indicates that the YTI terminal is a significant contributor to the high background.

SCAQMD-10

SCAQMD staff is concerned that a potential future exceedance of an ambient air quality standard may be caused in whole or in large part by a single facility. Besides affecting public health, exceedances of ambient air quality standards can have other repercussions (e.g., economic, regulatory, etc.) to the region due to the federal mandates to address the exceedance. The primary sources contributing to these exceedances in the dispersion modeling are locomotives, trucks, and ships, depending on location. Because of the limited paths to reduce emissions from these sources through traditional regulatory mechanisms, this CEQA document may represent the most effective way of addressing this exceedance. The Final EIR should therefore require additional mitigation to ensure that this project will not cause an exceedance of the NO_2 ambient air quality standard.

- *Maps of Criteria Pollutant Impacts*

SCAQMD-11

The EIR and appendices contain tables and text describing the dispersion modeling of criteria pollutants, however no maps are provided showing the extent of those impacts. The only maps provided (e.g., Figure 3-16 in Appendix B2) only show the points of maximum impact. Maps that show contours of all areas affected

[2] San Pedro Bay Ports Clean Air Action Plan 2010 Update, http://www.portoflosangeles.org/CAAP/12_21_2010_CAAP_update_full_text.pdf

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SCAQMD-11 cont.

significantly by NO_2 and other criteria pollutants should be provided in the Final EIR, similar to what is shown for cancer risks.

- *Source Contributions of Criteria Pollutant Impacts*

SCAQMD-12

Table 3-34 from Appendix B2 of the DEIR presents a useful breakdown of source contributions at the points of maximum impact for each criteria pollutant. The Final EIR should include an expansion of this table showing source contributions at other key areas. For example, the dispersion modeling files provided to SCAQMD staff show that 1-hr NO_2 concentrations exceed federal ambient air quality standards in an area surrounding the project, and also in residential areas in San Pedro. As shown in Table 3-34, referenced above, locomotives are the key contributor at the point of maximum impact. However from the dispersion modeling files it appears that ocean going vessels are the key contributor for residential areas in San Pedro. The Final EIR should illustrate these differences, and tailor mitigation accordingly.

On Dock Rail

- Section 2.9.2.3 of the DEIR states that additional on dock rail beyond what is proposed for the project is not possible for this facility. Three reasons are provided:

  1. There are infrastructure limitations between the marine terminals and the Alameda Corridor
  2. Not all intermodal cargo can be placed on a train on-dock due to the time needed to build a train for some cargo. Building trains sourced from multiple locations is easier and faster off port at near or off dock rail yards.
  3. Not all intermodal cargo needs to travel by train, most only travels by truck.

SCAQMD-13

SCAQMD staff appreciates this rationale, however conditions may change in the future that allow greater use of on dock rail. For example, if rail infrastructure limitations are addressed in the future (e.g,. the bottleneck at Badger Bridge), then the only remaining impediment to increasing on dock rail may be the on dock rail yards themselves. Given the significant impacts to the community from proposed near dock rail yards, the YTI project should allow the flexibility to increase on dock use in the future. As one example, though not necessarily a recommendation, if the TICTF rail yard were rebuilt to include electric wide span gantry cranes to allow greater throughput, access was allowed at all on dock rail yards from other terminals, and rail infrastructure limitations were addressed, then the percentage of on-dock rail may be able to significantly increase. The Final EIR should present additional analysis of ways that on dock rail can be increased in the future, even if the analysis doesn't assume that all new cargo throughput utilizes on dock rail (as already dismissed in Section 2.9.2.3).

CEQA Baseline

- The Draft EIS/EIR should include a realistic baseline which accurately reflects the improvements in air quality that will occur, independent of the proposed project. The Draft EIS/EIR uses a CEQA baseline for determination of air quality impacts from criteria pollutants based on calendar year 2012 which corresponds to the release of

SCAQMD-14

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SCAQMD-14 cont.

the Notice of Preparation (NOP) for the proposed Project. For analysis purposes under Air Quality Impacts AQ-1 through AQ-5, this baseline is held constant and compared to future years under the proposed Project. However, this approach uses a comparison between the proposed Project impacts and a baseline that is not reflective of future emission reductions from existing air quality rules and regulations. As mentioned in previously submitted comment letters, the SCAQMD staff believes that CEQA not only allows but actually requires a determination of significant impacts that does not credit the project with unrelated improvements in air quality that will occur anyway. The lead agency did take this baseline approach when determining significance for cancer and other health risks of the proposed Project, and for consistency, this approach should be used when determining significance for regional criteria emissions.

The purpose of CEQA is to disclose environmental impacts from the proposed Project to the public and decision makers. Not taking into account future emission reductions from existing air quality rules in the baseline masks adverse impacts and results in the appearance that the proposed Project benefits air quality, while in fact the effect of implementing existing rules and regulations is contributing most of the air quality benefits. CEQA's intent is to provide the public and decision makers the actual changes to the environment from the proposed Project.

Mitigation Measures

- *MM AQ-3: Fleet Modernization for On-road Trucks (used during construction)*

SCAQMD-15

MM AQ-3 of the Draft EIS/EIR requires that all on-road heavy-duty diesel trucks used during construction should comply with the EPA 2007 on-road PM and NOx emission standards. Because of the significant NOx and NO_2 impacts, the Draft EIS/EIR should require as part of this mitigation measure, use of the trucks that emit the lowest levels of NOx available. Specifically, trucks used during construction should operate on engines with the lowest certified NOx emissions levels (i.e., meeting a 0.2 g/bhp-hr NOx emission level), and if the cleanest available truck does not meet the EPA NOX emission level of 0.2 g/bhp-hr, then those meeting the 2007 on-road NOx emission standards may be used. Mitigation Measure MM AQ-3 should also apply during circumstances where a piece of compliant equipment becomes available during the timeframe of construction.

- *MM AQ-6: Construction Best Management Practices (BMPs)*

SCAQMD-16

Mitigation Measure MM AQ-6 of the Draft EIS/EIR requires the lead agency to implement BMPs contained in the LAHD Sustainable Construction Guidelines to reduce fugitive dust air emissions during construction. The Draft EIS/EIR is clear on how construction equipment and on-road trucks used during construction are consistent with the Guidelines. However, it is far from evident what the list of fugitive dust construction BMPs are for the proposed Project. At minimum, the fugitive dust prevention BMPs should be specified in the Draft EIS/EIR and include the control measures contained in the SCAQMD CEQA Air Quality Analysis Handbook available at the following link: *http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies/fugitive-dust*

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SCAQMD-17

- *MM AQ-9: Cleaner OGV Engines*

  As the Draft EIS/EIR acknowledges, the majority of the NOx emissions impacts are caused by ocean going vessels (OGV) transiting to and from the YTI terminal. The lead agency has proposed mitigation measure MM AQ-9 (Vessel Speed Reduction) which reduces NOx emissions from OGV during transit. Because the project will have significant regional and localized air quality impacts related to NOx emissions and NO_2 concentrations, the lead agency must implement additional feasible mitigation measures for all sources, including OGV.

  Considering that the transit emissions from ocean going vessels are a substantial portion of the NOx emissions from the proposed Project, the Final EIS/EIR should include a mitigation measure for vessels to meet the cleanest new engine standards to preferentially call at the YTI terminal. By January 1, 2016 for vessels operating in the west coast ECA, IMO compliant Tier 3 vessels meet a NOx limit of 3.4 g/kW-hr. This NOx emission limit represents a 400% decrease in the NOx emission rate from uncontrolled OGV engines. Implementing a preferential low emission OGV mitigation measure will potentially reduce residual NOx emissions from OGV, below significance.

  The SCAQMD staff notes that such a measure was included in the Draft EIS/EIR for the APL Terminal Berths 302 – 306 released in 2011, as well as being included as a key implementation component of the 2010 CAAP update Control Measure OGV5. As stated in the text for OGV5: "Further, the ports shall also consider developing a targeted outreach program and/or establishing of an incentive program geared toward facilitating the early introduction of lower emitting OGVs and their preferential deployment to the ports of Long Beach and Los Angeles."[3] While the Draft EIS/EIR does state that the Environmental Ship Index (ESI) Program instituted in May 2012 is the method by which OGV5 is implemented Port-wide, the lead agency should include a OGV preferential deployment incentive program as a lease agreement for the proposed Project, especially given the air quality impacts from the proposed Project OGV emissions.

SCAQMD-18

- *MM AQ-10: OGV Alternative Marine Power (AMP)*

  MM AQ-10 requires that by 2026, NYK Line operated ships calling at the YTI Terminal must use AMP for 95% of total hoteling hours while hoteling at the YTI terminal. The SCAQMD staff is encouraged that the lead agency is proposing to go beyond the CARB statewide regulation which requires 80% of at-berth emissions be reduced by on-shore power (or other equivalent methods). However, because the project will have significant regional and localized air quality impacts related to NOx emissions, the lead agency must strengthen this mitigation measure for all sources by including the following:

  – Accelerate the 95% requirement for NYK Line operated ships (56% of total) to 2017 because this is the first year that AMP will be available for use at Berths 217-220, and there is no reasonable explanation for delaying the implementation to 2026.

[3] San Pedro Bay Ports Clean Air Action Plan 2010 Update, pg.119
http://www.portoflosangeles.org/CAAP/12_21_2010_CAAP_update_full_text.pdf

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SCAQMD-18 cont.

– Apply the 95% requirement to non-NYK Line ships calling at the YTI Terminal (44% of total). The Draft EIS/EIR currently applies an 80% reduction to non-NYK Line ships calling at the YTI Terminal (Appendix B, Table B1.25) which mirrors the CARB Shore-side Power regulation requirement. However, since AMP will be available at all berths beginning in 2017, non-NYK Line ships have the capability to take advantage of this extra AMP capacity and if properly equipped, should be mandated to utilize shore power (in fact, the CARB regulation requires it).

- *Rail Mitigation Measure*

SCAQMD-19

The Draft EIS/EIR does not contain any mitigation measures for rail operations. Instead the lead agency relies on existing CAAP measure RL-2 (*Class 1 Line-haul and Switcher Fleet Modernization*) to further reduce emissions from Class 1 locomotives operating at the YTI terminal. The CAAP control measure RL-2 relies on the existing CARB MOUs and the existing U.S. EPA 2008 locomotive engine rulemaking to achieve emission reductions from rail operations. In addition, there is a complete absence of any discussion of the existing CAAP measure RL-3 (*New and Redeveloped Rail Yards*). Under CAAP Measure RL-3 the Port of Los Angeles should incorporate the cleanest locomotive technologies at new rail facilities, or modifications to existing rail facilities located on Port property. Since the Proposed Project includes expansion of the existing on-dock railyard, this in effect constitutes a modification to an existing rail facility on Port property and RL-3 should apply.

SCAQMD-20

While most of the switching and building of trains under the proposed Project is done by PHL, line haul locomotives do operate at the proposed Project site and the total annual number of on-dock rail trips is predicted to increase by 18% over the life of the project as compared to the no project alternative. Rail emissions represent the third highest contributor to NOx, after mitigation.

In order to address these discrepancies and reduce the impacts from locomotive operations under Air Quality Impacts AQ-3 and AQ-4, the lead agency should add mitigation that requires accelerated introduction of Tier 4 line haul locomotives used at the YTI on-dock railyard.

- *Low Emission Drayage Trucks*

SCAQMD-21

Because the project will have significant regional and localized air quality impacts related to NOx emissions and NO_2 concentrations, the lead agency must implement additional feasible mitigation measures for all sources, including drayage trucks. NOx and PM emissions from diesel vehicles are substantially higher than emissions from zero-emission vehicles such as electric trucks. Even the cleanest combustion engine technology will have associated local NOx emissions impacts substantially above zero-emission technologies. Zero-emissions technologies such as those discussed in Attachment B thus must be included as mitigation measures for significant NO_2 concentrations. The deployment of zero-emissions technologies will also provide additional co-benefits in terms of additional reduction in diesel fine particulates and cancer risk.

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SCAQMD-22

- *Zero-Emission Yard Trucks*

  The Draft EIS/EIR for the proposed Project lacks any additional mitigation measures for cargo handling equipment (CHE). Instead it relies on implementation of CARB's Mobile Cargo Handling Equipment Regulation as a project element. Due to the operational air quality impacts being significant after mitigation for NOx (regional) and PM10 (localized), additional mitigation is needed. Going beyond CARB's regulation is required and the lead agency should include a mitigation measure requiring a specific percentage of yard trucks to be zero emissions. Zero-emission yard trucks offer substantial reductions in NOx and PM emissions compared to diesel yard trucks and are currently nearing the completion of their in-use testing. The SCAQMD staff anticipates their commercial availability within a two-year time frame which is well within the near-term operation schedule of the proposed Project.

SCAQMD-23

- *Additional Mitigation Needed to Address Cumulative and Environmental Justice Impacts*

  State CEQA 13 Guidelines (14 California Code of Regulations [CCR] 15130) require a reasonable analysis of the cumulatively considerable impacts of a proposed Project. The conclusion of the Draft EIS/EIR is that after mitigation, the proposed Project would result in a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact from regional impacts for PM2.5, NOx, CO, and VOC emissions under CEQA construction, and NOx, CO, and VOC emissions for operation. In addition, the proposed Project after mitigation would make a cumulatively considerable and unavoidable contribution to localized impacts from PM10 and NO_2. It is also clear that the proposed Project's cumulative impacts from cancer risks are above the significance threshold for occupational and marina-residential receptors in comparison to the future CEQA baseline.

  In addition, the Environmental Justice section of the Draft EIS/EIR states that, "Because the area surrounding the proposed Project site is predominantly minority and low-income, Impacts AQ-1 *[regional VOCs, CO, NOx, and PM2.5 impacts]*, AQ-2 *[localized NO_2 and PM impacts for construction]*, AQ-3 *[regional NOx and VOC]*, and AQ-4 *[localized NO_2 and PM impacts]* would constitute a disproportionately high and adverse effect on minority and low-income populations." These pollutants are associated with chronic respiratory diseases such as asthma as well as declines in pulmonary function, especially in children.

  The Draft EIS/EIR includes no additional mitigation measures to address these cumulative and environmental justice impacts. The lead agency needs to supplement the existing mitigation measures with new or enhanced emission reduction strategies for the proposed Project in order to reduce the cumulative and environmental justice impacts from the proposed Project and all other port-related projects. The strategies that should be considered have been stated above and include enhancements to MM AQ-3, MM AQ-9, MM AQ-10, as well as a separate rail mitigation measure and zero-emission container transport proposal.

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Proposed Project Emission Quantification Analysis and Assumptions

SCAQMD-24

- *Unavailability of DEIR Modeling and Emission Calculation Files*
  SCAQMD staff originally requested electronic copies of all modeling and supporting emission calculation files in our May 3, 2013 NOP comment letter. These files were not provided to us with the release of the Draft EIR, nor were they available online. We again requested these files on May 28, 2014 and did not receive a cd until June 10, 2014, six days before the end of the comment period. Due to the lateness of our receipt of these files, the lead agencies granted an extension to our review until June 30, 2014. However, as part of our review, we discovered that some of the files still were not included on the cd. These files included crucial connections between the dispersion modeling inputs and the emission calculations (files received June 26, 2014) as well as emission calculations related to trucks (file not received). Review of these detailed calculations and modeling take considerable time, and this is made more difficult when time is wasted attempting to work around unknown missing information.

  SCAQMD staff has previously commented to the port how crucial it is to receive a complete set of files for review (e.g., SCIG project comment letters from 2/1/12, 2/14/12, 11/14/12, 3/6/13). We are concerned that despite our repeated and consistent requests that the lead agency still has not implemented procedures for making the technical analysis of the DEIR available to the public or our agency. We have attempted to provide an expedited review in the two and half weeks granted to us, however this shortened period and the missing files, have made a complete review impossible. In the future, we strongly encourage the port to provide complete sets of air quality analyses to our agency at the beginning of review periods, as required by CEQA.

SCAQMD-25

- *Quantification of Mitigation Measure MM AQ-4 Impacts*

  It is unclear how the mitigated impacts from MM AQ-4 (Tier 4 Construction Equipment) were taken into account in the Draft EIS/EIR mitigated construction emissions. The emission quantification methodology found in Table B1.6 of Appendix B of the Draft EIS/EIS uses the LAHD Sustainable Construction Guidelines - Table A: Compliance Step-Down Schedule to determine mitigated emissions. The Step-Down schedule provides criteria to allow non-tier 4 equipment use. However, MM AQ-4 states *"[E]xcept vessels, harbor craft, on-road trucks, and dredging equipment . . . [a]ll diesel-powered construction equipment greater than 50 hp must meet EPA Tier 4 off-road emission standards."* The SCAQMD staff is concerned with the methodology used to calculate the emissions using the Step-Down Schedule. The emission calculation sheet Table B1.6 in Appendix B of the Draft EIS/EIR uses the assumptions shown in the following table to determine the offroad equipment fleet mix. Further clarification should be provided to explain this assumed low level of compliance with the Tier 4 mandate of MM AQ-4. Further, it is not clear why some of the 'steps' in the Step-Down Schedule are skipped, such as Tier 4 interim engines, or Tier 2 equipment with Level 3 DECS. This discrepancy should be corrected in the Final EIS/EIR.

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SCAQMD-25 cont.

Fleet Mix Assumption from Appendix B1 Table B1.6

Engine Standard	Percentage of Fleet in 2015
Tier 4 final	50%
Tier 3 – Level 3 DECS	20%
Tier 1 – Level 3 DECS	10%
Tier 2 – Level 2 DECS	10%
Tier 1 – Level 2 DECS	10%

SCAQMD-26

- *Quantification of Cumulative Impacts*

Air quality impacts from cumulative impacts in the Draft EIS/EIR (page 4-28 for criteria and toxic air pollutant emissions and pages 4-75 to 4-76 for greenhouse gas emissions) were qualitatively analyzed. The lead agency assessed cumulative impacts by assuming project air quality impacts, which exceeded significance thresholds, were then significant under cumulative air quality impacts. However, the severity of this cumulative impact is not clear with this simple determination of significance. SCAQMD staff recommends that the Final EIS/EIR include a quantification of cumulative air quality impacts that includes other proposed projects in the POLA area.

SCAQMD-27

Figure 4-1 in the Draft EIS/EIR incorrectly identifies the location of other projects contributing to the overall cumulative project impact. For example, the ICTF modernization project and the SCIG projects are both shown south of Pacific Coast Highway. The SCIG project is dominantly located north of PCH, while the ICTF project is located north of SCIG. The locations of all cumulative projects should be checked and updated as necessary on this map in the Final EIS/EIR.

SCAQMD-28

- *Quantification of Idling Activity at the YTI Terminal*

Page 3.2-46 of the Draft EIS/EIR indicates that heavy-duty diesel-fueled idling emissions were developed assuming six minutes of idling for trucks arriving at the gate, eight minutes for trucks leaving the gate and 10 minutes on-site. Additional clarifying information should be provided to support this assumption. This clarification should include information about:

  - Existing idling times, including during peak periods,
  - An analysis of queuing impacts once the facility is operating at full built out capacity, and
  - Confirmation that there are not other idling locations associated with the project other than those specified above.

SCAQMD-29

- *Morbidity and Mortality Methodology.*

On page 3.2-56 of the Draft EIS/EIR, the lead agency describes the methodology that was used to determine when a mortality and morbidity analysis would be conducted for the proposed Project. Mortality is a measure of the number of deaths in a population, scaled to the size of that population, per unit time. Morbidity refers to the number of individuals who have contracted a disease during a given time period (the incidence rate) or the number who currently have that disease (the prevalence rate), scaled to the size of the population. The Draft EIS/EIR determined that mortality and

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morbidity significance would be identified by air dispersion modeling where the incremental operational emissions would result in off-site 24-hour PM2.5 concentrations that exceed the SCAQMD significance criterion of 2.5 $\mu g/m^3$.

SCAQMD-29 cont.

The SCAQMD staff does not agree with using a screening threshold of an incremental increase of 2.5 $\mu g/m^3$ for determining mortality and morbidity. The SCAQMD's PM2.5 significance threshold of 2.5 $\mu g/m^3$ is designed to determine the significance of localized impacts on nearby receptors, and was made consistent to existing permitting requirements under our Rule 1303. The PM2.5 significance threshold of 2.5 $\mu g/m^3$ was not intended to be used as a screening tool to further analyze mortality and morbidity impacts.

The lead agency set precedent for conducting mortality and morbidity analyses in three of its own previous EIRs: TraPac, China Shipping, and San Pedro Waterfront EIRs. In all three cases there was no threshold used to determine if an analysis for mortality and morbidity would be done. The SCAQMD staff considers this to be sufficient precedent for the POLA to continue this practice for the proposed Project. The PM mortality analysis in the Draft EIS/EIR should therefore instead use the methods described in CARB's 2008 guidance document.[4]

- *Meteorological Data*

SCAQMD-30

Page B2 -21 of Appendix B2 of the Draft EIS/EIR indicates that 2006-2007 meteorological data from the Terminal Island Water Reclamation Plant (TITP) was used for dispersion modeling for both criteria pollutants and toxic air contaminants (TACs). This meteorological data does not appear to have been validated by SCAQMD staff. The lead agency should provide SCAQMD the protocol for developing the meteorological data and demonstrate that U.S. EPA and SCAQMD procedures were followed.

Page B2-21 of the Air Quality Appendix B of the Draft EIS/EIR indicates that the POLA's consultant ENVRON evaluated the completeness of the meteorological data by quarter, the average wind speed and visually examined the wind pattern based on wind roses between the 2006-2007 meteorological data and data collected between 2009 and 2012; however, no additional information (e.g., evaluation criteria, statistical analysis, etc.) was provided to support this assertion.

SCAQMD-31

The Federal one-hour NO_2 NAAQS is the 3-year average of the 98th percentile of the yearly distribution of one-hour daily maximum NO_2 concentrations. Since only one year of meteorological data was used for air dispersion modeling, the project proponent used the 8^{th} highest NO_2 concentration to represent the 3-year average of the 98th percentile of the yearly distribution of one-hour daily maximum NO_2 concentrations. This could have resulted in an over estimation of the NO_2 concentration since the highest concentrations may have occurred on the same day. However, multiple years of met data may reveal other peaks that are not captured by the single year that was used.

[4] Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California, 10/24/2008. http://www.arb.ca.gov/research/health/pm-mort/PMmortalityreportFINALR10-24-08.pdf

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SCAQMD-32 In addition, the information derived from the 2006-2007 meteorological data in the TITP does not include sufficient data to estimate the 98th percentile of the yearly distribution of one-hour daily maximum NO_2 concentrations correctly. The SCAQMD staff recommends that additional verification of the meteorological data be provided, or that criteria and TAC concentration be remodeled with SCAQMD meteorological data collected at the Long Beach station. The SCAQMD Long Beach meteorological data can be downloaded by using the following link: http://www.aqmd.gov/docs/default-source/air-quality/meterorological-data/aermod-ready-meteorological-data/table-1-meteorological-sites/aermod-table-1-long-beach.exe?sfvrsn=4.

SCAQMD-33 Page B2-22 of Air Quality Appendix B2, states that 1-hour ozone concentrations from the Long Beach Ambient Air Quality Monitoring Stations were used in AERMOD. If new met data is used, then the ozone files should also be updated to correspond to the new met data period.

- *Air Dispersion Modeling Parameters*

SCAQMD-34 SCAQMD requires that the urban air dispersion option be used for air dispersion modeling. An urban population of 664,078 was used in the input files for air dispersion modeling. Air dispersion modeling with urban populations less than two million may result in concentrations that resemble modeling with the rural dispersion option. Since the rural dispersion option typically generates more conservative concentrations than the urban dispersion option, the concentrations in the Draft EIS/DEIR may be too conservative. The SCAQMD staff recommends that concentrations be remodeled using the Los Angeles County population of 9,862,049.

SCAQMD-35 Ozone evaluation concentration is listed as 0.056 ppm in the air dispersion input files, but this value does not match values in Table 3.2-2. Please clarify the source of this value.

- *Health Risk Assessment (HRA)*

SCAQMD-36 Page B3-8 of Appendix B3 – Health Risk Assessment of the DEIR states that boiler emission TAC emissions were speciated using ARB Speciation 112 for distillate. The boiler emission factors in the file OperationalCalculations22_AQMD.xlsb state that they are using a residual oil emission factor. It is unclear from the narrative whether the actual fuel used in the boilers is fuel oil or diesel. Hence, it is unclear if the correct ARB speciation profile was used. Further clarification should be provided in the Final EIS/EIR.

SCAQMD-37 Carcinogenic health risks to student receptors were estimated using the following parameters: 581 liters per kilogram-day breathing rate, six hours per day daily exposure, 180 days per year and six years of exposure (page B3-39 of Appendix B3 of the Draft EIS/EIR). The fewest number of years allowed in current OEHHA risk guidance is nine years. The student health risk in the Final EIS/EIR should be based on no less than a nine- year exposure duration in the Final EIS/EIR.

- *Emission factors*

SCAQMD-38 Mitigated emissions from on-road vehicles were estimated using Clean Truck Program (CTP) emission factors (EF_OnroadEngine spreadsheet in the file

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SCAQMD-38 cont.

Construction Calculations_8_OceanDisposal_CargoShip_AQMD.xlb). It is unclear how the CTP emission factors were developed. The Final EIS/EIR should include documentation of how the CTP emission factors were developed.

SCAQMD-39

The 20 percent HCFC-22 loss from refrigeration units on ocean-going vessels in Table B1.33 of Appendix B1 of the Draft EIS/EIR is referenced as being based on the UN Environmental Programme 2006 and 2010 Reports from the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee. However, based on the reference, an annual loss of 20 percent seems too low. Table 5-6 in the 2010 Report from the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee lists 30 percent loss HCFC-22 for all ships. The SCAQMD staff recommends using the 30 percent loss rate unless documentation is provided in the Final EIS/EIR for the 20 percent value.

SCAQMD-40

SCAQMD staff could not replicate annual horsepower-hour values with CARB's cargo handling emissions inventory model (CHEI) for operational equipment. The Final EIS/EIR should include documentation on the development of the annual horsepower-hour values in the CARB CHEI model or the version of the CHEI model used if the values were obtained from a previous version of the current CARB CHEI model.

SCAQMD-41

Genset emission factors for TRU's seem to be lower than cited references (ARB ATCM and CalEEMod Appendix D). The following table provides an example of the differences between the NOx emissions in the DEIR and CalEEMod Appendix D). The Final EIS/EIR should include documentation on the development of the genset emission factors for the TRU's .

Year	Draft EIS/EIR NOx, g/bhp-hr	CalEEMod Appendix D NOx, g/bhp-hr
2012	5.38	5.485
2013	4.96	5.263
2014	4.54	5.048
2015	4.12	4.858
2016	3.68	4.685
2017	3.56	4.522
2018	3.457	4.366
2019	3.353	4.215
2020	3.25	4.075

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ATTACHMENT B
SCAQMD COMMENTS ON DRAFT EIS/EIR FOR THE PROPOSED BERTHS 212-224 (YTI) CONTAINER TERMINAL PROJECT
ZERO-EMISSION TRUCK TECHNOLOGIES

Overview

The SCAQMD comments regarding the Draft EIS/EIR for the Proposed Berths 212-224 (YTI) Container Terminal Improvements Project strongly support the inclusion of a zero-emission component into the proposed project. The specific technology or technologies used to implement this component would be determined by the lead agency. In our comments on the SCIG Recirculated Draft EIS/EIR[5] we provided Attachment B which discussed the state of development of zero-emission truck technologies. Based on this discussion we concluded that the deployment of electric trucks was feasible early in the lifetime of the proposed Project. The following discussion includes an update to the previously submitted attachment and again focuses on electric truck technologies.

SCAQMD-42

Zero emission technologies for transport applications, including heavy trucks, are developing rapidly and can, with appropriate actions by the lead agency and other entities, be deployed early in the operational phase of the proposed Project. Any of several types of zero-emission truck technologies could be used. As is described below, these include, but are not limited to, on-road technologies such as battery-electric trucks, fuel cell trucks, hybrid-electric trucks with all-electric range (which could be coupled with natural gas or other power for range extension), and zero-emission hybrid or battery-electric trucks with "wayside" power (such as electricity from overhead wires).

Several recent analyses have supported the technical feasibility of implementing zero emission truck technologies in the I-710 corridor. For example, AQMD and LA Metro co-funded preparation by CALSTART of a report titled, "Technologies, Challenges & Opportunities I-710 Corridor Zero Emission Freight Corridor Vehicle Systems." The report was released in June and examines whether a Class 8 truck could be developed that would meet the zero-emission needs of the I-710 project alternatives described in the Draft EIR/EIS. CALSTART prepared the report with input from a wide range of industry experts. Among the findings are the following:

> "The development of a vehicle or vehicle system (truck and infrastructure power source) that can move freight through the I-710 Corridor with zero emissions has no major technological barriers. In fact, there are several technical approaches that can achieve the desired outcome. Solutions can be developed based on existing designs and technical knowledge, and require no fundamental research or technology breakthroughs. Small-scale demonstrations can begin immediately and commercialization of proven designs can certainly be achieved by 2035, the horizon year of the I-710 Corridor Project. Provided there is a strong focus on the

[5] http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2012/november/southern-california-international-gateway-august-2012.pdf?sfvrsn=4

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commercialization process, this assessment finds commercial viability could occur well before 2035, indeed within the next decade." [6]

The report also noted an unprompted and "particularly striking" degree of consensus by experts around the most promising and commercially viable approaches. The report states:

> "A 'dual mode' or 'range extender' Hybrid Electric Vehicle (HEV) with some EV-only capability was seen as the most feasible solution, particularly if combined with an infrastructure power source such as catenary or in-road, which would allow for smaller battery packs aboard the vehicles." [7]

The report concluded by stating:[8]

- "A ZE truck to serve the I-710 freight corridor (in Alternatives 6B or 6C) is fully technically feasible and can be based on vehicle architectures and designs already in prototype status.
  - Several manufacturers and suppliers have existing systems and prototype trucks ranging from near-zero- to full zero-emissions. These include dual-mode hybrids; plug-in hybrids; range-extender battery electrics; hydrogen fuel cell EVs, and battery electric trucks.
- "A zero-emissions freight truck can be developed for potential production well within the proposed timing of the corridor project. Indeed, such a truck could be developed in advance of the corridor's actual construction.
- There is a high degree of agreement on the near-term technical approaches that are most promising for a zero-emissions truck over the next five years to meet the stated requirements of the I-710 freight corridor alternatives 6B & 6C.
  - A dual-mode hybrid or range-extended hybrid (possibly using a natural gas engine) with some engine-off driving capability (hence zero tailpipe emissions) coupled with corridor-supplied electrical power (lowest risk is believed to be a catenary system) was overwhelmingly identified as the most feasible system in the 5-year time frame.
- Other possible less likely near-term solutions included in-road power, all-battery trucks with fast charge or battery swap, zero-emission equivalent engines (virtually zero NOx and PM) and exotic fuel engines.
- A single-purpose truck is considered less likely to be successful, while a multiple purpose truck is considered much more likely. Manufacturers in particular believe a successful system must be useful beyond the corridor or its production cannot be justified or sustained.
- Based on interview responses, technology is not considered a barrier to a zero-emission freight truck. Fundamental research and development is not required. Additional development and demonstration of systems and system integration, and on fielding and validating prototype vehicles, would be valuable.

SCAQMD-42 cont.

[6] http://www.metro.net/projects_studies/zero_emission/images/CALSTART_I-710_TCO_Report.pdf, pg.2
[7] http://www.metro.net/projects_studies/zero_emission/images/CALSTART_I-710_TCO_Report.pdf, pg.4,7
[8] http://www.metro.net/projects_studies/zero_emission/images/CALSTART_I-710_TCO_Report.pdf, pg.31

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- Development timelines run from near term demonstrations within eighteen months to three years, to the potential for production in as few as five years, assuming market demand was sufficient to justify moving to production. Funding assistance will be needed to speed development, validation and deployment. It will also be likely needed to support purchase. Longer-term solutions were not examined here, as the 5-year time frame best fit the I-710 project."

The report also noted the need to establish an economic case for a zero-emission corridor and its vehicles, including incentives, inducements and potential regulations. CALSTART recommended that developing this structure for a zero-emission freight corridor should be conducted in parallel with technology demonstration as soon as practicable (Page 33).

Reasons for Zero-Emission Transport

As is described in the SCAQMD comment letter regarding the Draft EIS/EIR for the Proposed Berths 212-224 (YTI) Container Terminal Improvements Project, deployment of zero-emission technologies for transport between the YTI Terminal and the near dock railyards will mitigate significant project impacts as required by CEQA.

SCAQMD-42 cont.

In addition, zero emission transport is important for the following reasons:

- In the 2010 Update to the San Pedro Bay Ports Clean Air Action Plan, the ports underscored their commitment to air quality improvement by adopting San Pedro Bay Standards. These targets for port air quality programs are comprised of two components: 1) reduction in health risk from port-related diesel particulate matter (DPM) emissions in residential areas surrounding the ports, and 2) "fair share" reduction of port-related air emission to assist the region in achieving federal air quality standards. These components reflect the ports' stated goals of reducing health risks to local communities from port-related sources, and reducing emissions to support the attainment of health-based ambient air quality standards on a regional level.

  Specifically, the ports' Health Risk Reduction Standard is to reduce the population-weighted cancer risk of ports-related DPM emissions by 85% by 2020, relative to 2005 conditions, in highly impacted communities located near port sources and throughout the residential areas in the port region. The San Pedro Bay Emission Reduction Standards are to, by 2014, reduce emissions by 22% for nitrogen oxides, 93% for sulfur oxides, and 72% for DPM; and to, by 2023, reduce emissions by 59% for nitrogen oxides, 93% for sulfur oxides and 77% for DPM.

  While the ports have made significant progress toward meeting these goals, as reflected in each port's annual emission inventories, emissions forecasts indicate that CAAP measures and existing emissions control regulations will not be adequate to achieve and maintain the San Pedro Bay Standards. Implementation of zero-emission technology options would provide significant benefits to the ports, bringing them closer to achieving the San Pedro Bay Standards, addressing

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community concerns about pollution from port operations and projects, and assisting the region in attaining National Ambient Air Quality Standards. The South Coast Air Quality Management District and the California Air Resources Board have determined that, in order to attain currently-adopted federal ozone standards, zero-emission technologies will need to be broadly deployed in transportation sources. Absent timely adoption of sufficient plans and measures to attain the national standards as required by the Clean Air Act, federal transportation funds for infrastructure projects will be jeopardized, and restrictions on construction of stationary sources will be imposed.

- Deployment of zero-emission technologies for the transport corridor between the YTI Terminal and the near-dock railyards is particularly important for the following reasons:
  - Emissions in this transport corridor occur relatively close to locations where people live, work and go to school.
  - These areas are also impacted by cumulative emissions from other port-related sources: ships, harbor craft, cargo handling equipment, locomotives and trucks.
  - Achieving emission reductions beyond current regulations and CAAP measures, as needed to attain the San Pedro Bay Standards, will be relatively challenging in the case of some port-related sources (e.g. vessel main engines) compared to further reducing emissions from other sources such as trucks.
  - The transport corridor to near dock rail yards is in an area where existing regulations and CAAP measures are projected to achieve a lower percentage level of risk reduction than other areas. *See* 2010 CAAP Update, Figure 2.2: Percent Reduction in DPM-Related Health Risk Between 2005 and 2020 for Areas Located Closest to the Ports (p.35).
  - The transport corridor to near dock rail yards--as a high volume, relatively short (approximately five mile)--route, is particularly suited to deployment of new technologies such as electric trucks, which ultimately could be deployed by the ports, and then in broader areas as technologies evolve.
- In addition to air quality benefits, utilization of zero-emission technologies could be a significant strategy for reducing greenhouse gas (GHG) emissions. Each port, in cooperation with their respective cities, has initiated a process to quantify, evaluate and implement strategies to reduce GHG emissions from their administrative operations as well as from port-related activities of their tenants and customers.
- Finally, energy security (i.e. reducing dependence on foreign oil) is also a significant consideration as the ports transition into the future. Uncertainty about

SCAQMD-42 cont.

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potential future supplies of oil and rising costs provide another reason for moving away from technologies that rely on petroleum to technologies that are powered by electricity, ideally produced using renewable energy sources.

Zero-Emission Truck Technologies

A variety of zero-emission truck technologies can be available for deployment early in the life of the proposed Project if the port requires them. The following is a discussion of key technology options.

Zero-Emission Trucks

Zero-emission trucks can be powered by grid electricity stored in a battery, by electricity produced onboard the vehicle through a fuel cell, or by "wayside" electricity from outside sources such as overhead catenary wires, as is currently used for transit buses and heavy mining trucks (discussed below). All technologies eliminate fuel combustion and utilize electric drive as the means to achieve zero emissions and higher system efficiency compared to conventional fossil fuel combustion technology. Hybrid-electric trucks with all electric range can provide zero emissions in certain corridors and flexibility to travel extended distances (e.g. outside the region) powered from fossil fuels (e.g. natural gas) or fuel cells.

SCAQMD-42 cont.

Vehicles employing electrified drive trains have seen dramatic growth in the passenger vehicle market in recent years, evidenced by the commercialization of various hybrid-electric cars, and culminating in the sale of all-electric, plug in, and range extended electric vehicles in 2011. A significant number of new electric light-duty vehicles will come on the market in the next few years. The medium- and heavy-duty markets have also shown recent trends toward electric drive technologies in both on-road and off-road applications, leveraging the light-duty market technologies and component supply base. Indeed, the California-funded Hybrid Truck and Bus Voucher Incentive Project (HVIP) website currently lists more than 75 hybrid-electric on-road trucks and buses available for order from eight manufacturers.

Battery-Electric Trucks

Battery-electric vehicles operate continuously in zero-emissions mode by utilizing electricity from the grid stored on the vehicle in battery packs. Battery-electric technology has been tested, and even commercially deployed for years in other types of heavy-duty vehicles (e.g., shuttle buses). Technologically mature prototypes have recently become available to demonstrate in drayage truck applications. (TIAX, *Technology Status Report - Zero Emission Drayage Trucks*, 1 (June 2011)). Improving on vehicle efficiency and assembly costs over earlier prototypes, TransPower is currently developing heavy-duty battery electric trucks for demonstration in real world drayage service as part of a zero emission cargo transport demonstration program funded by the U.S. Department of Energy. Each demonstration truck will be capable of moving a fully loaded container on highway and over the steep Vincent Thomas and Desmond Gerald bridges at the San Pedro Bay Port. The truck will be equipped with lithium batteries providing 70 to 100 miles of operating range per charge depending on the payload and duty cycle. TransPower recently completed a first demonstration truck, EDD-1 and has

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partnered with Total Transportation Services to deploy the truck in revenue drayage service by July 2014. TransPower will build six more electric drayage trucks for this demonstration. In addition to TransPower, Balqon and US Hybrid are also working to develop and demonstrate battery electric drayage trucks under this program. Battery electric trucks can be connected to "wayside power" (such as overhead catenary wires) to extend range.

SCAQMD-42 cont.

Figure 1 TransPower Battery Electric Truck (EDD-1)

Figure 2 Balqon Battery Electric Truck

Fuel Cell Battery-Electric Trucks

Fuel cell vehicles utilize an electrochemical reaction of hydrogen and oxygen in fuel cell "stacks" to generate electricity onboard a vehicle to power electric motors. Fuel cells are typically combined with battery packs, potentially with plug-in charging capability, to extend the operating range of a battery-electric vehicle. Because the process is combustion free, there are no emissions of criteria pollutants or CO_2.

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Fuel cell vehicles are less commercially mature than battery-electric technologies, but have been successfully deployed in transit bus applications, are beginning to be deployed in passenger vehicles, and are beginning to be demonstrated in heavy duty truck port applications.

SCAQMD-42 cont.

Figure 3 Vision Zero-Emission Fuel Cell Battery Electric Truck

Hybrid-Electric with All-Electric Range (AER) Trucks

Hybrid vehicles combine a vehicle's traditional internal combustion engine with an electric motor. Hybrid-electric heavy-duty trucks that improve fuel mileage are in commercial operation today. Hybrid-electric technologies can also be designed to allow all electric propulsion for certain distances, similar to the Chevrolet Volt passenger automobile which is currently being marketed. For example, the large vehicle drive-train manufacturer Meritor has developed such a heavy-duty truck and it has been demonstrated by Walmart Inc. in the Detroit area. This "dual mode" vehicle was developed as part of a U.S. Department of Energy program. Besides the advantages of increased range flexibility, dual-mode hybrid trucks can incorporate smaller battery packs as compared to those for all-battery electric trucks. This saves weight and cost while increasing range. The Meritor truck is powered solely by battery power (i.e. produces zero emissions) at speeds less than 48 mph. These plug-in hybrid trucks can also be designed to intelligently and selectively use their stored electrical energy. The selective use of the stored electrical energy could result in meaningful gains in drive system efficiency and emissions reductions while utilizing a modestly sized battery. By targeting the use of the electrical energy at the least efficient operating points or greatest polluting operating regimes of the internal combustion engine, the utilization of the electrical energy can be best leveraged to yield the greatest gains, as is being investigated by an ongoing Class 8 PHEV development project by Volvo Powertrain.

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Figure 4: Dual-Mode Hybrid (Meritor)

Trucks With Wayside Power (e.g. "Trolley Trucks")

One largely existing technology that could be used to move trucks regionwide is wayside power to power motors and/or charge vehicle batteries. Wayside power from overhead catenary wires is commonly provided to on-road transit buses, and has been used for heavy mining trucks. An example of how wayside power is feasible would be to outfit a battery-electric or hybrid AER truck with a connection to overhead catenary wires. Many cities operate electric transit buses that drive on streets with overhead wires, as well as streets without them. In such cities, "dual-mode" buses have capability to disconnect from the overhead wire and drive like a conventional bus. In Boston and other cities, such buses are propelled "off wire" by diesel engines. In Rome, such buses are propelled off wire by battery power to the same electric motors used on wire. The batteries are charged as the bus operates on the wired roadways. Figure 4 shows a dual-mode electric and battery-electric transit bus with detachable catenary connection in Rome, Italy.[9]

SCAQMD-42 cont.

Figure 5 Dual-Mode Battery Electric Transit Bus (Rome)

The AQMD funded and provided input to a study titled Zero-Emission Catenary Hybrid Truck Market Study. This study was prepared by Gladstein, Neandross & Associates and was released in late March 2012, and presented at the ACT Expo in May. The study explores the potential market for zero-emission trucks, including hybrid electric trucks with all electric range, that receive wayside power, such as from overhead electric catenary wires. Potential markets include the I-710, transport between the ports and near-

[9] Other proposals have been evaluated and awarded by the SCAQMD and the CEC to develop catenary trucks and hybrid trucks with AER. Similarly, in 2010, Volvo announced an award by the Swedish Energy Agency to develop a "slide in" technology for both automobiles and trucks which would provide wayside power from the road to the vehicle using a connection from the bottom of the vehicle to a slot in the roadway (http://www.energimyndigheten.se/en/Press/Press-releases/New-initiatives-in-electrical-vehicles/).

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dock railyards, and a potential east-west freight corridor. The report concludes that such technologies could provide standard operating range for local or regional trucks and could have similar or lower cost compared to other zero-emission technologies.[10]

The Zero-Emission Catenary Hybrid Truck Market Study[11] states "As the I-710 expansion project moves forward, decisions will be made about the best technologies to reduce truck related emissions and traffic congestion from the corridor. In 2004, the local communities along the I-710 identified their preferred strategy, an expansion of the I-710 including the addition of a four lane dedicated roadway for trucks. Since that time, much work has been done to evaluate the feasibility of zero emission trucks on the proposed dedicated roadway. The concept of zero emission trucks has gathered significant support by some I-710 project committee members and the concept looks very promising for inclusion in the ultimate project recommendation, due in 2012. Whether the recommendation would specify catenary systems, other wayside power options, or opportunity charging, the truck platform considered in this market study would be easily adapted to suit the selected zero emission system. The zero emission system selected by the I-710 project committee could be strongly influenced by a working system serving the near-dock rail yards at the ports. The benefits of using the same system for the CA-47/103 and the I-710 are significant."

SCAQMD-42 cont.

The global technology manufacturer Siemens has developed a prototype truck to catenary wire connection for this purpose. Figure 5 shows a photo of this system on a prototype roadway in Germany. The truck is a hybrid electric with zero emission all electric operation when operated under the overhead wire. The truck automatically senses the wire which allows the driver to raise the pantograph connection while driving at highway speeds. The pantograph automatically retracts when the truck leaves the lane with catenary power. The powered lane can be shared by cars and traditional trucks. The truck may be operated off the powered lane propelled by a diesel engine, or could be configured with battery or fuel cell power sources.

Figure 6 Truck Catenary (Siemens)

As applied to hybrid AER trucks, wayside power could provide zero-emission operation and battery charging on key transport corridors, allowing the vehicle to operate beyond

[10] http://www.gladstein.org/tmp/ZETECH_Market_Study_FINAL_2012_03_08.pdf
[11] http://www.gladstein.org/tmp/ZETECH_Market_Study_FINAL_2012_03_08.pdf

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SCAQMD-42 cont.

such corridors in zero-emission mode. As the battery is depleted, the vehicle would have the flexibility for extended operation on fossil fuel power.

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2.3.4.1 South Coast Air Quality Management District

Response to Comment SCAQMD-1

Thank you for your review and comment on the Draft EIS/EIR. The comment includes a factual description of the proposed Project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15130; 40 CFR 1503.4 (a)(5)).

Response to Comment SCAQMD-2

Comment noted. The Yang Ming project is appropriately identified as a cumulative project in Chapter 4 of the Draft EIS/EIR, and the impacts of the proposed Project and its contribution toward cumulative impacts have been analyzed in accordance with other past, present, and foreseeable future projects in accordance with the cumulative impact requirements of both CEQA and NEPA (State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment SCAQMD-3

Comment noted. The comment summarizes the conclusions presented in Section 3.2 of the Draft EIS/EIR. The air quality and health risk impacts resulting from the proposed Project and alternatives have been adequately disclosed in the Draft EIS/EIR. The comment does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15130; 40 CFR 1503.4 (a)(5)).

Response to Comment SCAQMD-4

See Master Response 1: Feasible Mitigation and Master Response 2: Zero Emissions Technologies.

Response to Comment SCAQMD-5

The estimated capacity of the TICTF on-dock railyard is predicated on 24-hour operations to enable the maximum amount of time for unloading/loading and railcar switching, which cannot occur concurrently due to labor safety rules/practices. As discussed in Section 2.9.2.3 of the Draft EIS/EIR, it is operationally infeasible to increase on-dock rail beyond what is already being considered because rail access improvements outside the terminal would be necessary to substantially increase on-dock rail use beyond the usage estimated for the proposed Project; the mode of transport of containers is based on the destination or origin of the product being transported, which is dictated by market demands and is in no way under the control of YTI; rail infrastructure does not reach most of the destinations where intermodal goods are delivered; and, finally, maximizing on-dock rail is already a commitment in the Port's rail policy, and the proposed project analyses assume that the use of on-dock rail would be maximized.

Response to Comment SCAQMD-6

Thank you for your comment. The comment is general and does not reference any specific section of the Draft EIS/EIR. Specific comments in Attachment A of the comment letter related to mitigation, modeling, and emission quantification analysis and

assumptions are annotated, and responses to comments are provided below where appropriate. Therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment SCAQMD-7

Comment noted. In this chapter, LAHD and USACE are providing SCAQMD staff with written responses to all their comments. These will be provided to the SCAQMD prior to the adoption of the Final EIS/EIR in accordance with PRC 21092.5.

Response to Comment SCAQMD-8

The commenter's statement that the on-dock railyard as proposed has insufficient capacity to handle the increase in containers under the proposed Project is incorrect. The capacity of the improved on-dock railyard is sufficient to handle the expected increase in on-dock rail demand throughout the life of the proposed Project (through 2026). See also Master Response 2: Zero Emission Technologies and SCAQMD-5.

Response to Comment SCAQMD-9

We acknowledge that the proposed Project exceeds the 10 in 1 million cancer risk threshold for occupational and marina-based residential receptors, and does not exceed the threshold for land-based residential receptors. The impacts have been properly assessed and disclosed in accordance with the requirements of CEQA. Specifically, the proposed Project complies with all applicable CAAP control measures. Additionally, all feasible mitigation has been included in the Final EIS/EIR (see Master Response 1: Feasible Mitigation). It should be noted that the CAAP does not set a project-specific standard for cancer risk for occupational receptors. It should also be noted that the exceedance of the 10 in 1 million standard under CEQA only extends over approximately 25% of a single marina directly adjacent to the Henry Ford and Schuyler Heim bridges. The Board retains the discretion to consider and approve projects that exceed San Pedro Bay Standards if the Board deems it necessary. The Board must make findings pursuant to the exceedance and adopt a statement of overriding considerations should they choose to approve the proposed Project.

Response to Comment SCAQMD-10

Comment noted. The first part of the comment restates the impact that has been disclosed in the Draft EIS/EIR. LAHD acknowledges that SCAQMD is concerned that potential future exceedance of ambient air quality standards may be caused in whole or in large part by a single facility. It is not possible to tell from the background concentration how much of it is due to operations at the YTI Terminal. There are other area facilities and mobile sources not related to the YTI operation that may contribute as much or more to the background concentration. SCAQMD acknowledges that the primary sources contributing to background concentration are locomotives, trucks, and ships. However, contrary to SCAQMD's statement that this CEQA document may represent the most effective way of addressing this exceedance, these sources are best addressed on a port-wide basis and not on a project-specific basis. Regardless of whether the proposed Project is a significant contributor to the background concentrations, the appropriate methodology for determining the project impacts under both CEQA and NEPA is to evaluate the incremental change between the baseline and the future conditions with the proposed Project.

See also Master Response 1: Feasible Mitigation.

Response to Comment SCAQMD-11

Comment noted. For pollutants that exceed the threshold, contours showing affected areas have been developed and are provided following this response. These isopleths are provided following Response to Comment SCAQMD-42 for informational purposes only, and do not result in changes to the conclusions regarding the significance of the impacts previously disclosed in the Draft EIS/EIR.

Response to Comment SCAQMD-12

See Response to Comment SCAQMD-11 for a discussion of the geographical areas affected by pollutants that exceed the threshold. The comment correctly points out that the source contributions to modeled criteria pollutant concentrations vary from one location to the next. It is the Port's practice to provide source contribution tables only at the point of maximum impact. Source contribution tables are provided for informational purposes only and are not necessary in the determination of significant impacts. Additional source contribution tables corresponding to other locations around the project site would not affect the mitigation measures nor result in a different tailoring of mitigation measures, as all feasible mitigation has been applied. See Master Response 1: Feasible Mitigation.

Response to Comment SCAQMD-13

Comment noted. Nothing in the proposed Project precludes future expansion of on-dock rail should a market-driven need arise. However, the capacity of the improved TICTF on-dock railyard is sufficient to handle the expected increase in on-dock rail demand throughout the life of the proposed Project (through 2026). It should be noted that Section 1.2.3.3 of the Draft EIS/EIR provides a discussion on the intermodal cargo demand and capacity and states that a goal of the ports is to maximize on-dock rail operations within the ports. To achieve this goal, the ports encourage the marine terminals to schedule round-the-clock shifts and optimize labor rules, and the railroads have increased operational efficiencies, and hence capacity, at on-dock facilities. Furthermore, both ports plan to expand their rail infrastructure over the next ten years. The proposed changes are expected to increase on-dock rail capacity by more than threefold. Table 1-2 in Chapter 1, Introduction, identifies the existing and planned on-dock railyards within the Port Complex. If all of the proposed changes can be constructed on the assumed timetable, projected on-dock railyard use will reach approximately 11,500,000 TEUs by 2035 (this includes the proposed YTI on-dock railyard expansion).

Response to Comment SCAQMD-14

Consistent with CEQA guidelines (State CEQA Guidelines Sections 15064(d) and 15125(a)), the air quality impact analysis compares future proposed project conditions to actual 2012 baseline conditions. To provide the reader with the best estimate of future proposed project conditions, the analysis appropriately accounts for the influence of current air quality rules and regulations on future proposed project emissions. Including regulations in analysis is consistent with CEQA case law and standard practices in air emissions modeling. For example, emissions reduction regulations are included in CARB EMFAC and OFFROAD emissions models, which are frequently updated based

on new regulations. This is the same approach SCAQMD has used on other environmental documents. The comment suggests that the 2012 baseline should be adjusted in such a way as to make the air quality analysis "not credit the project with unrelated improvements in air quality that will occur anyway." Such an adjustment would result in an artificial baseline that is not representative of past or future conditions. Therefore, for clarity and objectivity, the Draft EIS/EIR simply compares proposed future conditions to actual past conditions.

The comment states that an adjusted baseline approach was used in the Draft EIS/EIR for cancer and other health risks, and therefore should be used when determining significance for regional criteria pollutant emissions. The Draft EIS/EIR used an adjusted baseline approach only for cancer risk (not for other health risks), and for a very specific reason. Cancer risk is uniquely based on an accumulation of exposure to pollutants over many years, up to 70 years for a residential lifetime. Therefore, the assessment of baseline cancer risk is faced with the paradox of evaluating emissions from a fixed point in time (2012) over a 70-year exposure period. To resolve the paradox, the baseline cancer risk was determined two ways: (1) by assuming 2012 emissions remain fixed over the entire 70-year exposure period (referred to as the "CEQA Baseline"), and (2) by assuming the 2012 emissions attenuate over the 70-year period in response to existing rules and regulations (the "Future CEQA Baseline"). In contrast to cancer risk, the assessment of regional criteria pollutant emissions involves a simple comparison of emissions in a specific future year to 2012 baseline emissions. This is consistent with SCAQMD CEQA guidance on determining significance (SCAQMD 2011) of those pollutants and ambient standards for which concentrations are calculated as an increment between the proposed Project and a baseline and whether the increment exceeds the SCAQMD thresholds. Therefore, in this circumstance it was not necessary or appropriate to employ the "Future CEQA Baseline" approach that was used for cancer risk.

Response to Comment SCAQMD-15

LAHD acknowledges the comment and agrees to modify Mitigation Measure MM AQ-3 to be consistent with the recommendation contained in the comment, as follows:

MM AQ-3 **Fleet Modernization for On-road Trucks Used during Construction.** Trucks with a Gross Vehicle Weight Rating (GVWR) of 19,500 pounds (lbs) or greater, including import haulers and earth movers, must comply with EPA ~~2007~~2010 on-road emission standards.

This modification to Mitigation Measure MM AQ-3 is noted in Chapter 3 of this Final EIS/EIR, Modifications to the Draft EIS/EIR. This change does not affect significance findings in the Draft EIS/EIR or reduce the effectiveness of the mitigation measure.

Response to Comment SCAQMD-16

Comment noted. While Mitigation Measure MM AQ-6 does not list specific fugitive dust construction BMPs, it does reference a process that will be implemented by LAHD to select additional BMPs in order to further reduce air emissions during construction. LAHD will determine the BMPs once the contractor identifies and secures a final equipment list. At a minimum, these measures will include those specified in the SCAQMD CEQA Air Quality Analysis Handbook. It should be noted that because the effectiveness of this measure has not been established and includes some emission

reduction technology that may already be incorporated into equipment as part of the Tier level requirement in MM AQ-3 and MM AQ-4, it is not quantified in this study. It may also be noted that the analysis used 3.2-hour watering interval, resulting in 61% fugitive dust control efficiency (SCAQMD handbook, Table XI-A, based on the WRAP handbook), as part of the proposed Project. MM-7 specifies a 2-hour watering interval, which results in 74% fugitive dust control efficiency (WRAP handbook).

To address the fugitive dust mitigation comment, additional BMPs from the LAHD Sustainable Construction Guidelines have been added to Mitigation Measure MM AQ-7. Therefore, Mitigation Measure MM AQ-7 has been revised as follows, and is included in Chapter 3, Modifications to the Draft EIS/EIR:

MM AQ-7 **Additional Fugitive Dust Controls.** Contractor must ~~apply water to disturbed surfaces at intervals of 2 hours.~~ adhere to the following control measures, at a minimum:

- Active grading sites shall be watered at intervals of 2 hours.
- Traffic speeds on all unpaved roads must be limited to 15 mph or less.
- Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.
- Contractors shall provide temporary wind fencing around sites being graded or cleared.
- Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code ("Spilling Loads on Highways").
- Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.
- The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site, and disturbed areas shall be stabilized if construction is delayed.
- Open storage piles (greater than 3 feet tall and a total surface area of 150 square feet) shall be covered with a plastic tarp or chemical dust suppressant.
- Materials shall be stabilized while loading, unloading, and transporting to reduce fugitive dust emissions.
- Belly-dump truck seals shall be checked regularly to remove trapped rocks to prevent possible spillage.
- Track-out regulations shall be followed and water shall be provided while loading and unloading to reduce visible dust plumes.
- Waste materials shall be hauled off site immediately.

Response to Comment SCAQMD-17

See Master Response 1: Feasible Mitigation.

NO_X engine emission rate limits for new engines are as follows: Tier I and Tier II limits effective 2000 and 2011 are global limits, whereas Tier III limits, effective in 2016, apply only in NO_X Emission Control Areas (ECAs). NO_X emission reductions due to Tier III engine limits were conservatively excluded from the analysis because they apply to newly built engines, and the number of newly built Tier III vessels associated with the proposed Project and alternatives would not be guaranteed. In addition, at the time of the analysis, a draft amendment was being considered to postpone the date for the Tier III NO_X standards' implementation within ECAs from 2016 to 2021. The draft amendment did not pass, and Tier III limits will be effective for engines built in 2016. The analysis is conservative, as it does not take credit for any Tier III ship engines that may call at YTI Terminal. It should be noted that NYK Line is a current participant in the ESI program and has been since the inception of the program at the Port.

The following lease measure will be added, and it is noted as a modification to the Draft EIS/EIR in Chapter 3 of this Final EIS/EIR:

LM AQ-3 Container Ship Engine Emissions Reduction Technology Improvements. The tenant will encourage NYK Line to determine the feasibility of incorporating all emission reduction technology and/or design options for vessels calling at the YTI Terminal.

Response to Comment SCAQMD-18

See Master Response 4: AMP Requirements.

Response to Comment SCAQMD-19

Comment noted. CAAP Measure RL-2 is identified in the Draft EIS/EIR as a measure that can contribute to emissions reductions, and is discussed in Table 3.2-32, which compares mitigation to CAAP measures. However, RL2 applies to Class 1 railroads, and nothing in the proposed Project allows for negotiations of terms with the Class 1 railroads. As such, imposing mitigation on those railroads is infeasible. CAAP measure RL-3 does not apply to this project as suggested by the commenter. Mitigation RL3 is applicable to near-dock railyards, as indicated in the title of the measure—New and Redeveloped Near-Dock Rail Yards—and throughout the discussion of the measure in the CAAP. The railyard being expanded in the proposed Project is an on-dock railyard.

Response to Comment SCAQMD-20

The DEIS/EIR based its air quality modeling and emissions estimates on the EPA national locomotive fleet projections for line haul locomotives, since individual railroads do not project fleet mixes years into the future. The EPA assumed the penetration of Tier 4 locomotives into the national fleet, which is reflected in the locomotive emission factors used in the DEIS/EIR. For example, the EPA assumed that Tier 4 locomotives will comprise 13% of the national fleet by 2017, 26% by 2020, and 52% by 2026. The EPA's projections are based on assumptions regarding the retirement of existing locomotives in the fleet, and the commercial availability of Tier 4 locomotives as replacements or additions to the fleet.

Tier 4 locomotives will use a new, untested technology that does not currently exist at a size adequate for line-haul locomotive engines. As a result, the rate at which operationally proven Tier 4 locomotives can be manufactured and made commercially available in the future is uncertain. Therefore, it is infeasible to commit in advance to purchase and deploy Tier 4 locomotives in excess of the percentages assumed by the EPA when those locomotives have not yet been designed, tested, or deployed. Moreover, it is infeasible to require the Class I railroads to geographically redistribute their locomotives to provide a higher percentage of Tier 4 locomotives at the proposed Project's on-dock railyard. Locomotives stay connected to hundreds of trains going to and from California to many different destinations throughout of the United States. This operating procedure requires that many hundreds, if not thousands, of locomotives enter and leave California each day. For a national rail carrier to switch out locomotives going into a specific yard would require additional large switching yards, be prohibitively expensive for both the railroad and its customers, and disrupt the national transportation system. Therefore, mitigation that requires accelerated introduction of Tier 4 line haul locomotives used at the YTI on-dock rail yard is infeasible.

Response to Comment SCAQMD-21

See Master Response 2: Zero Emission Technologies.

Response to Comment SCAQMD-22

See Master Response 2: Zero Emission Technologies.

Response to Comment SCAQMD-23

See Master Response 1: Feasible Mitigation, Master Response 2: Zero Emission Technology, and Master Response 3: Environmental Justice. Also see Response to Comment SCAQMD-19.

Response to Comment SCAQMD-24

Thank you for your comment. LAHD acknowledges that electronic copies of all modeling and supporting emission calculation files were not included with the release of the Draft EIS/EIR. Upon SCAQMD's request, LAHD granted SCAQMD an extension to submit comments until June 30, 2014, and provided the files via CD (which were received by SCAQMD on May 28, 2014). Regrettably, some files were still missing and were subsequently provided to SCAQMD for review (received by SCAQMD on June 26, 2014). LAHD recognizes the importance of submitting the files to SCAQMD for review, and will work to develop procedures for making the files available to SCAQMD upon release of draft environmental documents in the future. The comment does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15130; 40 CFR 1503.4 (a)(5)).

Response to Comment SCAQMD-25

MM AQ-4 specifies Tier 4 construction equipment. The proposed Project will strive to use Tier 4 engines during construction. The analysis, however, did not take credit for all Tier 4 engines and conservatively assumed LAHD's Sustainable Construction Guidelines (step-down schedule). It should be noted that the step-down schedule is more stringent than EPA standards, which are for new engines, and is more stringent than CARB

regulations. Unmitigated emission factors were derived from CARB's Offroad2011 module, which accounts for the latest regulatory requirements. These emission factors yield a composite NO_X emission factor of 5 grams per brake horsepower-hour (g/bhp-hr) for 2015 and 4.5 g/bhp-hr in 2016. LAHD's step-down schedule as used in the analysis yields an NO_X composite emission factor of 2.58 g/bhp-hr; i.e., lower than the CARB inventory, derived from CARB's Offroad2011 module. These composite emissions factors were used as a way to confirm that the analysis was more stringent than regulatory requirements.

Response to Comment SCAQMD-26

Comment noted. LAHD and USACE disagree that the quantification of cumulative air quality impacts that includes other proposed projects in the Port area is necessary to determine the significance of the cumulative impact or the proposed Project's contribution to the cumulative impact. Section 15130(a) of the State CEQA Guidelines requires that an EIR discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Similarly, 40 CFR 1508.27(b)(7) requires that federal agencies evaluate the significance of direct, indirect, and cumulative impacts in terms of an impact's context and intensity. Further, Section 15130(b) of the State CEQA Guidelines notes that the discussion of cumulative impacts need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness. The cumulative impact from past, present, and reasonably foreseeable future projects has been adequately discussed in Chapter 4 of the Draft EIS/EIR, and was determined to be cumulatively significant for air emissions under both CEQA and NEPA. To determine whether the proposed Project's and the alternatives' impacts are cumulatively considerable, LAHD and USACE need only determine the incremental effect, which has been quantified in the Draft EIS/EIR, and adequately disclosed to be a cumulatively considerable impact. To quantify all other projects in the area would be impractical and unreasonable. Therefore, the Draft EIS/EIR appropriately analyzed and disclosed the cumulative impacts of the proposed Project.

Response to Comment SCAQMD-27

Comment noted. Figure 4-1 of the Draft EIS/EIR has been updated to show the correct locations of the cumulative projects considered as part of the cumulative impact analysis. The revised Figure 4-1 is included as a modification to the Draft EIS/EIR in Chapter 3, Modifications to the Draft EIS/EIR.

Response to Comment SCAQMD-28

The drayage truck idling times on site and at the terminal in-gate and out-gate were provided by YTI and cover all of the truck idling that would occur at the terminal. YTI confirmed that the idling times are reasonable estimates for all future analysis years for the proposed Project and alternatives, as well as 2012 baseline conditions. State law limits idling to ten minutes, and YTI has a process in place to enforce this requirement.

Response to Comment SCAQMD-29

CARB has linked mortality and morbidity effects to elevated levels of ambient $PM_{2.5}$ concentrations. Therefore, LAHD views the potential for mortality and morbidity effects as closely tied to the assessment of $PM_{2.5}$ concentration impacts in the EIS/EIR (Impact

AQ-4). If operation of the proposed Project was found to cause a significant $PM_{2.5}$ concentration impact, then quantification of mortality and morbidity effects would be performed as part of an extended discussion of the $PM_{2.5}$ significance finding. Table 3.2-36 of the Draft EIS/EIR shows that the proposed Project would not create a significant $PM_{2.5}$ concentration impact. It therefore follows that substantial adverse mortality and morbidity effects associated with the proposed Project are not expected, and quantification is not warranted in accordance with the LAHD protocol Methodology for Addressing Mortality and Morbidity in Port of Los Angeles CEQA Documents (POLA 2011). The methodology generally follows the approach of California Air Resources Board's (CARB's) Proposed Emission Reduction Plan for Ports and Goods Movement in California (2006) and Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California (2008). This approach represents LAHD's current policy on mortality and morbidity, which has evolved since its earlier CEQA documents, when mortality and morbidity were emerging as issues of concern.

Response to Comment SCAQMD-30

A modeling protocol for the Bay-Wide Regional Human Health Risk Assessment (Bay-wide HRA, available at http://www.cleanairactionplan.org/reports/documents.asp as Appendix B), which was part of the technical analysis supporting the San Pedro Bay CAAP, was reviewed and approved by SCAQMD in 2007. The 2006–2007 meteorological data from the Terminal Island Treatment Plant (TITP) station (and other Port Complex stations) was first processed in 2008 following that modeling protocol, except that necessary updates to the methodology were made as recommended by the 2008 EPA AERMOD Implementation Guide. These necessary updates focused on methodology used to determine surface characteristics (i.e., Bowen ratio, Albedo, and Surface Roughness). We understand that a more recent AERMOD Implementation Guide was published in March 2009, but no changes have been made to the meteorological data processing procedure. The meteorological data were then used in multiple Port EIRs prepared by the LAHD. The processed AERMOD-ready datasets were also sent to SCAQMD in April 2010.

In 2013, the 2006–2007 data were reprocessed using then most-recent EPA AERMET version 12345 and AERSURFACE version 13016. Month-to-season allocation and the land use sector were defined following the Bay-wide HRA modeling protocol. The precipitation condition (i.e., wet, dry, or average) used to estimate Bowen Ratio was determined in comparison to the 30-year historical data at representative stations as dictated by the Bay-wide HRA modeling protocol.

Response to Comment SCAQMD-31

Wind roses for the two data periods in question are provided following Response to Comment SCAQMD-42. The completeness criterion was ten percent by quarter, and was achieved during all time periods presented for TITP. However, please note that ENVIRON performed comparisons of the September 2006 to August 2007 data to the 2009–2012 data for each of the Port Complex meteorological stations, and as a whole the 2006–2007 data was more complete than the later years.

Appendix W Guidance (EPA 2005; 8.3.1.2(b) available at http://www.epa.gov/scram001/guidance/guide/appw_05.pdf) was followed, indicating

that "at least one year of site-specific data is required." The meteorological station at the TITP is close enough to the YTI Terminal (less than 0.5 mile) to be considered site-specific data; please see discussion in Attachment I in the Bay-Wide Regional HRA (http://www.cleanairactionplan.org/civica/filebank/blobdload.asp?BlobID=2439). Also, please note that the 8th-highest daily, maximum 1-hour average is presented for the models (as indicated in the table notes, e.g., Table 3.2-26 in the Draft EIS/EIR).

Response to Comment SCAQMD-32

The SCAQMD Long Beach station is approximately nine miles from the proposed Project and would not be as representative of project conditions as the TITP station. Please also see Responses to Comments SCAQMD-30 and SCAQMD-31.

Response to Comment SCAQMD-33

Comment noted. The update of ozone files is not applicable, as new meteorological data will not be used. See Response to Comment SCAQMD-31.

Response to Comment SCAQMD-34

The AERMOD dispersion modeling for the Draft EIS/EIR used the urban dispersion option with a conservatively small urban population of 664,078, which represents the Long Beach-Wilmington-San Pedro area. Sensitivity tests conducted by LAHD show that the larger Los Angeles County population of 9,862,049, recommended by the SCAQMD, results in average annual concentrations about 2% lower than what is reported in the Draft EIS/EIR. Therefore, use of the higher urban population recommended by the SCAQMD would not result in any new significance findings.

Response to Comment SCAQMD-35

Table 3.2-2 of the Draft EIS/EIR shows measurements in the area related to National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) over the most recent three years available (2010 through 2012), while the ozone concentrations in our air dispersion files is aligned with the measured values during the meteorological period modeled (September 2006 to August 2007). The ozone evaluation concentration is only used to replace missing ozone hourly measurements (less than 5% of hours), and was conservatively calculated as the 98th percentile of all the ozone measurements during that year.

Response to Comment SCAQMD-36

Ship boiler emissions were analyzed using residual heavy fuel oil, containing 2.7% sulfur. Fuel correction factors were not applied (mistakenly) as they were applied to propulsion and auxiliary engines. Ships would ultimately use distillate fuel oil, not residual fuel oil. However, ship boiler mass emissions, calculated using residual fuel, are more conservative (i.e., result in higher emissions) than what would have resulted if distillate fuel oil was used in the analysis. As such, the mistaken use of residual fuel oil does not result in an underrepresentation of emissions. The toxicity analysis used in the HRA was done based on distillate fuel, which is the correct fuel. No further analysis is required.

Response to Comment SCAQMD-37

In the Draft EIS/EIR, LAHD and USACE evaluated potential cancer risks to students in two different ways. The first approach used reasonable student exposure assumptions of 6 hours per day, 180 days per year for 6 years while breathing 581 L/kg-d. The 6-year exposure was consistent with the approach used for previous EIRs and EISs prepared by LAHD and USACE for projects in the Port of Los Angeles. Those results are presented in Impact AQ-7 in the Draft EIS/EIR and show no significant cancer risks for students for any proposed project alternative. Student cancer risks were also conservatively estimated based on a 70-year exposure period (all other aforementioned exposure assumptions remained the same). The results of this more conservative approach are shown below in Table 2-4. No significant cancer risks were identified for students for any proposed project alternative under this more conservative 70-year exposure assumption. LAHD and USACE recognize and acknowledge that the fewest number of years allowed in OEHHA risk guidance is 9 years. LAHD and USACE have the discretion to analyze impacts according to a reasonable methodology and are not bound to follow guidance from other regulatory agencies. Because the Draft EIS/EIR included the conservative analysis of 70-year exposure for student receptors, it does not result in overlooking any potentially significant health risk impacts for a 9-year exposure. In the future, LAHD and USACE will follow the OEHHA guidance for 9-year exposure in conducting cancer risk assessments.

Table 2-4. Maximum Cancer Risk Impacts per Million for Student Receptors Assuming 70-Year Exposure

Project Alternative	Project	CEQA Baseline	**CEQA Increment**	Future CEQA Baseline	**Future CEQA Increment**	NEPA Baseline	**NEPA Increment**
Proposed Project without Mitigation	3.9	8.4	**-0.4**	2.9	**1.2**	3.4	**0.5**
Proposed Project with Mitigation	3.6	8.4	**-0.4**	2.9	**1.0**	3.4	**0.3**
Alt. 1: No Project	3.4	8.4	**-0.4**	2.9	**0.7**	N/A	**N/A**
Alt. 2: No Federal Action without Mitigation	3.4	8.4	**-0.4**	2.9	**0.7**	No impact	**No impact**
Alt. 2: No Federal Action with Mitigation	3.2	8.4	**-0.4**	2.9	**0.7**	No impact	**No impact**
Alt. 3: Reduced Project without Mitigation	3.9	8.4	**-0.3**	2.9	**1.2**	3.4	**0.5**
Alt. 3: Reduced Project with Mitigation	3.6	8.4	**-0.4**	2.9	**1.1**	3.4	**0.4**

Note: The CEQA Increment, Future CEQA Increment, and NEPA Increment (shown in bold) are compared to a significance threshold of 10 in 1 million

Response to Comment SCAQMD-38

The drayage truck emissions forecast was developed from 2011 activity data and emissions calculation methodology as described in the Port's 2011 emissions inventory

report[3]. The 2011 data and methodology were used to develop estimates of 2011 vehicle activity in terms of number of trips and number of vehicle miles of travel (VMT) that were "grown" to future years using throughput forecast as developed by LAHD. Emission factors representing the future drayage truck fleet were developed using the emission estimating model EMFAC2011 emissions rates by model year run and the forecasted drayage truck trip based model year distribution for each future calendar year of concern.

Future model year distributions were developed using a series of adjustments to the 2011 model year distribution to account for changes to the fleet, including the 2012 truck ban per LAHD's Clean Truck Program, fleet attrition or turnover, and growth in activity that would require more trucks and/or higher truck activity. The following key assumptions underlie the forecast methodology for heavy duty vehicles:

- Starting with 2012 calendar year, pre-2007 model years were removed to account for the 2012 pre-2007 truck ban[4].
- For 2023 and later, pre-2010 model years were removed to account for CARB's "Regulations to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use On-Road Diesel-Fueled Vehicles"[5].
- A percentage of truck trips in each model year was removed to account for attrition (e.g., caused by accidents, moving out of the service area).

Between 2012 and 2022, trips were added to model years 2007 and newer to make up the number of trips removed due to the pre-2007 ban and due to attrition, and to account for projected growth in the overall number of trips. For 2023+, trips were added to model years 2010 and newer to make up the number of trips removed due to the pre-2010 ban and due to attrition, and to account for projected growth in the overall number of trips.

The additional trips were allocated to model years 2007 or 2010 and newer using the percentages in the average age distribution over 2005 through 2007, a period before the implementation of LAHD's truck programs. This period was selected to reflect the "normal" distribution of truck model years without the influence of the truck ban or replacement programs to project which model year trucks would be selected to replace those lost to attrition or the ban, or to account for additional trips resulting from cargo throughput growth.

Response to Comment SCAQMD-39

The analysis conservatively used 20% for refrigerant loss in reefers. Although Table 6-5 (Table 5-6 was incorrectly referenced in the SCAQMD comment) in the 2010 Report from the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee lists 30% loss of HCFC-22, the supporting text in the same reference identifies a range of 20% to 40%. Reefer ships are only part of the baseline and were not included in future study years because reefer ships only visited the terminal during the baseline year and are not anticipated to call at the YTI Terminal in the future. As such, the use of 20% for

3 http://www.portoflosangeles.org/pdf/2011_Air_Emissions_Inventory.pdf

4 http://www.portoflosangeles.org/ctp/idx_ctp.asp

5 http://www.arb.ca.gov/msprog/onrdiesel/documents/TBFinalReg.pdf

refrigerant loss is conservative as it results in a lower baseline. The use of 30% would increase GHG emissions in the baseline and decrease project impacts.

Response to Comment SCAQMD-40

The horsepower-hour (hp-hr) values obtained from the cargo handling emissions inventory (CHEI) model were Port-specific values. They were determined by taking the annual usage (in hours per year) for each Port equipment type, multiplied by the "AvgOfBHP" value, multiplied by the corresponding load factor, and summing over all model years. The resulting hp-hr values were then used to derive the Port-specific emission factors (in grams/hp-hr) used in the cargo handling equipment emission calculations for the proposed Project and alternatives. The CHEI model was downloaded from the CARB website on July 9, 2012.

Response to Comment SCAQMD-41

CalEEMod does not have emission factors for transportation refrigeration units (TRUs), only for generator sets. CARB Airborne Toxic Control Measures (ATCM) regulate PM emissions from TRUs and associated Gensets; NO_X emissions, though not specifically identified in the ATCM, are also reduced as cleaner engines are used to meet the PM requirements. CalEEMod was used for all emission factors except NO_X and PM. NO_X and PM emission factors were obtained from CARB's Offroad TRU module—composite emission factors for each year were obtained by normalizing for engine population in the CARB fleet. The TRU_CARB Output.xlsx file was also included with the response sent to SCAQMD.

Response to Comment SCAQMD-42

See Master Response 2: Zero Emission Technologies.

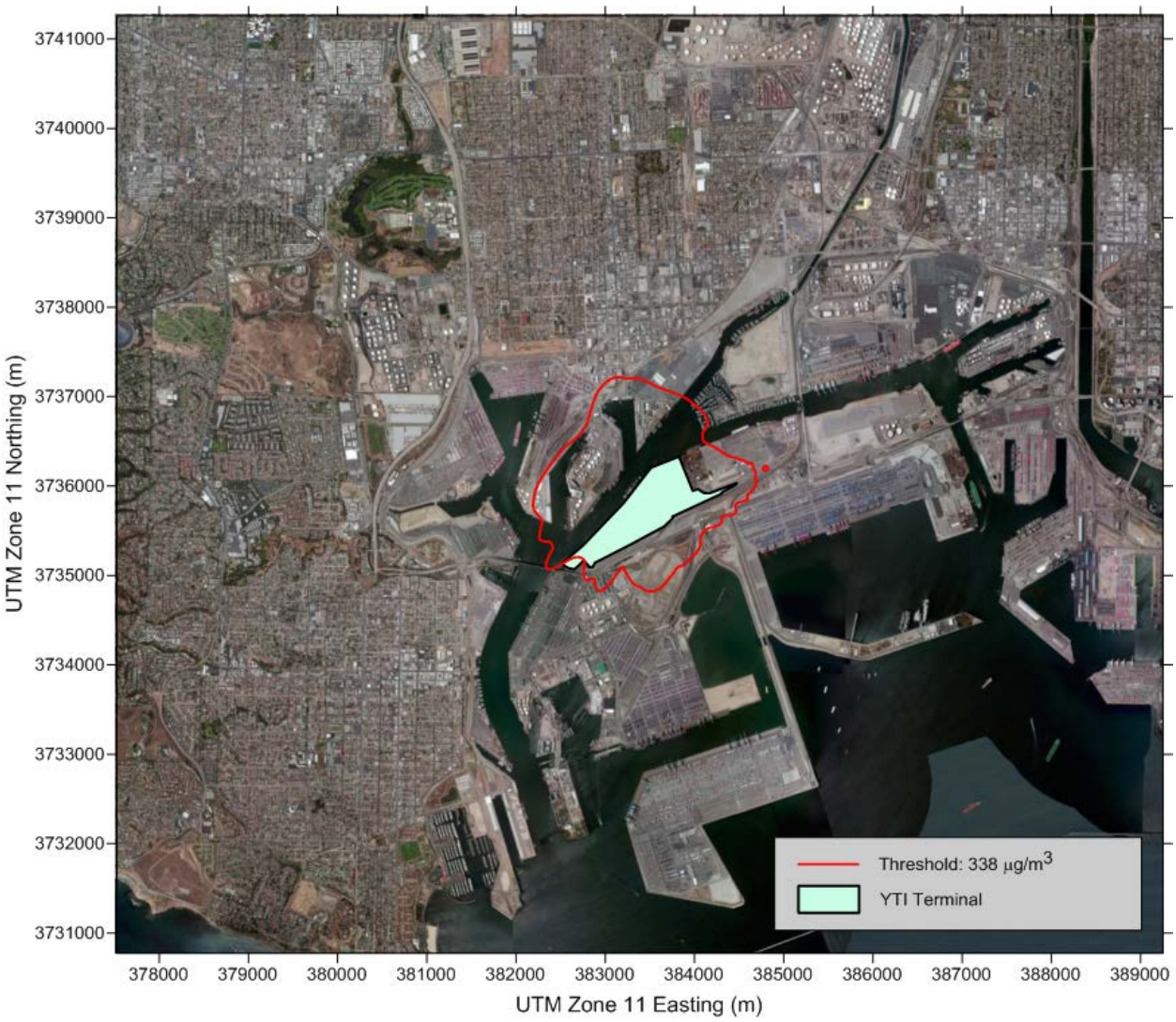


Figure R.1: Mitigated Proposed Project State 1-hr NO_2: Construction

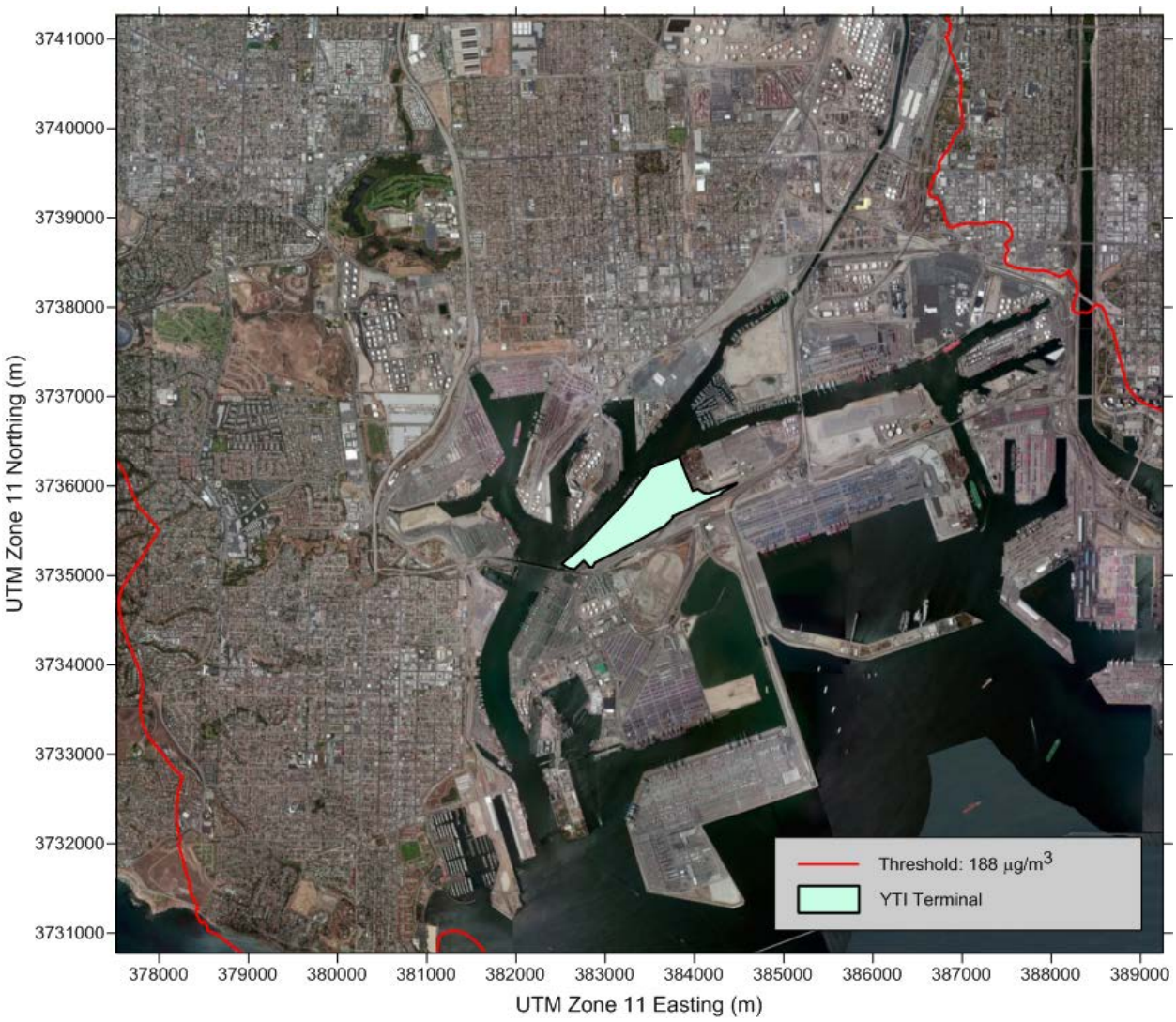


Figure R.2: Mitigated Proposed Project Federal 1-hr NO_2: Construction

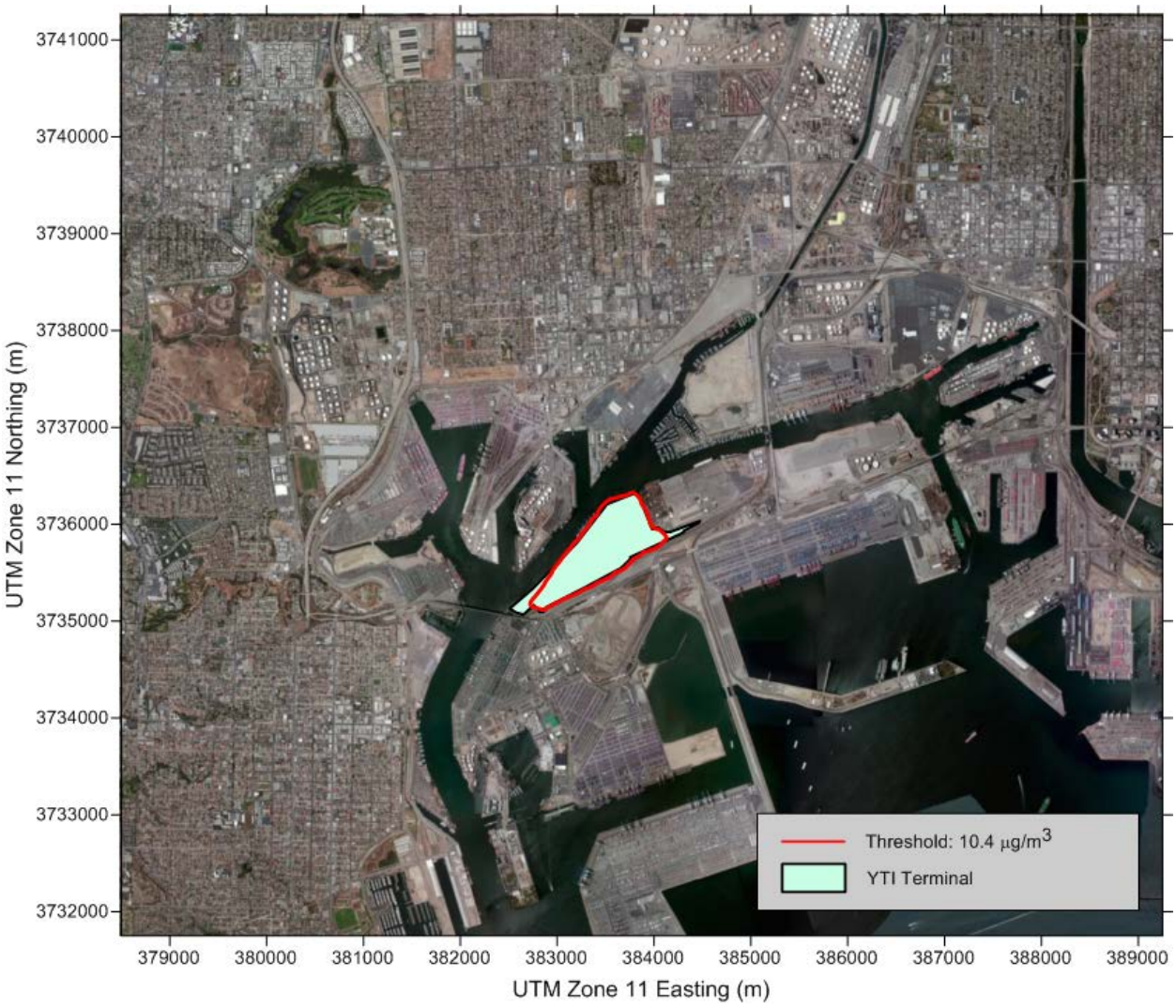


Figure R.3: Mitigated Proposed Project 24-hr PM_{10} (CEQA Increment): Construction

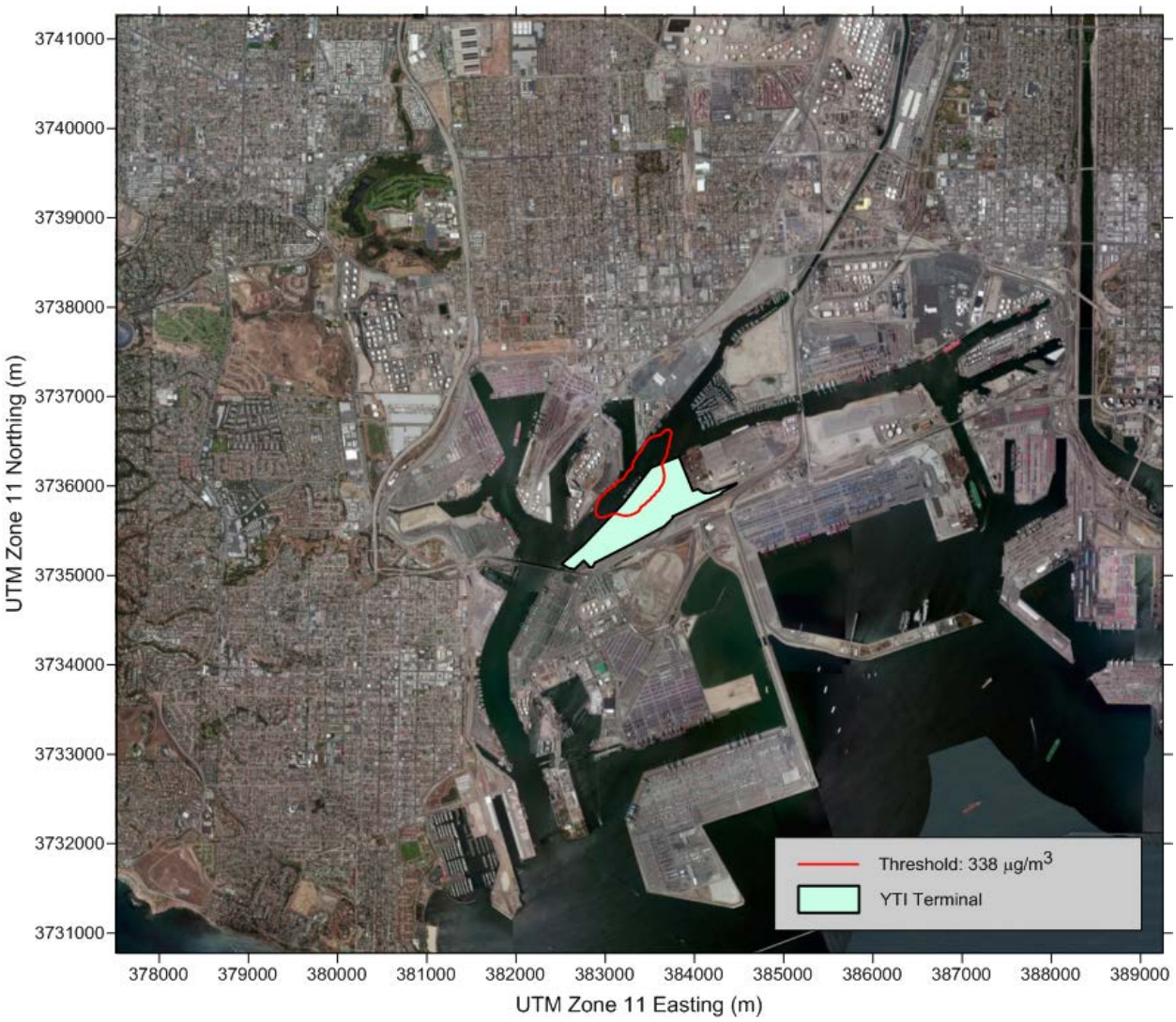


Figure R.4: Mitigated Proposed Project State 1-hr NO_2: Combined Construction and Operation

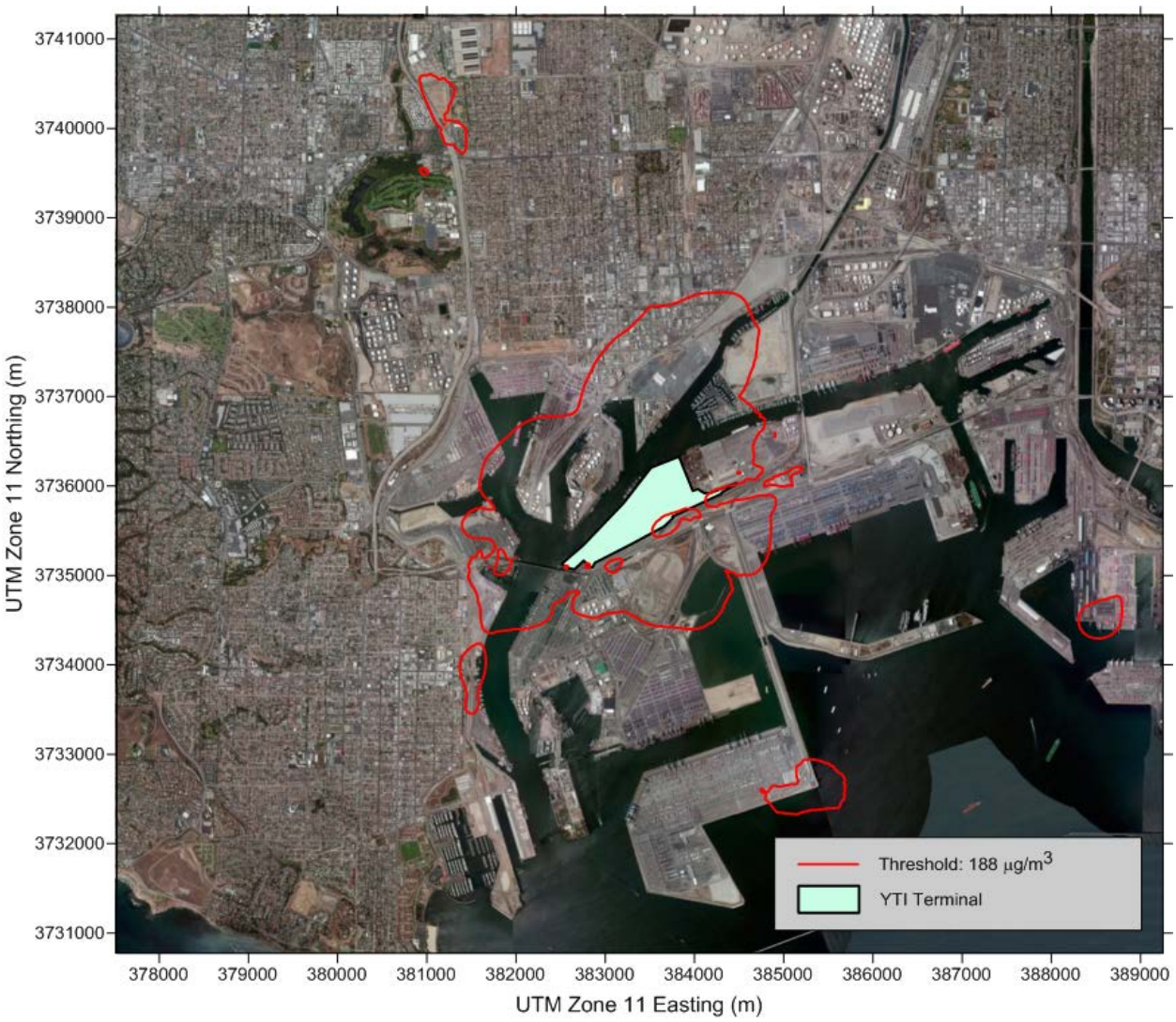


Figure R.5: Mitigated Proposed Project Federal 1-hr NO_2: Combined Construction and Operation

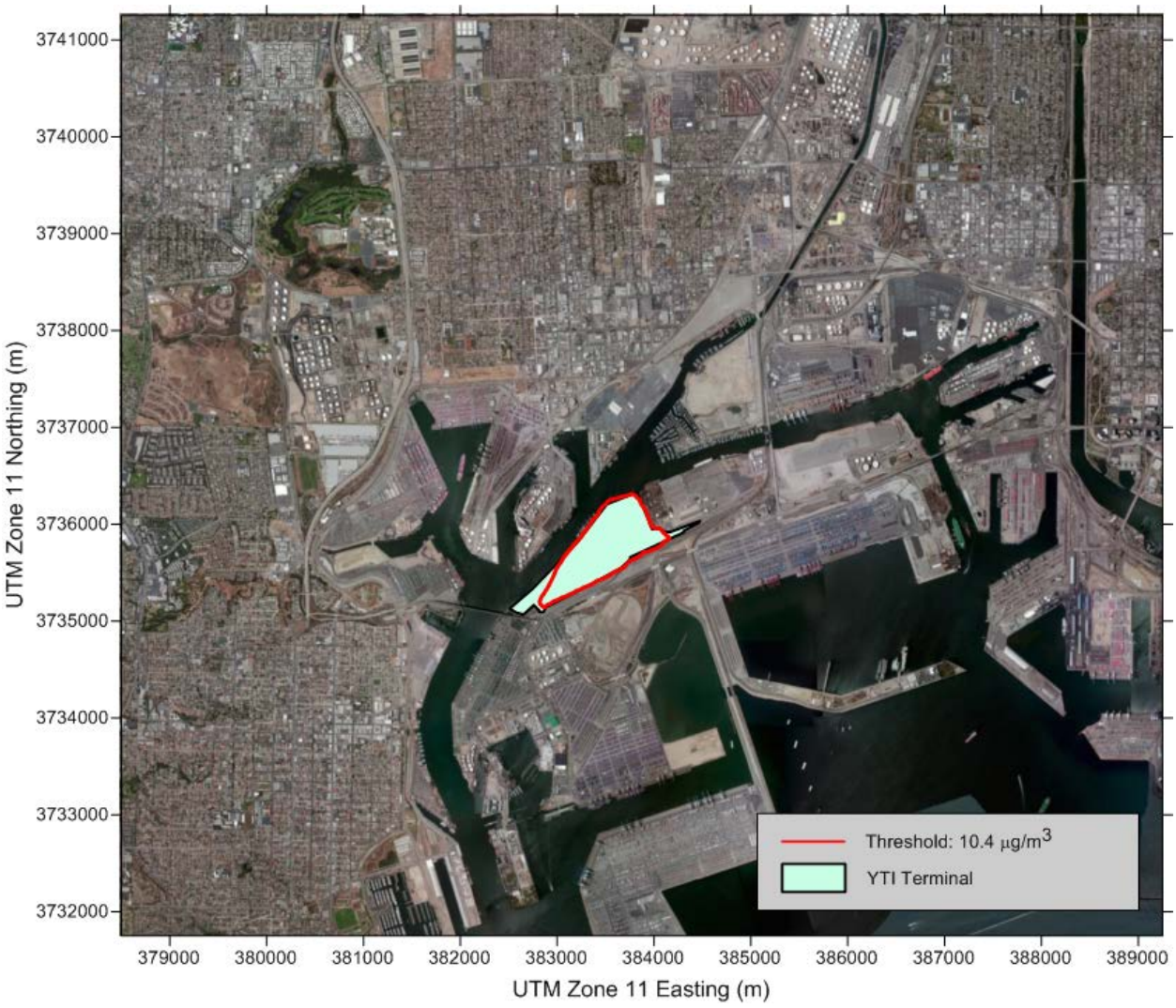


Figure R.6: Mitigated Proposed Project 24-hr PM_{10} (CEQA Increment): Combined Construction and Operation

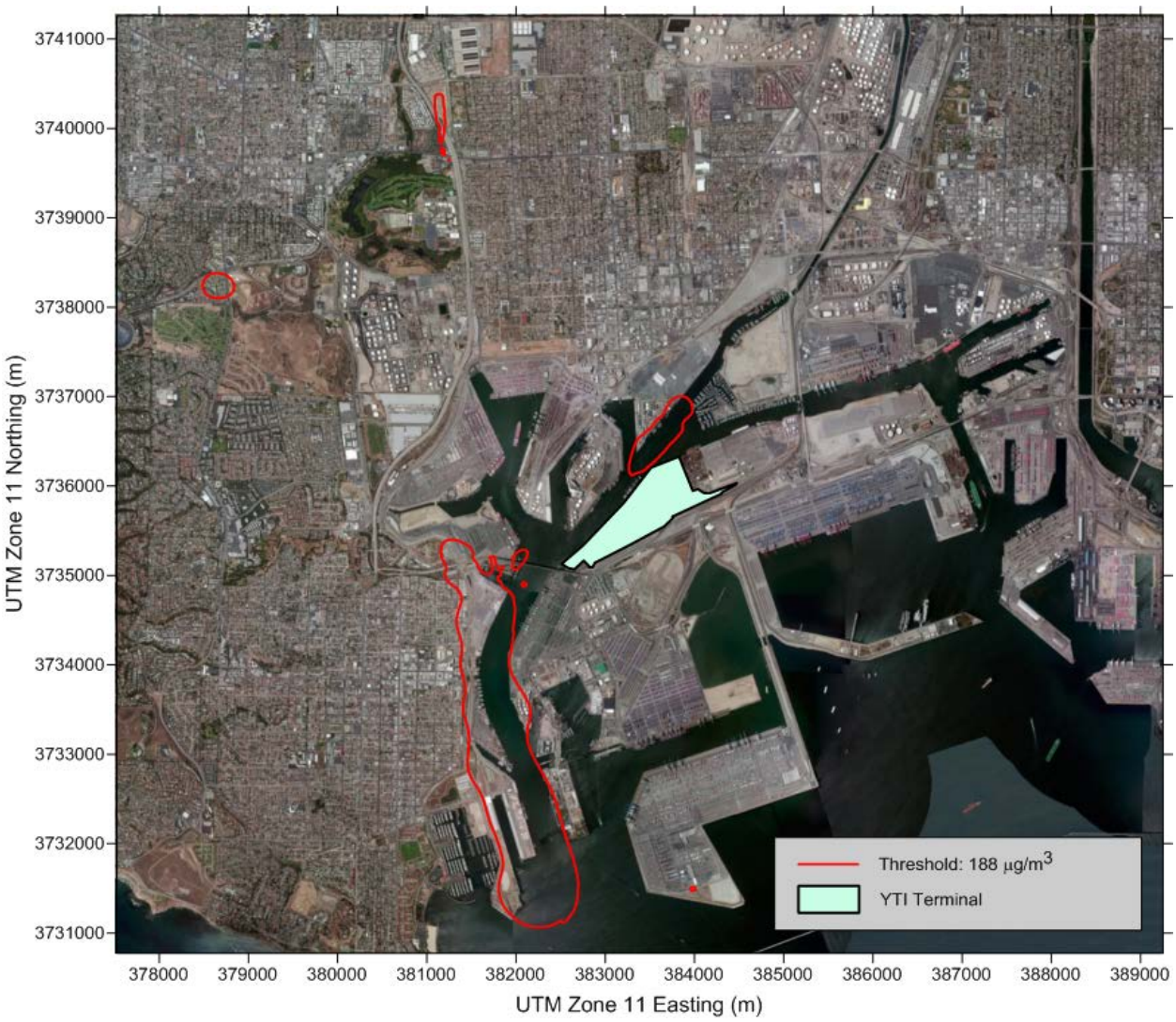


Figure R.7: Mitigated Proposed Project Federal 1-hr NO_2: Operation

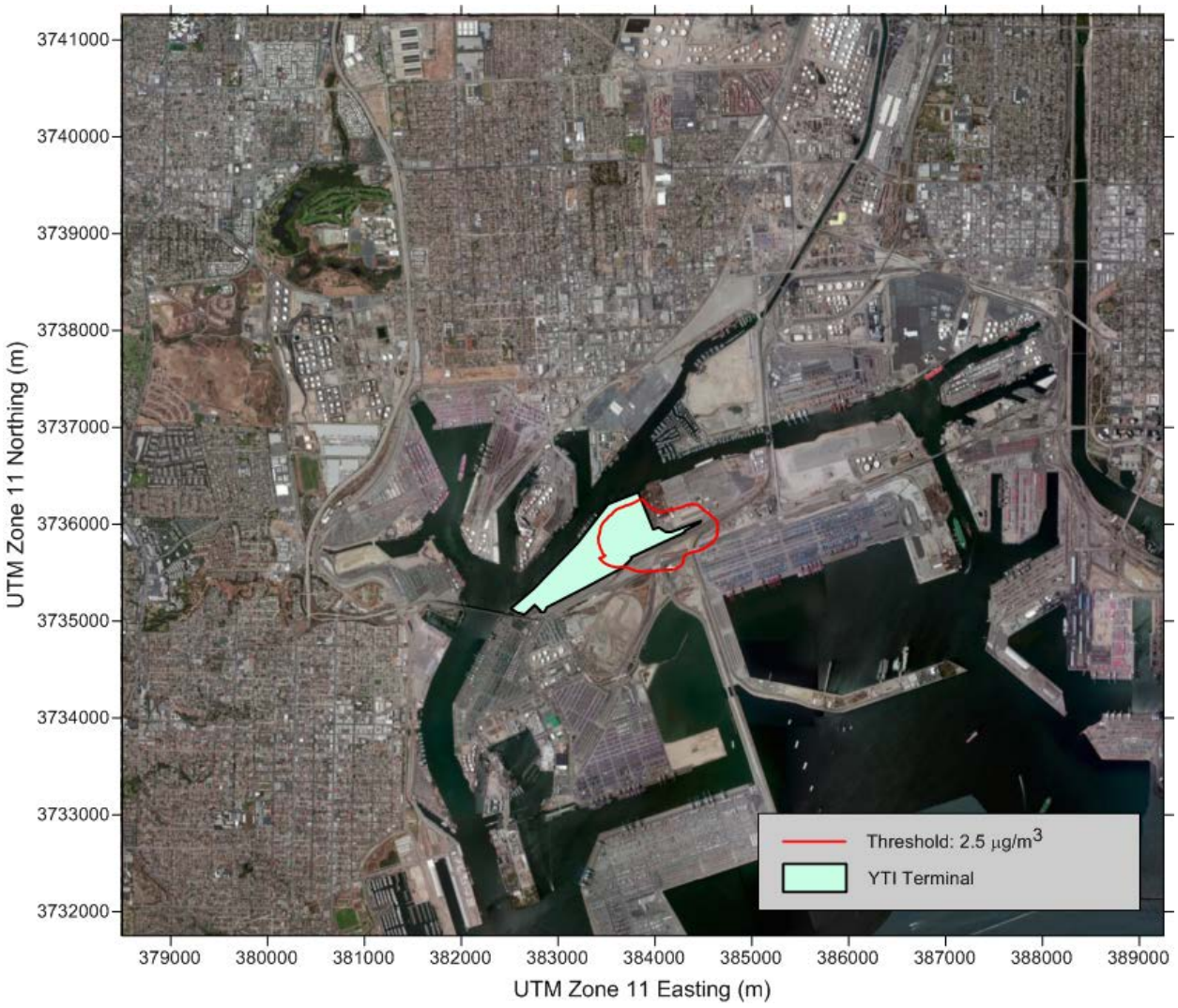


Figure R.8: Mitigated Proposed Project 24-hr PM_{10} (CEQA Increment): Operation

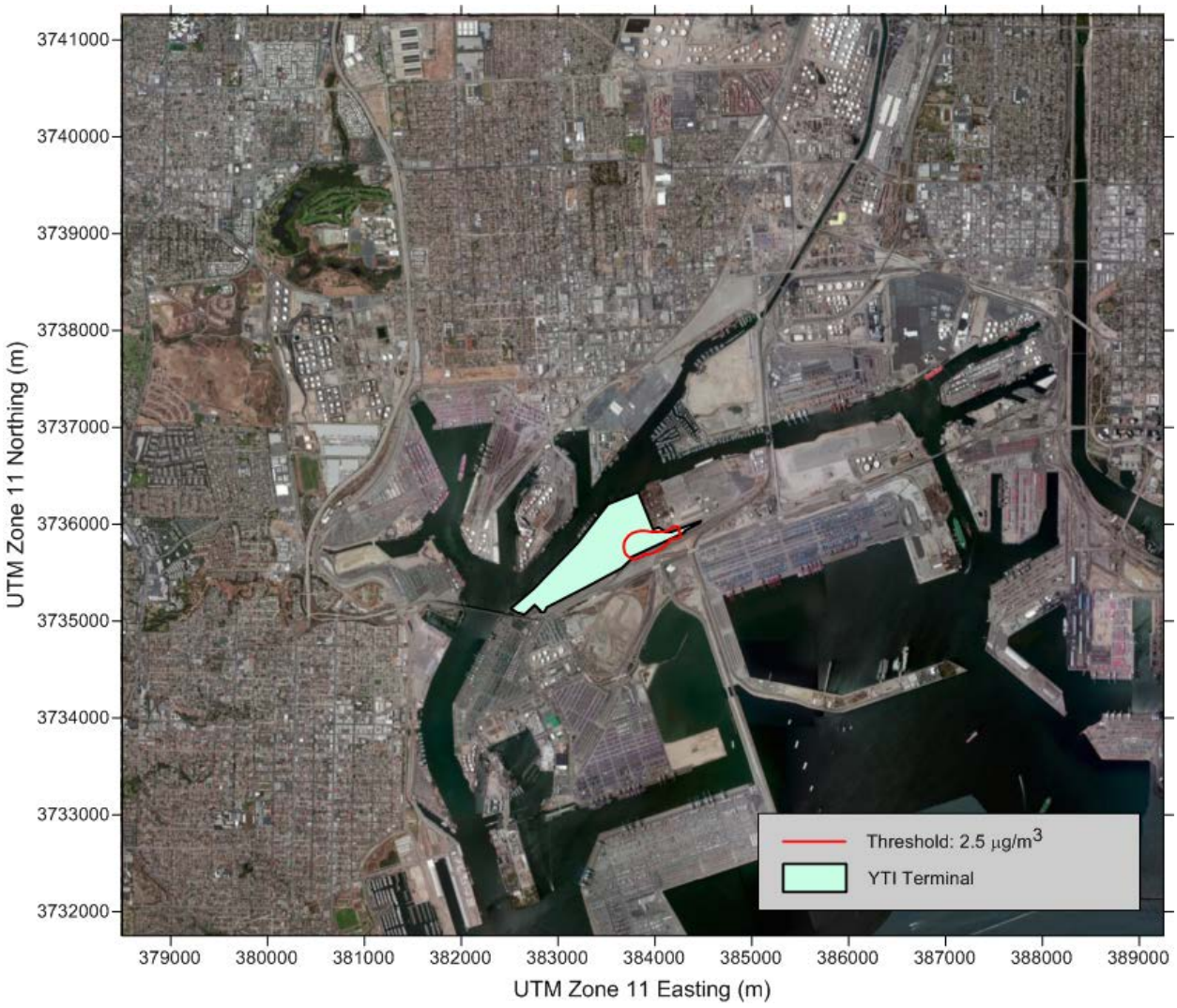


Figure R.9: Mitigated Proposed Project 24-hr PM_{10} (NEPA Increment): Operation

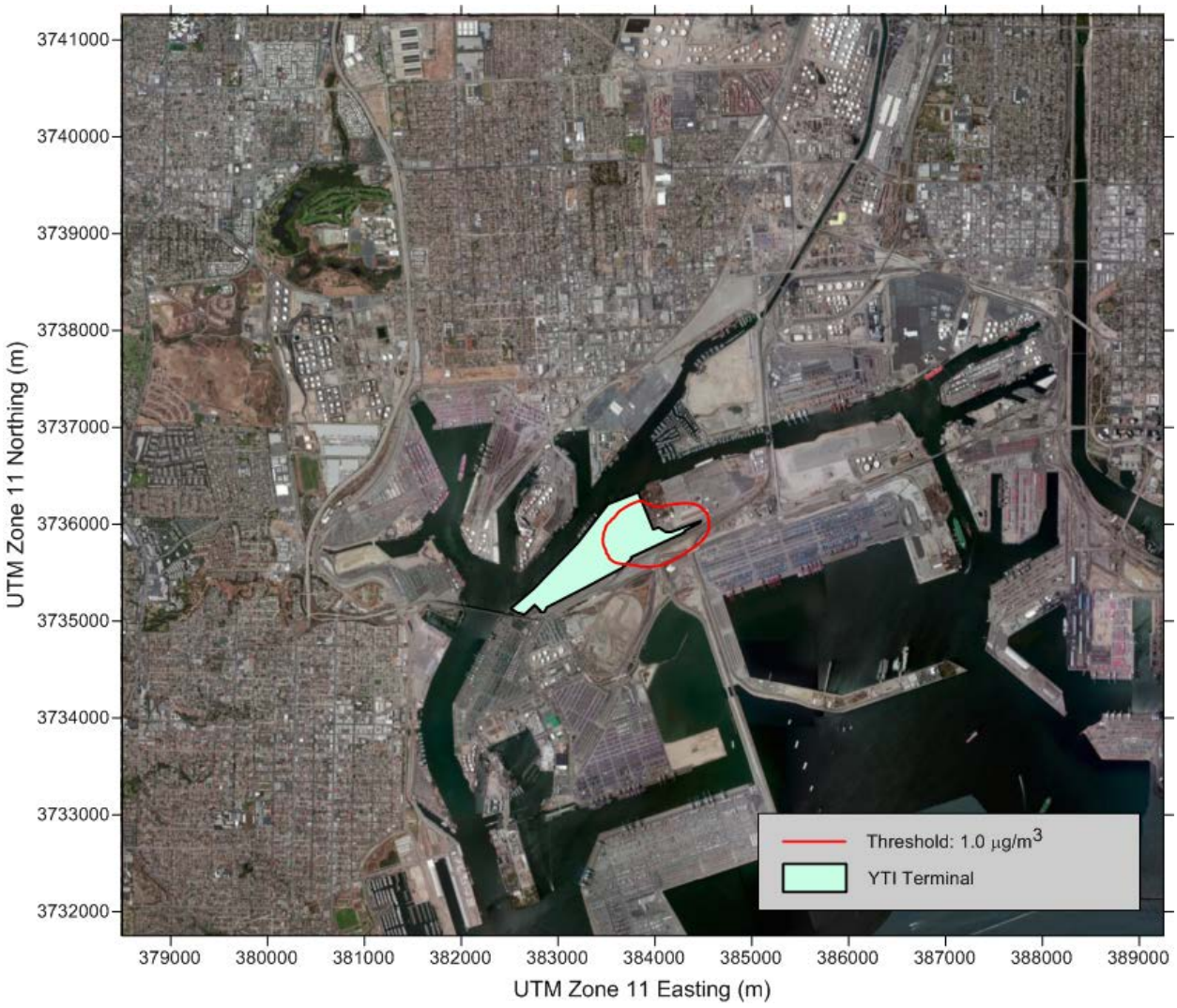


Figure R.10: Mitigated Proposed Project 24-hr PM_{10} (NEPA Increment): Operation

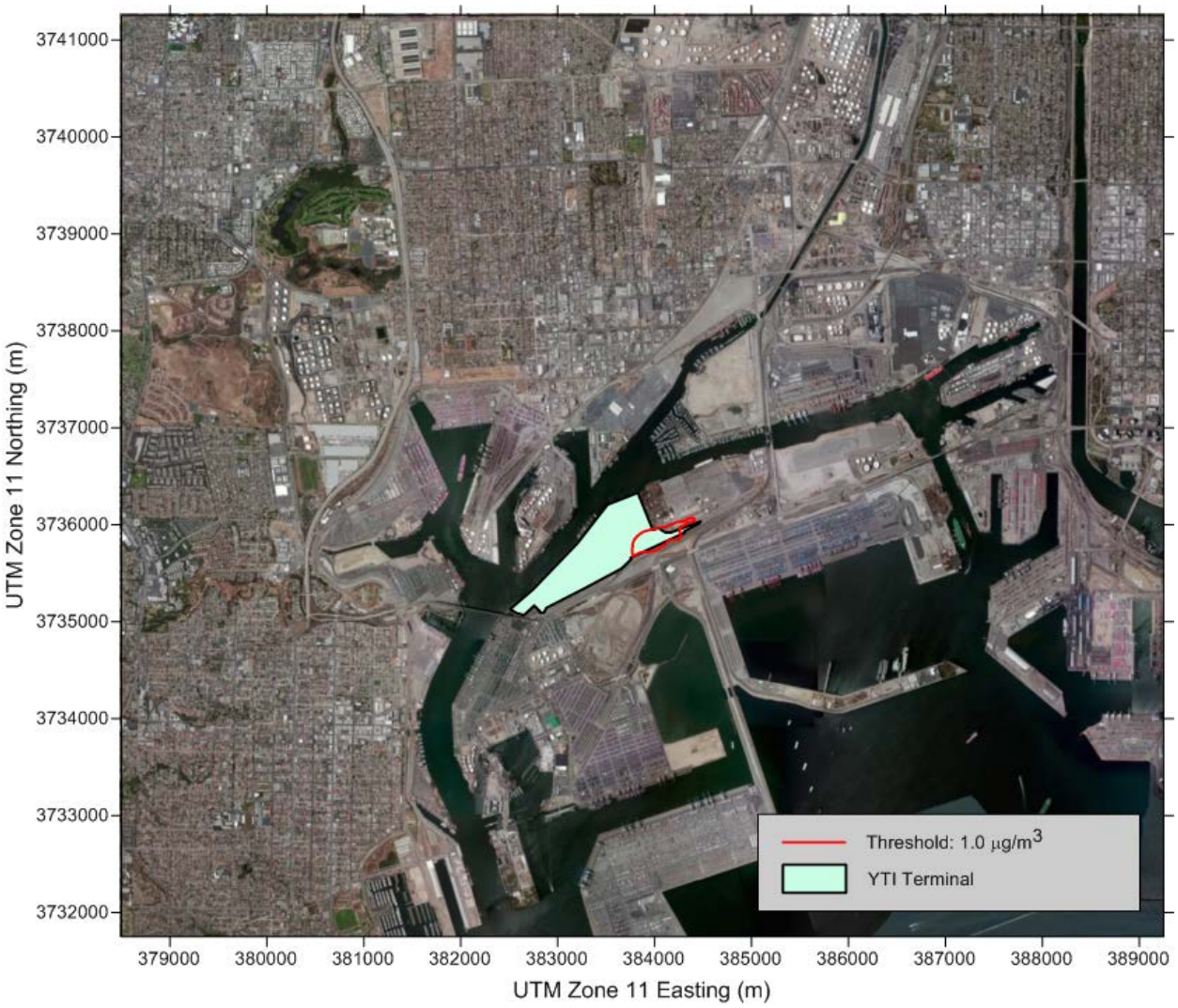


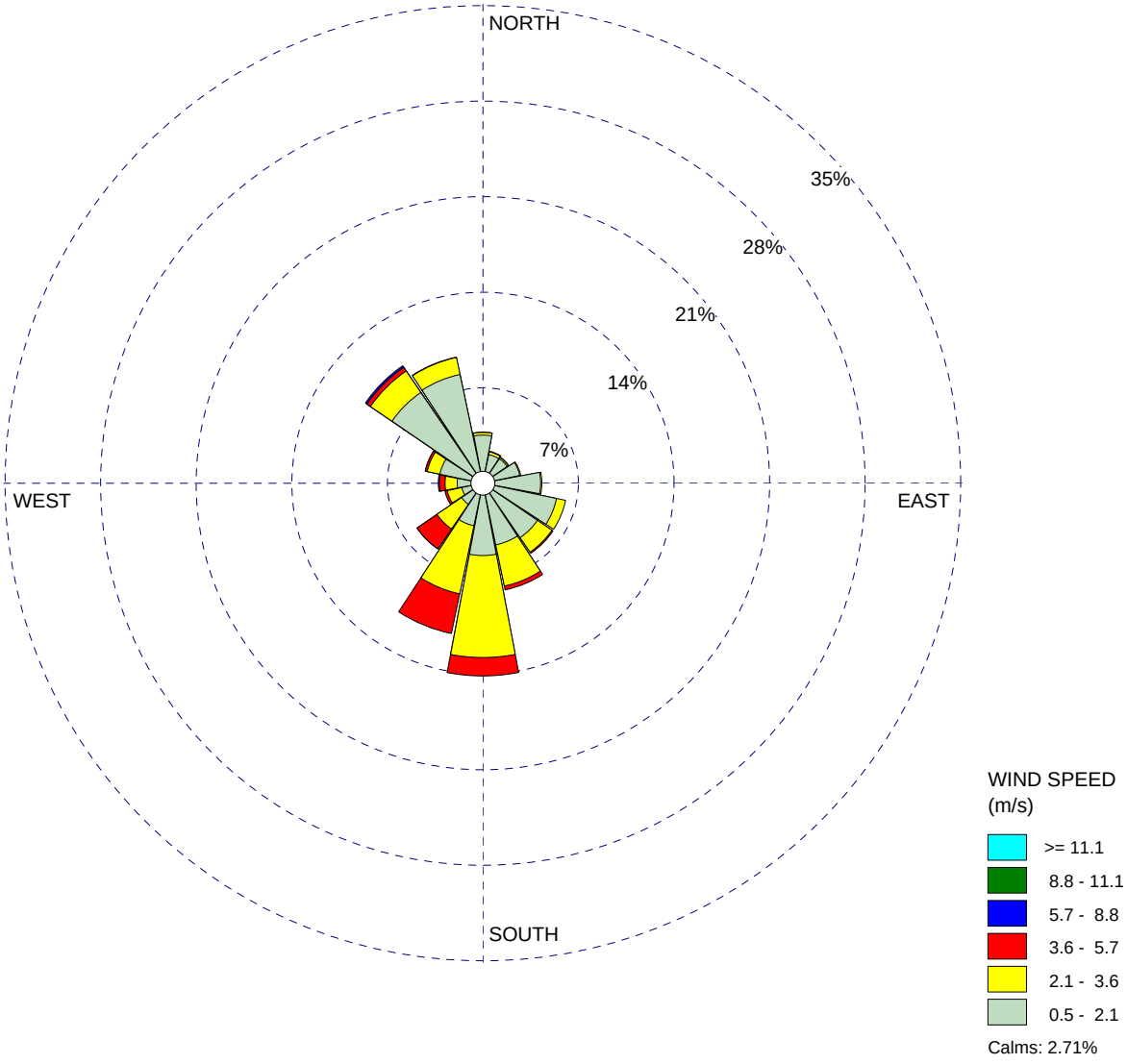
Figure R.11: Mitigated Proposed Project Annual PM_{10} (NEPA Increment): Operation

WIND ROSE PLOT:

TITP - original

DISPLAY:

Wind Speed
Direction (blowing from)



COMMENTS:	DATA PERIOD: **Start Date: 9/1/2006 - 00:00** **End Date: 8/31/2007 - 23:00**	COMPANY NAME:	
		MODELER:	
	CALM WINDS: **2.71%**	TOTAL COUNT: **8760 hrs.**	
	AVG. WIND SPEED: **1.79 m/s**	DATE: **3/28/2013**	PROJECT NO.:

WRPLOT View - Lakes Environmental Software

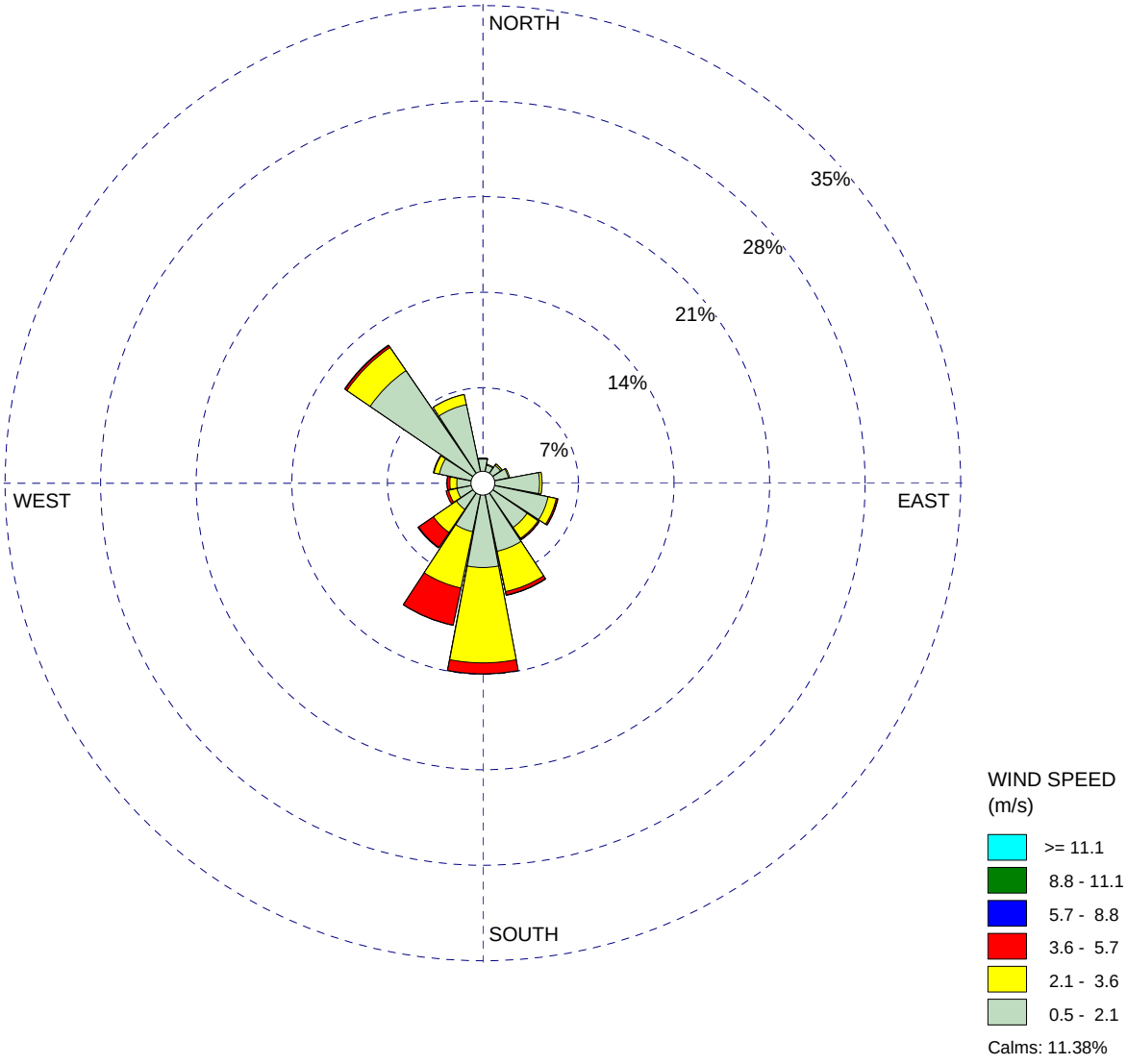
Figure R.12: TITP wind rose for Sept 2006 to Aug 2007

WIND ROSE PLOT:

TITP - 2009-2012

DISPLAY:

Wind Speed
Direction (blowing from)



COMMENTS:	DATA PERIOD: **Start Date: 1/1/2009 - 00:00** **End Date: 12/31/2012 - 23:00**	COMPANY NAME:	
		MODELER:	
	CALM WINDS: **11.38%**	TOTAL COUNT: **34739 hrs.**	
	AVG. WIND SPEED: **1.55 m/s**	DATE: **3/29/2013**	PROJECT NO.:

WRPLOT View - Lakes Environmental Software

Figure R.13: TITP wind rose for 2009 to 2012

Comment Letter BOS

FORM GEN. 160 (Rev. 8-12)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 14, 2014

TO: Christopher Cannon, Director of Environmental Management
Los Angeles Harbor Department

FROM: Ali Poosti, Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

SUBJECT: **BERTHS 212-224 CONTAINER TERMINAL IMPROVEMENT PROJECT – DRAFT EIR/EIS**

BOS-1 This is in response to your May 2, 2014 letter received on July 18, 2014 requesting wastewater service information for your proposed improvement project located at 701 New Dock Street, Terminal Island. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) has reviewed the request and found the project to be related to renovation of interior facilities only.

Based on the project description, we have determined the project is unrelated to sewer capacity availability and therefore do not have sufficient detail to offer an analysis at this time. Should the project description change, please continue to send us information so that we may determine if a sewer assessment is required in the future.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

STORMWATER REQUIREMENTS

The Bureau of Sanitation, Watershed Protection Division (WPD) is charged with the task of ensuring the implementation of the Municipal Stormwater Permit requirements within the City of Los Angeles. We anticipate the following requirements would apply for this project.

POST-CONSTRUCTION MITIGATION REQUIREMENTS

BOS-2 The project requires implementation of stormwater mitigation measures. These requirements are based on the Standard Urban Stormwater Mitigation Plan (SUSMP) and the recently adopted Low Impact Development (LID) requirements. The projects that are subject to SUSMP/LID are required to incorporate measures to mitigate the impact of stormwater runoff. The requirements are outlined in the guidance manual titled"Development Best Management Practices Handbook – Part B: Planning Activities". Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: www.lastormwater.org. It is advised that input regarding SUSMP requirements be received in the early phases of the project from WPD's plan-checking staff.

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GREEN STREETS

BOS-3 The City is developing a Green Street Initiative that will require projects to implement Green Street elements in the parkway areas between the roadway and sidewalk of the public right-of-away to capture and retain stormwater and urban runoff to mitigate the impact of stormwater runoff and other environmental concerns. The goals of the Green Street elements are to improve the water quality of stormwater runoff, recharge local ground water basins, improve air quality, reduce the heat island effect of street pavement, enhance pedestrian use of sidewalks, and encourage alternate means of transportation. The Green Street elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be easily directed from the streets into the parkways and can be implemented in conjunction with the SUSMP/LID requirements.

CONSTRUCTION REQUIREMENTS

BOS-4 The project is required to implement stormwater control measures during its construction phase. All projects are subject to a set of minimum control measures to lessen the impact of stormwater pollution. In addition for projects that involve construction during the rainy season that is between October 1 and April 15, a Wet Weather Erosion Control Plan is required to be prepared. Also projects that disturb more than one-acre of land are subject to the California General Construction Stormwater Permit. As part of this requirement a Notice of Intent (NOI) needs to be filed with the State of California and a Storm Water Pollution Prevention Plan (SWPPP) needs to be prepared. The SWPPP must be maintained on-site during the duration of construction.

If there are questions regarding the stormwater requirements, please call Kosta Kaporis at (213) 485-0586, or WPD's plan-checking counter at (213) 482-7066. WPD's plan-checking counter can also be visited at 201 N. Figueroa, 3rd Fl, Station 18.

SOLID RESOURCE REQUIREMENTS

BOS-5 The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact Daniel Hackney of the Special Project Division at (213)485-3684.

KB\AP:tn

c: Kosta Kaporis, SAN
Daniel Hackney, SAN
Zemamu Gebrewold, SAN

\Div Files\SCAR\CEQA Review\FINAL CEQA Response LTRs\ Berths 212-224 Container Terminal Improvement Project-Draft EIR.doc

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2.3.4.2 Los Angeles Bureau of Sanitation

Response to Comment BOS-1

Thank you for your comment. The comment indicates that the proposed Project is unrelated to sewer capacity availability and that the Bureau of Engineering, Wastewater Engineering Services Division offers no specific comments or analysis at this time. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment BOS-2

Thank you for your comment. The comment provides standard requirements related to the implementation of stormwater mitigation measures. Sections 3.5.3.10 and 3.5.3.11 of the Draft EIS/EIR discuss the applicable regulations related to the Los Angeles Municipal Separate Storm Sewer System (MS4) permit and the Standard Urban Stormwater Mitigation Plans (SUSMP), respectively, as they relate to the proposed Project. Additionally, Section 3.15.4.1 of the Draft EIS/EIR identifies LAHD's commitments during construction and long-term operation for the reduction of impacts on water quality. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment BOS-3

Thank you for your comment. The comment provides background on the City's Green Street Initiative. It should be noted that the proposed Project does not include any improvements outside of the YTI Terminal, and therefore does not have the opportunity to implement street improvements.

Response to Comment BOS-4

Thank you for your comment. Section 3.15.3.9 of the Draft EIS/EIR discusses the State Water Resources Control Board Stormwater Permits that are applicable for construction activities. Additionally, Section 3.15.4.1 of the Draft EIS/EIR identifies the assumptions that will be adhered to during construction for the reduction of impacts to water quality. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment BOS-5

Thank you for your comment. The proposed Project does not involve residential development or the addition of floor area of 30% or more. All improvements would occur within the existing limits of the Terminal, and do not include any new building areas. Therefore, the recycling requirements are not applicable.

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2.3.5 Comments from Organizations

Comment Letter EJ1

COMMUNITIES FOR A BETTER ENVIRONEMNT
NATURAL RESOURCES DEFENSE COUNCIL
PHYSICIANS FOR SOCIAL RESPONSIBILITY-LOS ANGELES
SAN PEDRO AND PENINSULA HOMEOWNERS COALITION
SIERRA CLUB

June 16, 2014

Theresa Stevens, Ph.D.
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Christopher Cannon
Director of Environmental Management
Port of Los Angeles
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ceqacomments@portla.org

RE: JOINT COMMENTS ON BERTHS 212–224 YTI CONTAINER TERMINAL IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)/DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

Dear Dr. Stevens and Mr. Cannon:

On behalf of Communities for a Better Environment, Natural Resources Defense Council, Physicians for Social Responsibility-Los Angeles, San Pedro and Peninsula Homeowners Coalition, and Sierra Club, we write regarding the Draft Environmental Impact Statement/Environmental Impact Report ("DEIS/R") for the YTI terminal. Overall, the information disclosed through this California Environmental Quality Act ("CEQ") and National Environmental Policy Act ("NEPA") review deeply concerns our organizations. The project imposes several significant environmental impacts, including increased cancer risk, in already overburdened communities. Moreover, for many pollutants, the project will exceed South Coast Air Quality Management District ("SCAQMD") significance thresholds. The problematic reality of the impacts from this project is exacerbated by the DEIS/R's admissions that the project will impose disproportionate impacts to low income communities and communities of color. To make matters worse, the Project does not include all feasible mitigation to protect communities from its harmful impacts.

EJ1-1
EJ1-2
EJ1-3
EJ1-4
EJ1-5

The Port of Los Angeles must be a leader in solving the environmental crisis created by concentrating toxic diesel equipment in harbor area neighborhoods. Moreover, given that the

EJ1-6

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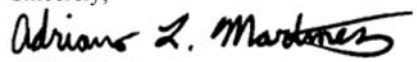
EJ1-6 cont. San Pedro Bay Ports are the largest fixed source of emissions in the region, we need substantive actions from the Port of Los Angeles to promote zero emissions technologies. Unfortunately for harbor area residents and all residents in the region, this project fails on both these accounts. The region cannot continue to foster this dramatic expansion of the freight industrial complex without the implementation of desperately needed mitigation measures, including technologies that eliminate the emissions of harmful and deadly pollutants.

EJ1-7 Finally, we find this completely deficient DEIS/R egregious in light of the Port of Los Angeles current efforts to stop the South Coast Air Quality Management District's from adopting a port backstop rule. One of the rationales presented by the ports in fighting this needed regulation has been their leadership on greening issues. This project, along with other projects at both ports, cuts against this self-described leadership role. The unfortunate reality is that the ports have moved to focus more fully on economic expansion, and this project further indicates that the vision of pushing cleaner technologies, including zero and near-zero emission equipment, has been put on the back burner.

EJ1-8 Accordingly, we respectfully request that the Port reevaluate the opportunity presented by this project to be a true leader. Attached to this letter is a longer analysis that we incorporate by reference. Please do not hesitate to contact us if you have questions about this comment letter.

Sincerely,



Adrian Martinez
Staff Attorney
Earthjustice

Maya Golden-Krasner
Staff Attorney
Communities for a Better Environment

David Pettit
Senior Attorney
Natural Resources Defense Council

Martha Dina Arguello
Executive Director
Physicians for Social Responsibility-Los Angeles

Kathleen Woodfield
Vice President
San Pedro and Peninsula Homeowners Coalition

Dr. Jim Stewart
Co-Chair
Sierra Club California Energy-Climate Committee

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2.3.5.1 Earthjustice

Response to Comment EJ1-1

Thank you for your comment. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment EJ1-2

Thank you for your comment. The comment summarizes impacts that have been adequately analyzed and disclosed in the Draft EIS/EIR. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment EJ1-3

Thank you for your comment. The comment summarizes impacts that have been adequately analyzed and disclosed in the Draft EIS/EIR. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment EJ1-4

Thank you for your comment. The comment summarizes impacts that have been adequately analyzed and disclosed in the Draft EIS/EIR. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment EJ1-5

See Master Response 1: Feasible Mitigation.

Response to Comment EJ1-6

See Master Response 1: Feasible Mitigation and Master Response 2: Zero Emission Technologies.

Response to Comment EJ1-7

See Master Response 2: Zero Emission Technologies.

Response to Comment EJ1-8

Comment noted. The comments attached to the letter are addressed in forthcoming Responses to Comments EJ2 et seq. that follow.

Comment Letter EJ2

EARTHJUSTICE

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

June 16, 2014

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RE: COMMENTS ON BERTHS 212–224 YTI CONTAINER TERMINAL IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)/DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

Dear Dr. Stevens and Mr. Cannon:

EJ2-1 I write to provide comments on the YTI Container Terminal Improvements Project Draft Environmental Impact Statement ("DEIS")/Draft Environmental Impact Report ("DEIR"). I appreciate the opportunity to review and provide comments on the DEIS/DEIR ("DEIS/R"). After reviewing this DEIS/R, I have several concerns about the Project and the accompanying environmental document. In particular, YTI includes far less mitigation than what is feasible. In fact, it does not even include mitigation that other projects like the Middle Harbor Redevelopment Project at the Port of Long Beach demonstrated as feasible. This reality is made more concerning by the fact that the Project will cause significant adverse impacts.

EJ2-2 After careful review, I have concluded that the YTI DEIS/R fails to comply with the requirements of the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"). As described below, the DEIS/R is inadequate because it fails to carry out CEQA's mandates. It fails to provide sufficient mitigation for identified significant impacts and neglects to consider alternatives that effectively protect the environment while providing good, well-paying, sustainable jobs for the region's workforce.

EJ2-3 As a result of the inadequate DEIS/R, there can be no meaningful public review of and comment on the Project. CEQA accordingly requires the Port to prepare and circulate a revised DEIS/R to enable the public to be adequately informed of the environmental issues at stake.

800 Wilshire Blvd. SUITE 1010 LOS ANGELES, CA 90017
T: 415.217.2000 E: amartinez@earthjustice.org W: www.earthjustice.org

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I. Project Overview

This Project is immense. If compared to container volumes nationally in 2012, this terminal at full build out would rank as the eighth busiest container port in the nation, just behind the Port of Houston, with a processing capacity greater than the entire number of containers shipped through the Port of Seattle.[1] This major facility is just one project in the nation's busiest container port.[2] The project entails major construction and dredging that will substantially enlarge not only the terminal but also the volume of goods that move through the terminal. The Project's expansion of port operations will have numerous and lasting impacts on nearby residents in the Harbor Region.

EJ2-4

The air pollutant emissions that accompany the Project will have serious consequences, which will be disproportionately felt by minority and low-income residents.[3] It is absolutely critical that all impacts from the expansion are adequately studied and fully mitigated in order to ensure minimal impact to nearby residents. The Project's impacts arise not only from air pollution, but also from an increase in the greenhouse gases and wastes[4] that the terminal will generate once expanded.

To fully understand the magnitude of the Project, it is necessary to compare the current operations to the projected final capacity. In 2012, the terminal moved 996,109 Twenty-foot Equivalent Units ("TEUs").[5] The Project plans to increase the terminal capacity to 1.9 million TEUs, which could result in up to 4,470 daily and 1,236,402 annual truck trips.[6] This Project, as well as other port expansion projects in the Harbor Region, will yield significant impacts on port-adjacent communities and the region as a whole. Without a comprehensive array of mitigation measures, this terminal expansion will severely impact nearby residents.

II. The Air Quality Impacts of this Project.

a. This Project Exceeds the Cancer Risk Threshold Established in the Clean Air Action Plan.

EJ2-5

The Port pledged in the Clean Air Action Plan[7] not to approve projects with an additional increase in cancer risk of 10 in a million or more. The YTI project exceeds this limit. This knowing disregard for the health and lives of those who reside in the Harbor Region is

[1] American Association of Port Authorities, NAFTA Region Container Traffic 2012 Port Ranking By TEUs, *available at* http://aapa.files.cms-plus.com/Statistics/NAFTA%20REGION%20CONTAINER%20TRAFFIC%20PORT%20RANKING%202012.pdf.
[2] *Id.*
[3] *See* DEIS/R, at 5-15-17.
[4] The terminal is a generator of both Resource Conservation and Recovery Act (RCRA) hazardous wastes and non-RCRA hazardous wastes. DEIS/R, at 3.9-5.
[5] DEIS/R, at 2-10.
[6] DEIS/R, at 2-20.
[7] San Pedro Bay Ports Clean Air Action Plan ("CAAP") (2010), *available at* http://www.portoflosangeles.org/environment/caap.asp.

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EJ2-5 cont.

incompatible with the promises made by the Port and the spirit of CEQA.[8] The CAAP was explicit in its directive that "Projects *must* meet the 10 in 1,000,000 excess residential cancer risk threshold."[9] Nonetheless, this Project seeks special approval to endanger the public with a cancer risk level exceeding the pledged threshold. This is completely unacceptable and Harbor Region residents deserve better.

b. The DEIS/R Fails to Disclose Its Incompatibility with Federal and State Clean Air Standards.

EJ2-6

The DEIS/R fails as an informational document because it provides an overly rosy picture of how this Project fits into the region's ability to comply with federal and state clean air standards. The flaws in the analysis stem from the Project's primary commitment to continue along a path using primarily diesel equipment.[10] The DEIS/R goes so far as to mislead the public and decision makers about its role in compliance with the Air Quality Management Plan ("AQMP") and State Implementation Plan (Impact AQ-8).[11] In particular, the DEIS/R states that "[t]he proposed Project would not conflict with or obstruct implementation of the AQMP." However the DEIS/R itself shows that the YTI project will not help achieve federal and state clean air standards on time because it shows significant *increases* in emissions amongst a range of pollutants.[12] The DEIS/R also ignores several critical provisions of the 2007 AQMP that actually indicate this project interferes with implementation of the AQMP. These statements include the following:

> The District is faced with a number of constraints or confounding circumstances that make achieving clean air standards difficult. These include the physical and meteorological setting, the large pollutant emissions burden of the Basin (including pollution from international goods movement), and the rapid population growth of the area.[13]
>
> Electrification of goods movement related vehicles and equipment should also be considered. Electrification of the infrastructure at the ports and the Alameda Corridor can significantly reduce emissions from on-road trucks and locomotives.[14]

[8] *See* Cal. Pub. Resources Code § 21002.1 (b) ("Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.").
[9] CAAP, at 51 (italics added).
[10] While the Port is likely to respond in comments that there are some electrification requirements (e.g. cold ironing) in this Project, this would not address the concerns that advocates have been pushing for years that the Port needs to really implement zero and near-zero emissions technologies in Port projects for all categories of equipment.
[11] DEIS/R, at 3.2-127.
[12] The significant emissions come from the construction phase. In addition, the dishonest assessment of emissions from operation of the project will also potentially impede compliance with the AQMP and clean air standards.
[13] 2007 AQMP, at ES-15. *Id.* at 1-1–1-2. (Ex. 13) Entire document available at http://www.aqmd.gov/aqmp/07aqmp/aqmp/Complete_Document.pdf.
[14] Ex. 13 at 4-64.

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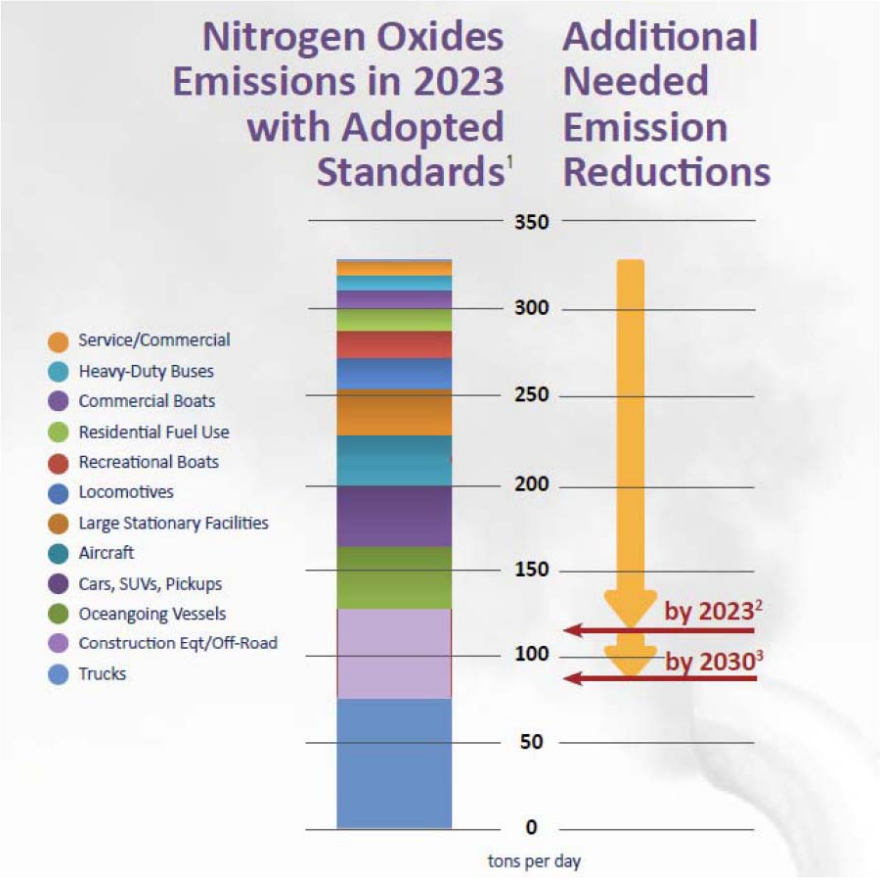
EJ2-6 cont.

These statements were further bolstered by the 2012 AQMP, which determined that "[m]ore broadly, a transition to zero- and near-zero emission technologies is necessary to meet 2023 and 2032 air quality standards and 2050 climate goals."[15]

EJ2-7

In particular, the DEIS/R's air quality analysis does not even mention the huge "black box" that the region currently proffers to demonstrate attainment of ozone standards.[16] The following chart was presented by the Executive Officer of the South Coast Air Quality Management District at a recent workshop on SIP compliance.[17]



[15] 2012 AQMP, at ES-13. Entire document available at http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan.
[16] *See* 42 U.S.C. § 7511A (e)(5).
[17] *See* Dr. Barry Wallerstein, Executive Officer, South Coast Air Quality Management District, Blue Sky Panel Presentation, http://www.aqmd.gov/aqmp/2012aqmp/symposium/Panel1-Barry.pdf. (Ex. 17).

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As is evident from this chart, the path to attainment is difficult, and freight related sources must play a role in meeting clean air standards. For example, this Project includes some of the source categories included in the above chart: "Trucks," "Construction Equipment/Off-Road Equipment," "Cars, SUVs, Pickups," and "Locomotives." The DEIS/R must disclose the fact that it does not help reduce the size of the "black box" because it does not include measures that go above and beyond what is included to meet the NO_x targets in 2023 and articulated in the chart above. More specifically, the AQMP includes the projected emissions from the Ports in 2023 at 45.9 tons per day,[18] which is more than one third of the total emissions that are projected by AQMD to be needed to attain the 2023 8-hour ozone standard by 2023. Ignoring the black box is intellectually dishonest, and CEQA requires an honest assessment of how its failure to include zero and near zero emissions technologies in the Project is a missed opportunity to obtain additional emissions reductions. As the SCAQMD has extensively presented, to address the black box and actually meet ozone standards on time requires a shift to zero and near-zero emission technologies wherever possible and as soon as possible.

EJ2-7 cont.

The DEIS/R also fails to disclose how this Project interferes with the state and federal 1-hour ozone standard. Importantly, the 2007 AQMP does not purport to achieve compliance with the federal 1-hour ozone standard. In pertinent part, it states-

> However, while the number of days exceeding the federal 1-hour ozone standard has dropped since the 1990s, the rate of progress has slowed since the beginning of the decade. The Basin currently still experiences ozone levels over the federal standard on more than 20 days per year. By 2010, this plan shows that the Basin will still exceed the federal 1-hour ozone standard by more than 30 percent despite the implementation of the 2007 AQMP control measures.[19]

The document further elaborates that the "2007 AQMP is designed to address the federal 8-hour ozone and PM2.5 air quality standards, to satisfy the planning requirements of the federal Clean Air Act."[20] Thus, even if this Project could somehow be argued to not interfere with the 2007 AQMP or 2012 AQMP, it would need to disclose its impacts on compliance with the federal and state 1-hour ozone standard, including the most recently federally approved AQMPs to achieve these standards. While the Project Proponents may claim the federal 1-hour ozone standard has been revoked, the state 1-hour ozone standard has been retained and is even more stringent than the federal 1-hour ozone standard.[21] Given the complete failure of the DEIS/R to even reference the construction and operational impacts of this project on compliance with the federal and state 1-hour ozone standards and the SIPs designed to meet these standards, this constitutes a violation of CEQA by ignoring the law's mandate that an EIR make "a good faith effort at full disclosure."[22] Given the Los Angeles regions' persistent air quality problems, this oversight mounts to a significant flaw that precludes truly informed decision-making.

[18] *See* 2007 AQMP, at 6-29.
[19] Ex. 13, at ES-4.
[20] 2007 AQMP, at 1-15.
[21] *Compare* Cal. Health & Safety Code § 40921.5 (.09 ppm) *to* 42 U.S.C. § 7511 (.12 ppm).
[22] Guideline § 15151.

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III. The Mitigation Measures Included in the Air Quality Analysis Portion of the DEIS/R Are Inadequate Under CEQA and NEPA.

a. Existing Mitigation Measures Must Be Strengthened in the DEIS/R.

In the 2010 update to the Clean Air Action Plan (CAAP), the Port committed to significantly reducing the air quality impacts from port operations and taking aggressive action to seek further emissions and health risk reductions through the San Pedro Bay Standards.[23] These efforts include: EJ2-8

- Reducing the cancer risk of port-related DPM emissions by 85 percent by 2020 in highly-impacted communities and residential areas in the port region.
- Meeting their "fair share" of mass air pollutant emissions reductions by cutting emissions of nitrogen oxides (NO_x) by 59 percent, sulfur oxides (SO_x) by 93 percent, and DPM by 77 percent by this 2023, relative to the 2005 baseline.
- Preventing port-related violations of ambient air quality standards.

This Project exceeds the 10 in 1,000,000 excess residential cancer risk threshold with a risk of 23 in 1,000,000[24], meaning that it must implement the maximum available controls and feasible mitigations for its emissions increases.[25] The cumulative effects of Project will hinder the Port from timely achievement of the San Pedro Bay Standards and will halt progress towards reducing regional health risks. EJ2-9

The impact of air pollution in the port region rests disproportionately on residents of color. Non-Hispanic Black and Asian-Pacific Islander residents experience greater exposure to particulate matter in the goods movement corridor,[26] an impact that will be exacerbated by the substantial increase in annual truck trips generated from the Project.[27] Since approximately 70 percent of the cancer risk from air pollutants in Southern California is attributable to diesel particulate emissions,[28] the impact of this Project can be characterized as nothing short of significant. EJ2-10

In a project such as this where the impacts on the surrounding community and environment are so serious, the EIR must incorporate all feasible measures to minimize the severity of those impacts.[29] Mitigation measures must not only be present, but fully enforceable through legally-binding instruments.[30] The Project's DEIS/R noticeably lacks not only substantive mitigation EJ2-11

[23] CAAP, at ES-3.
[24] DEIS/R, at B3-56.
[25] CAAP, at 51.
[26] Douglas Houston, Wei Li & Jun Wu, *Disparities in Exposure to Automobile and Truck Traffic and Vehicle Emissions Near the Los Angeles–Long Beach Port Complex*, 104 AM. J. PUB. HEALTH 156 (2014).
[27] CEQA baseline of 907,176 annual truck trips in 2012 compared to NEPA projection of 1,220,000 annual trucks trips by 2026. DEIS/R, at 3.2-57, 59.
[28] Douglas Houston, Wei Li & Jun Wu, *Disparities in Exposure to Automobile and Truck Traffic and Vehicle Emissions Near the Los Angeles–Long Beach Port Complex*, 104 AM. J. PUB. HEALTH 156, at 157 (2014).
[29] Cal. Code Regs. tit. 14, § 15126.4; Cal. Pub. Res. Code § 21081.6.
[30] Cal. Code Regs. tit. 14, § 15126.4.

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EJ2-11 cont.

measures utilized in other recent port projects in the surrounding area, but also enforceable provisions to ensure mitigation is achieved. Further, the DEIS/R lacks substantial evidence to support its claim that significant impacts will in fact be mitigated in any meaningful way.

i. Fugitive Dust Controls

The Project's DEIS/R mitigation requirements for fugitive dust control briefly state: "Contractor must apply water to 14 disturbed surfaces at an interval of 2 hours."[31] This single effort to control fugitive dust only manages to reduce the levels by 61 percent[32] and falls far short of the mitigation efforts demonstrated as feasible at the Ports of Los Angeles and Long Beach.[33]

Additional mitigation requirements in this area should include:[34]

EJ2-12

- Designating of a dust control program monitor who may increase watering when necessary, to ensure a 90 percent control level, including work on holidays and weekends;
- Applying approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replacing groundcover in disturbed areas;
- Providing temporary wind fencing around sites being graded or cleared;
- Covering truck loads that haul dirt, sand, or gravel or maintain at least two feet of freeboard in accordance with Section 23114 of the California Vehicle Code ("Spilling Loads on Highways");
- Installing wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site;
- Suspending all soil disturbance activities when winds exceed 25 mph as instantaneous gusts or when visible dust plumes emanate from the site and stabilizing all disturbed areas;
- Appointing a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation;
- Sweeping all streets at least once a day using SCAQMD Rule 1186, 1186.1 certified street sweepers or roadway washing trucks, utilizing reclaimed water, if visible soil materials are carried to adjacent streets;
- Requiring YTI to sweep on-site, along routes used by drayage trucks, yard hostlers, service trucks and employee commuter vehicles, on a weekly basis using a commercial street sweeper or any technology with equivalent fugitive dust control;
- Paving road and road shoulders;
- Covering open storage piles (greater than 3 feet tall and a total surface area of 150 square feet) with a plastic tarp or chemical dust suppressant;

[31] DEIS/R, at 3.2-70.
[32] DEIS/R, at 3.2-34.
[33] Reduction of fugitive dust by approximately 90 percent. *See* Middle Harbor Final EIR/S ("FEIR/S") at 3.2-101, *available at* http://www.polb.com/environment/docs.asp.
[34] *See* Middle Harbor FEIR/S, at ES-30-34.

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EJ2-12 cont.

- Stabilizing the materials while loading, unloading and transporting to reduce fugitive dust emissions;
- Checking belly-dump truck seals regularly to remove trapped rocks, preventing possible spillage;
- Complying with track-out regulations and providing water while loading and unloading to reduce visible dust plumes;
- Hauling waste materials off-site immediately.

ii. Construction Best Management Practices

EJ2-13 In addition to the best management practices for construction equipment that were included in the DEIS/R, the mitigation measure should include a provision that requires the utilization of electricity from power poles rather than temporary diesel- or gasoline-powered generators.[35]

iii. General Mitigation Measures

EJ2-14 We are glad that the DEIS/R references the possibly of adopting new CARB-certified technology that achieves as good or better emissions performance; however, the weak language that specifies only that such technology "could" replace existing measures pending approval by LAHD fails to provide any impetus for driving that adoption. Improved technologies that reduce the cumulative air impacts of the Project should be implemented in the next construction contract following the technology's CARB-certification.

iv. Harbor Craft

EJ2-15 Requiring harbor craft used in construction to use Tier 3 or cleaner engines[36] is an excellent start to reducing the emissions from construction-related activities. We would like the Project to further mitigate these emissions by requiring all construction harbor craft that home fleet at the Port to shut down their main engines and refrain from using auxiliary engines at dock, using electric shore power if necessary.[37]

v. Vessel Speed Reduction Program (VSRP)

EJ2-16 We are pleased that the Project has incorporated two measures involving vessel speed reduction. Yet Mitigation Measure AQ-9 neglects to include the totality of vessels that call at the YTI Terminal, setting for merely 95 percent[38] when other recent projects have required all OGVs to comply.[39]

[35] Demonstrated as feasible in the Middle Harbor Redevelopment Project ("Middle Harbor") project. *See* Middle Harbor, at ES-30.
[36] Mitigation Measure AQ-2, DEIS/R, at ES-30.
[37] Middle Harbor FEIR/S, at ES-31.
[38] DEIS/R, at ES-31.
[39] Middle Harbor FEIR/S, at ES-32.

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EJ2-16 cont.

Vessel speed reduction is an important element of the CAAP, which states that total compliance of all OGVs would result in 48 percent reduction in DPM, NO_x, and SO_x and a ten percent reduction of CO_2E in the 40 nm zone.[40] The CAAP has further stated that requiring compliance with the VSRP through the 40nm zone via new or negotiated leases is a "key element" in implementing this control measure.[41] The Project must do its share in keeping the Port's CAAP commitments by requiring 100 percent compliance with the VSRP out to the 40nm zone.

vi. Alternative Maritime Power

EJ2-17

The alternative maritime power (AMP) mitigation measure included in the DEIS/R falls far short of the maximum achievable feasible mitigation due to three elements. First, the timeline set for the measure far exceeds the time period set in other terminal development projects. This Project sets the goal on achievement of partial AMP to the year 2026, while the Middle Harbor project required total utilization of shore-to-ship power by December 2014.[42] No explanation was given for the exorbitantly prolonged timeline in achieving the goal in this Project. Second, the DEIS/R stipulates that only 95 percent of specified ships will be using AMP by 2026,[43] rather than 100 percent of vessels that Middle Harbor found feasible on a much quicker timeline. And finally, the DEIS/R limits AMP measures only to one of the three ship-lines that utilize YTI port terminals.[44] Again, no justification is given for the failure to include all OGVs and adequately mitigate the extensive impacts generated by the Project. Given AMP's importance in reducing emissions at the Port, this feasible mitigation must be implemented quickly in a manner that applies to all OGVs.

vii. Idling Rules

EJ2-18

An issue of further concern is the lack of attention to truck idling rules. The DEIS/R referred briefly to the issue in Mitigation Measure AQ-6, restricting the idling of construction vehicles to five minutes when not in use,[45] yet the description of rules for Mitigation Measure AQ-11 ("Truck Idling Reduction Measure") is notably absent. The DEIS/R must display "a good faith reasoned analysis," relying on information actually incorporated or described and referenced in the [document]" for the agency to proceed.[46] In this case, the absence of description of operational truck idling rules does not meet the "good faith reasoned analysis" required under *Vineyard*.

California law prohibits diesel-fueled trucks from idling more than five minutes unless it meets stringent emissions standards or certain specified exceptions, including queuing at a port more

[40] CAAP, at 82.
[41] CAAP, at 85.
[42] *Compare* DEIS/R, at 3.2-88 *with* Middle Harbor FEIR/S at 3.2-35.
[43] DEIS/R, at 3.2-88.
[44] *Id. See also* Port of Los Angeles, Facilities, http://www.portoflosangeles.org/facilities/ter_berth212-225.asp (last accessed June 3, 2014) (describing the Yusen Container Terminal and the three lines served: NYK, OOCL, Hapag Lloyd).
[45] DEIS/R, at ES-31.
[46] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 442 (2007).

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than 100 feet from restricted area.[47] As the law may not extend far enough to cover the impacts of the Project and expanded terminal operations, it is necessary and feasibly to clearly and explicitly define the idling rules put in place for this Project. Those rules should be expanded to also include locomotive idling, which is presently excluded from the Project's proposed mitigation measures.

EJ2-18 cont.

The Yusen terminal experiences an above average "turn time," the amount of time that a truck spends inside the terminal, of approximately 141.6 minutes.[48] It is essential that during this time trucks be prohibited from excess idling, even if they are queued within or around the terminal. Operational truck and equipment idling contributes to emissions from exhaust fumes, brake wear, tire wear, and entrained road dust.[49] The increase in idling emissions stemming from growth in the number of truck trips and increase in terminal capacity necessitates appropriate mitigation. The DEIS/R must be corrected to adequately cover operational truck and equipment idling in its enforceable provision.

viii. Greenhouse Gas Reduction Measures

The mitigation measures addressing greenhouse gas (GHG) emissions pale in comparison to other recent efforts deemed feasible at nearby port development projects. The Project lists a total of three GHG mitigation measures, including only recycling, periodic energy audits, and installing LED lights in interior buildings.

Additional GHG mitigation elements were found to be feasible in the Middle Harbor project:

EJ2-19

- Requiring the main administration building achieve LEED gold or higher certification from the U.S. Green Building Council.[50]
- Eliminating the language "(2) where the amount of savings would be reasonably sufficient to cover the costs of implementation" in MM GHG-1, as the vagueness of the wording may lead to decreased adoption of technology with a longer payback period; alternatively, modify the clause to specify utilizing a payback period of no less than twenty years.
- Installing solar panels on the administration, maintenance and other buildings.
- Installing solar carports over employee and visitor parking to the maximum extent feasible.
- Utilizing boom flood lights with energy efficient features on existing and new dock cranes to the extent feasible, including features such as use of photo cells/timers, low

[47] 13 CCR § 2485 ("Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling").
[48] Kristen Monaco & Lisa Grobar, A study of drayage at the Ports of Los Angeles and Long Beach, No. FHWA/CA/OR-2005/11, METRANS Transportation Center (2005).
[49] DEIS/R, at B2-10.
[50] LEED Building Operations and Maintenance has programs for existing buildings that may apply for this Project. U.S. Green Building Council, Getting to know LEED: Building Operations and Maintenance (O+M), http://www.usgbc.org/articles/getting-know-leed-building-operations-and-maintenance-om (last accessed June 4, 2014).

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energy fixtures, and light-spillover reduction features, electronic ballasts, double filaments, and auto-switch-off controls for when the crane boom is up.

- Downsizing light fittings and associated electrical power usage at reefer platforms to the extent feasible.
- Planting trees along the administration and maintenance buildings, as well as planting new shade trees on Port-controlled lands adjacent to roads on the YTI container terminal, exempting building rooftop areas which are covered with solar panels.
- Incorporating cool roofs on the administration and maintenance buildings to the extent feasible, exempting portions of the roof that are covered with solar panels.
- Encouraging construction and terminal employees to carpool or utilize public transportation by providing incentives to promote such behavior, such as preferential parking for carpoolers, vanpool subsidies, and information regarding the benefits of alternative transportation methods.
- Offsetting carbon emissions associated with the terminal's electricity consumption through green commodities, such as those available from the California Climate Action Registry's Climate Action Reserve.
- Installing electric regenerative systems on all Project dock cranes.
- Provide funding for the Greenhouse Gas Emission Reduction Program Guidelines (GHG Program) in the amount of $10 million to pay for measures including, but not limited to, generation of green power from renewable energy sources, ship electrification, goods movement efficiency measures, cool roofs to reduce building cooling loads and the urban heat island effect, building upgrades for operational efficiency, tree planting for biological sequestration of CO2, energy-saving lighting, and purchase of renewable energy certificates (RECs).
- Utilizing only alternative fuel service trucks within the YTI facility.

EJ2-19 cont.

While we are pleased that some mitigation measures were included, there are substantially more feasible measures to truly mitigate the GHG impacts of the Project.

b. Additional Feasible Mitigation Must Be Added Due to the Project's Significant Impact

EJ2-20

The mitigation measures in this Project's DEIS/R fail to adequately address the significant impacts resulting from construction and operation with measures that have proven feasible in other recent projects.

i. Zero Emissions Container Movement System

EJ2-21

The proposed Project will have significant impacts on surrounding communities from emissions of PM10, PM2.5, NO_x, CO, and VOCs, all of which surpass CEQA thresholds.[51] One such impact is known as the cancer burden: the expected number of additional cancer cases in a population exposed to a project's TAC emissions.[52] Container trucks traveling to and from the

[51] DEIS/R, at 3.2-68.
[52] *Id.*, at B3-38.

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Project cause 91.8 percent of the Source Contributions to Cancer Risk for Residential Receptors.[53] Due to these impacts, it is imperative that the Project mitigate emissions through implementation of a zero emissions container movement system. The Port has voiced an "intent with and commitment to zero–emission, heavy-duty trucks"[54] in previous projects and the passage of time only makes this mitigation measure more feasible and necessary. The lack of progress in actually implementing these zero-emissions, heavy duty trucks deeply concerns many groups given its overwhelming contribution to the increased health risk from this Project.

"Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."[55] The state of technology on zero-emissions battery-powered trucks has progressed to such a point where utilization of this promising new mitigation option is feasible.[56] A study prepared for the Gateway Cities Council of Governments found that "[z]ero-emission capable drayage trucks can be developed, demonstrated, validated and moved into production by a 2025 target timeline."[57] While the cost of owning and operating a conventional vehicle is expected to rise in the coming decade to keep pace with federal and regional emissions requirements, the costs for zero-emissions technologies are expected to decline over time.[58]

EJ2-21 cont.

Additionally, the AQMD study titled "Zero-Emission Catenary Hybrid Truck Market Study" concluded that zero-emission trucks, including hybrid electric trucks with all electric range, have the capability of providing the standard operating range for regional or local trucks at a similar or even lower cost than other zero-emissions technology.[59]

While phasing in zero-emissions technology may take some time, this Project provides an excellent opportunity to catalyze development in this area so that the Port can meet its CAAP commitments.

The DEIS/R should include an implementation schedule follows:

1. By 2018, at least 25% of trucks serving the terminal shall be by zero emission technology (with potential modification of requirement based on specific findings).
2. By 2022, 100% of trucks serving the terminal shall be by zero emission technology.

The deployment of zero-emissions technology could be amended to allow delayed implementation under specific conditions, allowing flexibility with phasing in the new requirements while still working towards the required mitigation level.

[53] *Id.*, at B3-44.
[54] Southern California International Gateway FEIR, at 2-32.
[55] Cal. Pub. Res. Code § 21061.1.
[56] Eelco den Boer, et al., *Zero emissions trucks: an overview of state-of-the-art technologies and their potential* at 7 (2013), *available at* http://www.cedelft.eu/publicatie/zero_emission_trucks/1399.
[57] I-710 Project Zero-Emission Truck Commercialization Study Final Report, prepared for Gateway Cities Council of Governments at 6-2 (Nov. 20, 2013).
[58] *Id.*
[59] South Coast Air Quality Management District, Zero-Emission Catenary Hybrid Truck Market Study (March 8, 2012).

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EJ2-21 cont.

Finally, the Project should include zero emissions technologies as a lease condition for cargo handling equipment. Region 1 has identified several feasible electric and hybrid technologies for various CHE applications.[60] There needs to be a commitment to implement these technologies at a schedule similar or more aggressive than what is outlined for trucks above.

ii. Clean Railyard Standards

EJ2-22

Also missing from the DEIS/R is discussion of how to effectively mitigate the emissions stemming from locomotive use at the Project. Locomotive travel is a driving force in the cancer risk at the maximum impacted residential receptor,[61] causing 64.8 percent of the future residential risk.[62] Locomotives entering the YTI terminal should be required to incorporate the cleanest locomotive technologies, meeting Tier 4 standards. On-dock rail provides another opportunity to minimize the emissions from on-road trucks and should be utilized to the maximum extent practicable.

A timeline to phase in the progression to cleaner locomotive standards is as follows:

1. By 2018, at least 25% of locomotives entering YTI terminal shall be Tier 4.
2. By 2020, at least 100% of locomotives entering YTI terminal shall be Tier 4.

The CAAP sets a goal of 95 percent of Class 1 line-haul locomotives entering the Ports to meet Tier 4 standards by 2020,[63] so the additional emissions generated by the Project's expansion mandate further mitigation and more stringent standards. Voluntary commitments and goals are insufficient to truly mitigate the extent of the harm caused by the Project.

iii. Construction Traffic Emissions Reductions

EJ2-23

Another area where additional mitigation is necessary is for emissions associated with construction traffic. "Residential proximity to heavy traffic has been associated with adverse health effects, including asthma, reduced lung function, cardiac and pulmonary mortality, and adverse birth outcomes."[64] The addition of construction vehicles will only intensify the air pollutant emissions generated by existing port traffic. The absence of a construction traffic mitigation plan in the DEIS/R is concerning, particularly because other port development projects have demonstrated the feasibility of this type of mitigation measure.[65]

Below are traffic mitigation measures that have been determined to be feasible:

[60] USE EPA Region 1, Sustainable Ports: Cargo Handling Equipment, *available at* http://www.epa.gov/region1/eco/diesel/sp-cargo.html.
[61] DEIS/R, at B3-41.
[62] *Id.*, at B3-44.
[63] CAAP, at 53.
[64] Douglas Houston, Wei Li & Jun Wu, *Disparities in Exposure to Automobile and Truck Traffic and Vehicle Emissions Near the Los Angeles–Long Beach Port Complex*, 104 AM. J. PUB. HEALTH 156 (2014).
[65] *See* Middle Harbor FEIR/S, at ES-37.

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EJ2-23 cont.

- Ensuring that trucks used for construction use engines certified to no less than EPA 2010 NO_x emissions standards.
- Providing temporary traffic control such as flag person, during all phases of construction to maintain smooth traffic flow.
- Scheduling construction activities that affect traffic flow on arterial systems to off-peak hours.
- Re-routing construction trucks away from congested streets or sensitive receptor areas.
- Providing dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- Configuring construction parking to minimize traffic interference.
- Improving traffic flow by signal synchronization.
- Properly tuning and maintaining all vehicle and equipment according to manufacturer specification.
- Reducing traffic speeds on all unpaved roads to 15 mph or less.

iv. Air Quality Impact Reduction Program

EJ2-24

To further reduce the impact of the increased air pollution generated by the Project, a mitigation measure requiring significantly more funding to support to the Harbor Community Benefit Foundation's (HBCF) Healthy Harbor Grants. HBCF's purpose is "to address, through mitigation projects, off-port impacts from existing and future operations at the Port of Los Angeles" through "public benefit projects that assess, protect, and improve public health, quality of life, and the natural environment of the local communities."[66] This organization provides the ideal opportunity to involve the local community in mitigation efforts, as they are the group that will bear the greatest cost from the proposed Project's emissions. Similar mitigation funding required in the Middle Harbor project illustrate that this measure is both feasible and practical.[67]

v. Slide Valves on OGV Main Engines

EJ2-25

Fuel slide valves installation on main propulsion engines serves as a proven way to reduce emissions through better combustion and lowered fuel consumption.[68] Rather than continue with the "conservative" estimate of 27 percent of ships being equipped with these valves,[69] the Project should further require that all OGV that call at the YTI terminal have slide fuel valves or equivalent technology installed on their main engines, as was required in the Middle Harbor project.[70] The retrofit reduces emissions of NO_x and PM and is already recommended by the Port for engines that can utilize the technology.[71]

[66] Harbor Community Benefit Foundation, Our Mission, http://hcbf.org/about/ (last accessed June 5, 2014).
[67] Middle Harbor FEIR/S, at ES-33.
[68] DEIS/R, at 3.2-41.
[69] *Id.*
[70] Middle Harbor FEIR/S, at ES-32.
[71] CAAP, at 123.

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IV. The Project Disproportionately Impacts Minority and Low-Income Communities

The Environmental Justice chapter of the DEIS/R acknowledges the disproportionate adverse impact the Project will have on minority and low-income communities.[72] The expansion of the terminal near a community already suffering from environmental burdens can further deteriorate the health in that community. The DEIS/R notes that the Project's construction will result in off-site concentrations of air pollutants exceeding the AQMD's thresholds of significance.[73] The health impact on sensitive populations from these pollutants is far from benign. Nitrogen dioxide (NO2), for instance, can "aggravate chronic respiratory disease and respiratory symptoms in sensitive groups" and result in respiratory changes at the cellular and structural level.[74] Approval of the terminal expansion, with its accompanying disparate impact on minorities without sufficient mitigation, is a violation of both state and federal law.[75]

EJ2-26

Additional mitigation is required to reduce these risks to neighboring communities. Planting of urban vegetation can aid in the filtration of air pollutants, but such planting should be incorporated into new park facilities and expanded open space for nearby residents. Low-income and Latino neighborhoods in Los Angeles, such as the communities near the Port, have far lower levels of park access than white dominated areas of the city.[76] Mitigation for the adverse impacts generated by the terminal expansion could provide a feasible opportunity to address this environmental justice issue for the neighboring community. For example, the Port of San Francisco made three parks available to the public as mitigation for maritime fill projects.[77] The Project should be required to provide parkland and open space, in conjunction with a zero-emissions container movement system to address impacts to the nearby communities from the terminal expansion.

Finally, since the Port receives money from the state, this project violates California Government Code section 11135, which prohibits state-sponsored discrimination.

V. The NEPA Baseline is Flawed.

EJ2-27

As explained in the DEIS/DEIR, the federal action associated with the Project is the decision by the United States Army Corps of Engineers ("USACE") whether to issue permits to authorize the construction of "structures in navigable waters," related dredge and fill activities in navigable

[72] Figure 5-1 of the DEIS/R clearly illustrates that the majority of Port-adjacent neighborhoods are composed of 70 percent or higher minority populations.
[73] DEIS/R, at 5-16.
[74] *Id.*
[75] Section 11135(a) of California Government Code prohibits any agency receiving funding from the state from discriminating on the basis of race, among other factors. This prohibition includes permitting of sites or facilities that subject individuals to discrimination. Cal. Code Regs. tit. 22, § 98101(j). Title VI of the Civil Rights Act prohibits discrimination in federally-funded programs.
[76] Jennifer Wolch, et al., *Parks and park funding in Los Angeles: An equity-mapping analysis*, 26 URBAN GEOGRAPHY 4 (2005).
[77] San Francisco General Plan, Recreation and Open Space, *available at* http://www.sf-planning.org/ftp/general_plan/I3_Rec_and_Open_Space.htm.

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waters of the United States, and the "transport and disposal of dredged material at [EPA] designated sites in ocean waters" in accordance with Section 404 of the Clean Water Act.[78]

While the baseline for the CEQA portion of the DEIS/R is the conditions that existed at the time the Notice of Preparation was issued—April 2013, the baseline for the NEPA portion of the DEIS/DEIR includes "only construction of site improvements"[79] in which "operations would continue and would increase over time up to the terminal's existing capacity based on future growth estimates."[80] This approach to the NEPA baseline is incorrect, and it violates NEPA.

Incorporating project activities that are outside the jurisdiction of USACE into the NEPA baseline depends on the degrees of USACE involvement in the Project. Where USACE participation is nominal, the scope of the NEPA analysis corresponds to the degree of "control and responsibility" the USACE exercises over the Project.[81] Therefore, if the USACE exerts minimal control or if the regulated activity is "merely a link" in a corridor type of project, the NEPA baseline should not include all the environmental conditions and changes that are beyond the USACE's jurisdiction.[82] In other words, only those environmental impacts that stem directly and indirectly from the portion of the project within USACE's jurisdiction will be analyzed under NEPA.

EJ2-27 cont.

However, where, as here, USACE activity is more substantial, the extent of USACE's participation suffices "to turn [the] essentially private action into a Federal action" and all impacts and effects from the project must be considered under NEPA.[83] Indeed, this Project is very similar to the "shoreside facility" example in the USACE's NEPA Implementing Procedures which represents a type of project that merits "extending the scope of analysis to include the upland portions of the facility."[84] The USACE NEPA Implementing Procedures explains this as follows:

> For those activities that require a DA permit for a major portion of a shoreside facility, the scope of analysis should extend to upland portions of the facility. For example, a shipping terminal normally requires dredging, wharves, bulkheads, berthing areas and disposal of dredged material in order to function. Permits for such activities are normally considered sufficient Federal control and responsibility to warrant extending the scope of analysis to include the upland portions of the facility.[85]

[78] DEIS/R, at 1-19.
[79] DEIS/R, at 1-37.
[80] DEIS/R, at 2-22.
[81] 33 C.F.R. Pt. 325, App. B § 7(b)(1).
[82] *Id.* § 7(b)(2)(i).
[83] *Id.* § 7(b)(2).
[84] *Id.* § 7(b)(3).
[85] *Id.*

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Activities normally permitted at a shoreside facility, such as: "dredging, wharves, bulkheads, berthing areas, and disposal of dredged material" typically warrant extending USACE control over an entire project for purposes of NEPA review.[86]

EJ2-27 cont.

Considering the extensive nature of these activities and their dominance among the Project components as a whole, the USACE has sufficient "control and responsibility" to extend the scope of the NEPA analysis over all activities planned for the Project. Accordingly, the NEPA analysis should likewise assess the impact of the entirety of the Project.

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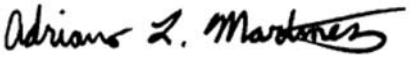
EJ2-28

I appreciate your consideration of these comments. Given the identified failures of the DEIS/R, I respectfully request that the project be revised and recirculated. Please do not hesitate to contact me if you have questions about this comment letter.

Sincerely,



Adriano L. Martinez
Staff Attorney
Earthjustice

[86] *Id.*

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2.3.5.2 Earthjustice

Response to Comment EJ2-1

Thank you for your comments on and review of the Draft EIS/EIR. See Master Response 1: Feasible Mitigation.

Response to Comment EJ2-2

Comment noted. See Master Response 1: Feasible Mitigation. LAHD and USACE respectfully disagree that the Draft EIS/EIR fails to comply with the requirements of CEQA and NEPA. All feasible mitigation measures have been incorporated into the analysis. USACE recognizes LAHD as the local lead agency with continuing program responsibility over the entire proposed Project throughout the lease term, and will implement, maintain, and monitor the full suite of mitigation measures contained in the Final EIS/EIR, and as described in the MMRP. Mitigation measures USACE has determined enforceable and subject to USACE's continuing program responsibility are described in the USACE Record of Decision (ROD) and would be included in a Department of Army (DA) permit upon issuance. Several alternatives are considered and analyzed, including those that attempt to reduce environmental impacts associated with the proposed Project (See Chapter 6 of the Draft EIS/EIR). The commenter is incorrect in the assertion that CEQA and/or NEPA require the consideration of alternatives that provide good, well-paying, sustainable jobs for the region's workforce (State CEQA Guidelines Section 15002(a); 40 CFR 1500.1). However, please note that the proposed Project is expected to provide both construction and long-term jobs, a portion of which would provide regional employment opportunities. As discussed in Chapter 7, Socioeconomics of the Draft EIS/EIR, construction of the proposed Project would generate approximately 750 direct and secondary jobs. Operation of the proposed Project would result in an increase of 2,241 net jobs in the year 2026.

Response to Comment EJ2-3

Comment noted. LAHD and USACE respectfully disagree that the Draft EIS/EIR is required to be revised and recirculated. None of the conditions as stipulated in the State CEQA Guidelines Section 15088.5 or in the NEPA regulations (40 CFR 1502.9(a) and (c)) trigger the requirement to recirculate (CEQA) or prepare a supplement (NEPA). Recirculation and a supplement are not required where the new information added to an EIS/EIR merely clarifies or amplifies or makes insignificant modifications to an EIS/EIR. Responses to comments and minor changes to the Draft EIS/EIR contained herein are sufficient and adequate under CEQA and NEPA. Significant new information has not been added to the Draft EIS/EIR that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the proposed Project or a feasible way to mitigate or avoid such an effect (including a feasible proposed project alternative) that the proposed Project's proponents have declined to implement, such that:

(1) A new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible proposed project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the proposed Project, but the proposed Project's proponents decline to adopt it.

(4) The Draft EIS/EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (State CEQA Guidelines Section 15088.5(a)(b); 40 CFR 1502.9(a)).

Response to Comment EJ2-4

Comment noted. The comment summarizes the impacts of the proposed Project that have been adequately analyzed and disclosed in the Draft EIS/EIR. All feasible mitigation measures have been incorporated into the proposed Project. See Master Response 1: Feasible Mitigation. LAHD would like to point out that while it is true that in 2012, the YTI Terminal handled 996,109 TEUs and the capacity of the terminal at full buildout under the proposed Project is 1,913,000 TEUs annually under existing conditions, the terminal has the capacity to handle up to 1,692,000 TEUs annually and throughput projections estimate that this existing capacity is expected to be reached by 2026. As such, the proposed Project only represents a capacity increase of 221,000 TEUs per year.

Response to Comment EJ2-5

See Response to Comment SCAQMD-9.

Response to Comment EJ2-6

The Air Quality Management Plan (AQMP) proposes emission reduction measures that are designed to bring the South Coast Air Basin (SCAB) into attainment of the NAAQS and CAAQS. The proposed Project would comply with the AQMP based on the following:

- The attainment strategies in the AQMP include standards for new engines and cleanup of existing fleets (i.e., new measures for port trucks, statewide truck fleets, ships traveling and at berth, locomotives, and harbor craft). These measures are enforced at the state and federal levels on engine manufacturers and petroleum refiners/retailers. The proposed Project would comply with these control measures enforced at the state and federal levels.
- The SCAQMD adopts AQMP control measures into the SCAQMD rules and regulations, which are then used to regulate sources of air pollution in the SCAB. The proposed Project would comply with SCAQMD applicable rules and regulations. Compliance with SCAQMD rules and regulations ensures that the proposed Project would not conflict with or obstruct implementation of the AQMP.
- LAHD regularly provides SCAG with its Port-wide cargo forecasts for development of the AQMP. Therefore, the attainment demonstrations included in each AQMP account for the emissions generated by projected future growth at the Port. Because one objective of the proposed Project is to accommodate growth in cargo throughput at the Port, the AQMP accounts for the proposed Project and conforms to the applicable AQMP, which is the basis for a State Implementation Plan (SIP) revision.

- LAHD, in conjunction with the Port of Long Beach, implements the 2010 CAAP Update, which sets goals and implementation strategies that reduce air emissions and health risks from Port operations. In some cases, CAAP measures have produced emission reductions from emission sources identified in the CAAP that are greater than those forecasted in the 2012 AQMP. Operational activities associated with the proposed Project would comply with the source-specific performance standards identified in the CAAP and therefore would be consistent with emission reduction goals in the AQMP.

In addition, Lease Measure LM AQ-1 ensures that YTI conduct a periodic review of new technologies not less frequently than once every five years. LM AQ-1 requires YTI review any LAHD-identified or other new emissions-reduction technology, determine whether the technology is feasible, and report to LAHD. If the technology is determined by LAHD to be feasible in terms of cost and technical and operational feasibility, the tenant would be required to work with LAHD to implement such technology.

For a discussion on zero emission technologies, please refer to Master Response 2.

Response to Comment EJ2-7

The proposed Project is consistent with the AQMP, which maps out a strategy for attaining ozone standards. Please refer to Response to Comment EJ2-6 for a detailed discussion and see Master Response 1: Feasible Mitigation, for a discussion on incorporation of all feasible mitigation to minimize impacts.

Ozone is not directly emitted from proposed project-related sources. Rather, ozone is a secondary pollutant formed from the precursor pollutants volatile organic compounds (VOC) and NO_X, which react to form ozone in the presence of sunlight through a complex series of photochemical reactions. As a result, unlike inert pollutants, ozone levels usually peak several hours after the precursors are emitted and many miles downwind of the source. Because of the complexity and uncertainty of calculating photochemical pollutant concentrations, ozone impacts are addressed by comparing proposed Project and alternative-generated emissions of VOC and NO_X to daily emission thresholds set by SCAQMD for ozone precursors. This methodology is widely used and accepted in the industry and by regulatory agencies such as SCAQMD and CARB.

For a detailed explanation regarding zero emission technologies, please refer to Master Response 2. See also Master Response 4: AMP Requirements.

Response to Comment EJ2-8

The comment refers to LAHD's commitments contained within the 2010 update to the CAAP. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment EJ2-9

Please refer to Response to Comment SCAQMD-9. Furthermore, the comment states that the proposed Project exceeds the 10 in 1 million excess residential cancer risk

threshold with a risk of 23 in 1 million. The comment refers to Table 7-3 in Appendix B3 of the Draft EIS/EIR, which reports the NEPA health impacts associated with the proposed Project without mitigation. A correct interpretation of the table actually shows that the NEPA Increment (proposed Project minus NEPA Baseline) for a residential-on-land receptor is 3 in 1 million, less than the risk threshold. The 23 in 1 million risk mentioned in the comment is prior to subtracting the NEPA baseline and, therefore, is not compared to the significance threshold.

Response to Comment EJ2-10

See Master Response 3: Environmental Justice.

Response to Comment EJ2-11

See Master Response 1: Feasible Mitigation. LAHD would adopt a Mitigation Monitoring and Reporting Plan in accordance with Section 15097 of the State CEQA Guidelines as a means of enforcing the implementation of the mitigation measures identified in the Draft and Final EIS/EIR. Mitigation measures applicable to the federal action (i.e., construction activities in and over waters of the United States and within 100 feet of the wharf) would be included in the USACE permit.

Response to Comment EJ2-12

The analysis used a 3.2-hour watering interval, resulting in 61% fugitive dust control efficiency (SCAQMD handbook, Table XI-A, based on the WRAP handbook), as part of the proposed Project. MM AQ-7 specifies a 2-hour watering interval, resulting in 74% fugitive dust control efficiency (WRAP handbook). A control efficiency of 90%, suggested by the comment, may be achieved with the measures identified in the LAHD Sustainable Construction Guidelines, but the analysis conservatively only accounted for 3.2-hour watering for a project component and a 2-hour watering interval as mitigation. Remaining dust reduction mitigation measures suggested in the comment are all included in the LAHD Sustainable Construction Guidelines and have been added to Mitigation Measure AQ-7 as part of the Final EIS/EIR (See Chapter 3, Modifications to the Draft EIS/EIR). See also Response to Comment SCAQMD-16.

Response to Comment EJ2-13

The commenter recommends that construction equipment should require the use of electricity from power poles rather than temporary diesel- or gasoline-powered generators as a mitigation measure. The lighting circuits are not designed to handle loads that exceed the existing light fixtures; the feeders and protection equipment, such as circuit breakers, are not large enough. Therefore, it is infeasible for construction equipment to be connected to the existing light poles, as such an activity would overload the circuits and trip the circuit breakers and result in inoperable equipment.

Response to Comment EJ2-14

Comment noted. Mitigation Measure MM AQ-8 is worded specifically to provide the Port and the terminal operators the flexibility to apply better technology to prescribed mitigation measures as it becomes available, provided it is shown to be as good or better in terms of emissions performance. This flexibility to review and implement improved technology does not eliminate the need to mitigate emissions as specified in Mitigation Measures MM AQ-2 through MM AQ-7. LAHD has included lease measures in this

document that require technology reviews and allow for the deployment of new technologies when they become commercially viable (LM AQ-1 and LM AQ-2). These lease measures will ensure that YTI reconsiders the feasibility of zero-emission technologies in the future as the technologies continue to develop.

Response to Comment EJ2-15

The shore power system operates at 6,600 volts 3-phase power. The protection equipment and relays are set to protect large loads, such as ships, which draw about 1.5 to 2.5 megawatts. Most, if not all, commercial and marine construction equipment operates at much lower voltages, closer to 480 volts. In order to transform the 6,600-volt shore power available at the dock to match and operate the construction equipment, it would be necessary to install high-voltage switchgear, a transformer, and a low-voltage feeder breaker and protection system, and then connect to the desired load. This arrangement would be extremely rare and impractical, as 6,600 volts is a very uncommon voltage, which is especially and exclusively used for shore-to-ship power applications. Appropriate transformers to connect to 6,600 volts are not readily available, and would be special order items with long manufacturing lead times. Also, the Los Angeles Department of Water and Power requires that the load connected to the shore power system necessarily be ship-to-shore application and not any other commercial load. The special AMP rate that has been applied the shore power service prohibits non ship-to-shore load connections. As such, connecting harbor craft to electric shore power is infeasible as a mitigation measure. Many of the harbor craft companies that service the Port plug in their vessels when they are at their home berth for shore power rather than running auxiliary engines.

Response to Comment EJ2-16

Comment noted. The original 2006 CAAP set a goal that 100% of vessels comply with the Vessel Speed Reduction Program out to 20 nautical miles (nm). The updated CAAP has a 90% goal for compliance to 40 nm. The proposed Project would actually exceed the CAAP goal requiring 95% compliance to 40 nm.

Response to Comment EJ2-17

See Master Response 4: AMP Requirements.

Response to Comment EJ2-18

The Draft EIS/EIR discusses applicable regulations and agreements pertaining to truck and locomotive idling in several places. Specifically, the CARB Heavy Duty Diesel Vehicle Idling Emission Reduction Regulation mentioned in the comment is described on Page 3.2-21 and listed in Tables 3.2-3 (for proposed project construction) and 3.2-4 (for proposed project operation) of the Draft EIS/EIR. The CARB 2005 Railroad Statewide Agreement, which includes a locomotive idling-reduction program, is also described on Page 3.2-21. CAAP Measure RL-1, which equipped all Pacific Harbor Line switch locomotives with 15-minute idling limit devices, is described in Table 3.2-32. CAAP Measure RL-2, which equipped Class I switcher and helper locomotives with 15-minute idling limit devices, is also described in Table 3.2-32. The idling times used in the air quality analysis for trucks and locomotives, which were provided by the applicant and Port, account for these regulations and agreements. It should be noted that while the comment states that the terminal experiences an above average “turn time” of

approximately 141.6 minutes, the study referenced is outdated (2005) and was published prior to the implementation of PierPass. Average turn times at the YTI terminal during the baseline 2012 year was 52.2 minutes.

Response to Comment EJ2-19

This comment presents a variety of suggested mitigation measures to reduce GHG impacts from the proposed Project. Each suggestion is addressed individually below. It should be noted that the suggested measures were adapted from the Middle Harbor Project, which is very different from the proposed Project; as such, a direct comparison of mitigation measure feasibility between the two is not appropriate. Whereas the Middle Harbor Project involves the development of an entirely new terminal with new long-term leases, the proposed Project involves improvements to an existing container terminal with a relatively short (nine-year) operational period. Therefore, some measures were determined not to be applicable to the proposed Project and others were determined to be infeasible for the proposed Project. Measures deemed to be feasible for the proposed Project have been added as mitigation.

LEED Gold for Administration Building

The proposed Project does not involve the construction of a new administration building. Retrofitting the existing administration building to LEED gold or higher would cost roughly $2 million, which is excessively costly, especially considering that the operational period for the proposed Project is only nine years (2017–2026). Therefore, this suggestion is economically infeasible and beyond the scope of the proposed Project. It should be noted that YTI retrofitted all buildings with energy-efficient lighting in 2006/2007—reducing internal fixtures from 3xT12 bulbs to 2xT8 bulbs with reflectors and converting signage to LED where applicable—and began converting landscaping to drought-resistant plants in 2009.

Modifications to MM GHG-1

The suggested payback period of 20 years is well beyond the proposed project horizon year of 2026. Due to the relatively short operational period under the proposed Project (2017 to 2026), the flexibility afforded by clause (2) of the measure as written is appropriate.

Solar Panels on Buildings

YTI installed a solar array pilot project on the crane shop in 2010 to test durability of a solar system within 500 feet of salt water. Manufacturers did not warranty solar panels within this distance from salt water. Despite this, the system is still functioning and supplementing electricity usage in that building. Expanding solar to other terminal buildings has been reviewed by LAHD and LADWP, who found expansion of solar to existing buildings to be infeasible because of the roof design.

Installing Solar Carports

Due to the relatively short operational period for the proposed Project (nine years), the high cost of installing a solar carport over the parking area (approximately $1.5 million), and the rate of return on installation of a solar carport over that period, this suggestion is cost-prohibitive and infeasible.

Boom Flood Lights with Energy Efficient Fixtures on Dock Cranes

Upgrading crane lighting to high-efficiency technology is a stated goal of YTI's ISO14001 Environmental Management Program. YTI is currently working with vendors to determine optimum technology for conversion of existing equipment. Conversion is anticipated to be completed by 2016.

Downsizing Lighting Fittings and Electricity Usage at Reefer Platforms

YTI does not use reefer platforms; therefore, this suggestion does not apply to the proposed Project. However, it should be noted that YTI has implemented several energy- and resource-saving upgrades, including installation of power factor correction for yard lighting, reefer power, and maintenance lighting in 2006.

Planting Trees

The YTI terminal already contains trees in the landscaped areas around the administration building and parking lot where they do not pose operational or safety concerns. These trees are properly maintained. Planting trees in other areas within the working terminal is not conducive to safe and efficient operations. Additionally, there are no other unpaved areas within the terminal where trees could be planted. There are no Port-controlled lands adjacent to roads on the YTI terminal. As such, trees are already present in all areas where tree planting is feasible within the terminal.

Cool Roofs

Elastomeric cool roof coatings were installed between July and November of 2013 over approximately 19,400 square feet of flat roofs within the YTI Terminal, including at the administration building, gate house, marine tower building, maintenance and repair building, and crane shop. Installation of cool roofs on other roof surfaces within the terminal is infeasible due to the curved design of the roofs and the safety concerns associated with installation.

Carpooling and Public Transportation

YTI does not have a formal carpooling program; however, YTI promotes and encourages carpool and electric vehicle (EV) usage at the terminal by providing incentives such as separate priority parking for carpools, motorcycles, and EV, as well as charging stations for EV drivers. In addition, a Mitsubishi iMiev is available as a company vehicle to be used by staff for local meetings and appointments. Public transportation does not serve the area near the YTI Terminal.

Offset Carbon Emissions from Electricity Consumption through Green Commodities

LAHD is in the process of developing a plan to reduce GHG emissions on a Port-wide basis to meet Assembly Bill 32 GHG targets for 2050 in response to City Council Motion No. 14-0907, dated June 27, 2014. Based on current emission inventories, LAHD is already ahead of City of Los Angeles 2020 GHG emission reduction targets (City of Los Angeles 2007). This has been accomplished through reductions in the carbon footprint of Port-related sources by implementation of the CAAP, and as a result of other programs and regulations. Increased use of electricity to replace combustion-based sources at terminals and in the Port area is beneficial for reduction of GHG emissions from these sources. LAHD will work closely with Port tenants, regulatory agencies, and other

stakeholders to identify and evaluate specific strategies and energy efficiency opportunities that can be taken to further reduce port-related GHG emissions and continue to transition away from combustion-based sources. While these programs are being developed, LAHD may require the purchase of carbon offsets as an interim measure to mitigate GHG emissions associated with certain terminal operations. Therefore, the following mitigation measure has been added to the Final EIS/EIR (see Section 3.6, Greenhouse Gas Emissions) for this project in response to this suggestion, and the addition is noted in Chapter 3 of this Final EIS/EIR, Modifications to the Draft EIS/EIR:

> **MM GHG-4**: Carbon Offsets for Certain GHG Emissions. YTI shall purchase carbon offsets from sources listed on the American Carbon Registry and/or the Climate Action Reserve (or any other such registry approved by CARB) for a total of 16,380 metric tons of GHG emissions associated with electricity usage for certain terminal operations by the year 2026.

Electric Regenerative System on Dock Cranes

Installation of electric regenerative systems on existing dock cranes requires substantial and expensive modifications to the electrical system that powers the cranes. As such, it is technically and economically infeasible to retrofit existing cranes that are not equipped with electric regenerative systems considering the short operational duration for the proposed Project (nine years). However, since approximately 2004–2005, regenerative power systems have been standard for most new cranes. All new cranes purchased as part of the proposed Project will be equipped with state-of-the-art energy efficiency technologies, including electric regenerative systems.

$10 Million for GHG Program

The proposed mitigation measure for $10 million in GHG Program funding is not sufficiently related to the impacts identified in the DEIS/EIR for the Project and are not proportional in nature and extent to those impacts. (See PRC § 21002; CEQA Guidelines 15370; see generally Nollan v. California Coastal Commission, 483 U.S. 825, 834-37 [1987] [condition requiring a dedication of property along a beach rather than to the beach did not address the harm at issue and was therefore invalid]; Dolan v. City of Tigard, 512 U.S. 374, 391 [1994] [mitigation must be related in "rough proportion" both "in nature and extent" to the impact of the proposed development]. It should be noted that Section 5.8 of the Port of Los Angeles Energy Management Action Plan (EMAP) (POLA 2014) discusses LAHD's strategies to develop and implement renewable energy solutions throughout the Port, which may include, but not be limited to, establishing power purchase agreements with LADWP, implementing a cap-and-trade scheme as part of AB32, developing additional solar generation power, installing wind towers within the Port, developing offshore wind and wave generation facilities, and installing geothermal power within the Port.

Alternative Fuel Service Trucks

There are no commercially available alternative fuel service trucks that have sufficient torque, power, and size to handle the operations at the YTI Terminal, given the extended duty cycle of the trucks at the terminal, the rigorous nature of the work they perform, and the numerous operations they perform constantly throughout the work day. YTI has

tested several alternative fuel trucks, but they proved unfit for the terminal operations. YTI has also tested smaller electric pickup style trucks for service uses, but they were lightweight, raised safety concerns, and lacked the power needed to handle the necessary duty cycles and work at the terminal. The electric pickups also had problems powering the in-vehicle computers that are used to manage inventories. If alternative fuel service trucks become available in the future at a reasonable cost and are shown to be effective and safe, YTI would purchase and use them when the existing service trucks used at the terminal reach the end of their useful life. However, at present, this is speculative and cannot be quantified. Please also see Master Response 2: Zero Emission Technologies.

Response to Comment EJ2-20

See Master Response 1: Feasible Mitigation.

Response to Comment EJ2-21

See Master Response 2: Zero Emission Technologies.

The comment incorrectly states that the cancer burden impact would be significant for the proposed Project. Table 3.2-38 in the Draft EIS/EIR shows that the cancer burden associated with the unmitigated proposed Project would be 0.002 for the CEQA increment and 0.20 for the Future CEQA increment. Both of these values are less than the significance threshold of 0.5. Table 3.2-40 in the Draft EIS/EIR shows that the cancer burden would be 0.04 for the NEPA increment, also less than significant.

The comment further states that trucks would contribute 91.8% of the cancer risk for residential receptors for the proposed Project. It should be clarified that the 91.8% contribution applies to one specific receptor location—the maximum land-based residential receptor for the CEQA increment, which would have a less-than-significant cancer risk increment of 5 in 1 million. This receptor has a relatively high contribution from trucks because it is adjacent to I-710. Receptors farther from heavily traveled roads would have a lower relative contribution from trucks and a higher relative contribution from other emission source categories.

Response to Comment EJ2-22

Line haul locomotives belong to national fleets owned and operated by the Class I railroads, UP and BNSF. Further reductions in locomotive emissions beyond the existing regulations and agreements discussed in the Draft EIS/EIR can only be effectively accomplished at the San Pedro Bay Ports level rather than at the terminal level, as neither the Ports nor the terminal have control over UP and BNSF operations. A discussion of the ongoing efforts by LAHD to reduce locomotive emissions is provided starting on Page 3.2-117 of the Draft EIS/EIR.

The commenter pointed out that the CAAP sets a goal of 95% of Class I line-haul locomotives entering the Ports to meet Tier 4 standards by 2020 and that the impacts of the project mandate further mitigation. The CAAP goal referenced by the commenter applies to CAAP measure RL-3 which only focuses on new and redeveloped near-dock rail facilities located on port properties (CAAP Update, 2010). The proposed Project, while increasing the rail storage capacity at the TICTF on-dock railyard, does not have control over rail operations or locomotive technologies at a near-dock railyard. Therefore, CAAP measure RL-3 is not applicable to the proposed Project.

The DEIS/EIR based its air quality modeling and emissions estimates on the EPA national locomotive fleet projections for line haul locomotives, since individual railroads do not project fleet mixes years into the future. The EPA assumed the penetration of Tier 4 locomotives into the national fleet, which is reflected in the locomotive emission factors used in the DEIS/EIR. For example, the EPA assumed that Tier 4 locomotives will comprise 13% of the national fleet by 2017, 26% by 2020, and 52% by 2026. The EPA's projections are based on assumptions regarding the retirement of existing locomotives in the fleet, and the commercial availability of Tier 4 locomotives as replacements or additions to the fleet.

Tier 4 locomotives will utilize a new, untested technology that simply does not currently exist at a size adequate for line-haul locomotive engines. As a result, the rate at which operationally proven Tier 4 locomotives can be manufactured and made commercially available in the future is uncertain. Therefore, it is infeasible to commit in advance to purchase and deploy Tier 4 locomotives in excess of the percentages assumed by the EPA when those locomotives have not yet been designed, tested, or deployed. Moreover, it is infeasible to require the Class I railroads to geographically redistribute their locomotives to provide a higher percentage of Tier 4 locomotives at the proposed project's on-dock rail yard. Locomotives stay connected to hundreds of trains going to and from California to many different destinations throughout of the United States. This operating procedure requires that many hundreds, if not thousands, of locomotives enter and leave California each day. For a national rail carrier to switch out locomotives going into a specific yard would require additional large switching yards, be prohibitively expensive for both the railroad and its customers, and disrupt the national transportation system. Therefore, mitigation that requires accelerated introduction of Tier 4 line haul locomotives used at the YTI on-dock rail yard is infeasible.

In addition, the comment correctly states that locomotives would contribute 64.8% of the future cancer risk at the maximum impacted residential receptor for the proposed Project. It should be clarified that the 64.8% contribution applies to one specific receptor location—the maximum marina-based residential receptor for the Future CEQA increment, which would have a cancer risk increment of 11 in 1 million. This receptor has a relatively high contribution from locomotives because it is adjacent to the Henry Ford (railroad) Bridge. Receptors farther from the bridge would have a lower relative contribution from locomotives and a higher relative contribution from other emission source categories.

Please also see Responses to Comments SCAQMD-19 and SCAQMD-20.

Response to Comment EJ2-23

Comment noted. LAHD requires traffic plans to be submitted by every construction contractor as a standard practice. As discussed under Impact TRANS-1 on page 3.7-50 of the Draft EIS/EIR, LAHD requires contractors to prepare a detailed traffic management plan for Port projects that includes the following: detour plans, coordination with emergency services and transit providers, coordination with adjacent property owners and tenants, advanced notification of temporary bus stop loss and/or bus line relocation, identification of temporary alternative bus routes, advanced notice of temporary parking loss, identification of temporary parking replacement or alternative adjacent parking within a reasonable walking distance, use of designated haul routes, use of truck staging areas, observance of hours of operation restrictions, and appropriate

signage for construction activities. The traffic management plan would be submitted to LAHD for approval before construction begins.

Additionally, it should be noted that Mitigation Measure MM AQ-3 has been modified to require fleet modernization for on-road trucks used during construction to comply with EPA 2010 on-road emission standards (see Response to Comment SCAQMD-15 and Chapter 3, Modifications to the Draft EIS/EIR). The request to reduce traffic speeds on all unpaved roads to 15 mph or less has been added to Mitigation Measure MM AQ-7 (see Response to Comment SCAQMD-16 and Chapter 3, Modifications to the Final EIS/EIR).

Response to Comment EJ2-24

See Master Response 3: Environmental Justice and Response to Comment USEPA-15.

Response to Comment EJ2-25

See Response to Comment USEPA-9.

Response to Comment EJ2-26

The USACE and LAHD disagree with the assertion that a potential DA permit action or proposed project activity may result in a Title VI violation or a violation of Government Code Section 11135. The commenter provides no evidence to support these claims or even the nature of the purported violation. The project does not unlawfully subject any person to discrimination as asserted by the commenter. Environmental justice issues were thoroughly discussed and considered appropriately in the Draft EIS/EIR. Regarding the comment that USACE's approval of the terminal expansion with its disparate impacts on minority and low-income populations (and Indian tribes) without sufficient mitigation would be in violation of state and federal law, specifically California Government Code Section 11135 and Title VI of the federal Civil Rights Act, the Draft EIS/EIR includes substantial mitigation and funding in accordance with the MOU. (See Master Response 1: Feasible Mitigation, and Master Response 3: Environmental Justice.)

The commenter suggests requiring parkland and open space as mitigation for the proposed Project. Mitigation must be proportional in nature and extent to the project's impacts. (See Pub. Resource Code § 21002; CEQA Guidelines § 15370; see generally Nollan v. California Coastal Commission, 483 U.S. 825, 834-37 [1987] [condition requiring a dedication of property along a beach rather than to the beach did not address the harm at issue and was therefore invalid]; Dolan v. City of Tigard, 512 U.S. 374, 391 [1994] [mitigation must be related in "rough proportion" both "in nature and extent" to the impact of the proposed development].

Please see Master Response 2: Zero Emission Technologies, for a discussion of zero emission container movement systems.

Response to Comment EJ2-27

NEPA does not specify the scope of analysis that federal agencies must conduct in determining whether their actions, when combined with private actions, come within the mandate of 42 USC 4332(2)(C). However, USACE adopted regulations that set forth how its regulatory program should determine the proper scope of analysis under NEPA

(33 CFR Part 325 Appendix B). Where the activity requiring a DA permit is one component of a larger project, USACE regulations provide that USACE must address in the NEPA document impacts of the specific activity requiring the DA permit, and those portions of the entire project over which USACE has sufficient control and responsibility to warrant federal review (33 CFR Part 325 Appendix B section 7(b)(1)). The USACE District Engineer has control over and responsibility for those portions of the proposed Project beyond USACE jurisdiction "where the environmental consequences of the larger project are essential products of USACE action" (33 CFR Part 325 Appendix B Section 7(b)(2)).

The USACE scope of analysis established in the Draft EIS/EIR includes (1) activities specifically requiring a permit (i.e., all in- and over-water work and structures including dredging, dredged material disposal, pile driving, wharf improvements, replacement of overwater cranes); (2) construction activities associated with extension of the crane rail that supplies power to overwater cranes; and (3) other construction activities that would occur within approximately 100 feet of the shoreline that could be affected by temporary access, storage, and staging necessary to complete the work and structures in and over water. For these activities, USACE evaluated the impacts associated with the proposed Project minus the impacts attributable to the NEPA baseline (i.e., the specific impacts expected to occur on the YTI Terminal absent federal action). Further, the Draft EIS/EIR does disclose and evaluate impacts for which there is not sufficient federal control and responsibility, as required by NEPA.

The proposed Project differs from the shipping terminal example in 33 CFR 325 Appendix B Section 7(b)(3): "a shipping terminal normally requires dredging, wharves, bulkheads, berthing areas and disposal of dredged material in order to function. Permits for such activities are normally considered sufficient Federal control and responsibility to warrant extending the scope of analysis to include the upland portions of the facility." In the case of the YTI Terminal, the project site includes an existing shipping terminal with developed backlands, rather than a new shipping terminal. With or without a DA permit, the YTI Terminal would continue to operate as a shipping terminal and operations would include shipping container storage and transfer operations (e.g., ship calls, cargo loading and unloading, containerized cargo movements on and off the site, etc.) over which the USACE has no continuing federal control or responsibility. Moreover, under the No Federal Action Alternative, container movement is projected to increase by approximately 461,874 TEU in the absence of a DA permit and in the absence of additional backland area to support this projected increase in cargo throughput. As such, many of the environmental consequences of modifying the project site for container storage and transfer are clearly not the product of DA permit. In addition, there is no other federal funding, guarantee, other financial assistance, or regulation pertaining to the proposed project area backlands that would compel USACE to expand the scope of analysis into the entire 185-acre non-federal portion of the proposed project area (i.e., there is insufficient federal control and responsibility over the backlands). Vessel traffic and container throughput have increased as a result of many factors, and substantial additional increases are expected, necessitating an increased need for cargo handling areas such as the YTI terminal, whether or not a DA permit is issued.

Section 2.8 of the Draft EIS/EIR discusses that USACE identified indirect and cumulative effects in jurisdictional waters and uplands that could occur as a result of the proposed Project, and such impacts were fully disclosed and analyzed in the Draft

EIS/EIR. LAHD and USACE recognize that this discussion could be clarified with regard to the activities warranting expansion of the scope of analysis to evaluate the upland increments attributable to the USACE's federal action. As such, this section of the Draft EIS/EIR has been revised to identify for the reader those environmental resources which result in potentially significant indirect and cumulatively considerable contributions to an existing significant cumulative impact. Nevertheless, in the Draft EIS/EIR, the USACE correctly identified its scope of analysis of the land and water area for which it has sufficient federal control and responsibility, performed the appropriate independent analyses, and justified the NEPA impact determinations for the proposed Project's jurisdictional and non-jurisdictional direct and indirect (Chapter 3), and cumulative (Chapter 4) impacts even though the USACE's permit authority is limited to jurisdictional activities described in Chapter 2.2.2.

Response to Comment EJ2-28

See Response to Comment EJ2-3. LAHD and USACE respectfully disagree that the Draft EIS/EIR is required to be revised and recirculated. None of the conditions as stipulated in State CEQA Guidelines Section 15088.5 or in the NEPA regulations (40 CFR 1502.9(a)) trigger the requirement to recirculate or prepare a supplement. Please also see Response to Comment EJ2-3.

Comment Letter HTA

Harbor Trucking Association

6/16/14

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
c/o Theresa Stevens, Ph.D.
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Christopher Cannon
Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, California 90731

Dear Dr. Stevens and Mr. Cannon;

HTA-1 These comments are being submitted on behalf of the Harbor Trucking Association ("HTA") in conjunction with the DEIR/DEIS public comment period for the YTI Container Terminal Project ("Project"). We understand that an additional public comment period will be allowed upon issuance and circulation of the final EIR/EIS and the HTA reserves the right to submit similar and/or additional comments at that time.

By way of background, the HTA represents over 100 Licensed Motor Carriers (LMCs) and other stakeholders involved in the goods movement industry throughout the San Pedro Bay Port Complex. The HTA is an industry "best practices" group that promotes competitive policies and operations at both the Ports of Los Angeles and Long Beach.

Against this backdrop, there a number of issues raised by the YTI project and the subject DEIR/DEIS that raise concerns for our members about the impacts of the project – in its current form – on the competitive profile of the Port as well as the ability of various terminals to compete for cargo with each other.

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Although we will be submitting more detailed comments at the time of the Final EIR/EIS, we generally have the following concerns:

HTA-2 -We note that there are no references we could find in the subject documents and analysis that address the integration of drayage trucks into the operations of the new facility. There are no references to appointment systems, cargo sorting or other operational issues that LMCs would be concerned with;

HTA-3 -We also note that there seem to be no reference to any mandates imposed by the Port regarding the use of electrification at the terminal facility. We know from our experience with other recent terminal development projects that most, if not all, are being required to move toward full electrification (resulting in zero emissions) for all terminal operations;

HTA-4 -Given the absence of these mandates, our members our concerned that the project will create a competitive imbalance between terminal operators within the Port complex;

HTA-5 -If some terminals are required through their lease agreements or development projects to adhere to more stringent environmental standards than others, we are concerned that it will create a competitive advantage for others and in turn for their steamship line partners.

As an industry that has invested nearly $1 billion in new, compliant trucks over the last several years, our concerns regarding these environmental issues should be apparent. We appreciate your time and consideration of these – and our future – comments and look forward to staffs' response.

Very best,

Alex Cherin

Executive Director

HTA

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2.3.5.3 Harbor Trucking Association

Response to Comment HTA-1

Thank you for your comment. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Please note that no additional public comment period will be provided as part of the CEQA process (State CEQA Guidelines Sections 15087, 15088, and 15089).

The NEPA implementing regulations for all federal agencies are described at 40 CFR 1500–1508, and for the USACE Regulatory Program at 33 CFR Part 325 Appendix B. In addition, due to the complex nature of the EIS/EIR preparation, the USACE South Pacific Division Regulatory Program is required to complete EIS documents and the NEPA process consistent with *Quality Management System USACE 12509-SPD Regulatory Program Standard Operating Procedures for Preparing and Coordinating Environmental Impact Statements*, 2013 (cited hereafter as USACE 12509-SPD SOP, 2013). In accordance with 33 CFR Part 325 Appendix B, a Final EIS shall be available to the public for a 30-day review period, and the USACE ROD shall not be signed and no permit may be issued until after the 30-day review period has closed (33 CFR Part 325 Appendix B (18)). To ensure the public is adequately notified of the 30-day review period, a locally issued public notice will be distributed, and an NOA will be published in the Federal Register, similar to the process that announced the availability of the Draft EIS/EIR (33 CFR Part 325.3 and 33 CFR Part 325 Appendix B (15)). The USACE public notice will be posted on the Los Angeles District USACE web site and the LAHD web site, and it will be mailed to adjacent property owners and other individuals who have requested a mailed copy (33 CFR Part 325.3 and USACE 12509-SPD SOP, 2013). If comments on the Final EIS/EIR are received, USACE will consider the comments and address substantive issues in the ROD, as appropriate (33 CFR Part 325 Appendix B (13)).

Response to Comment HTA-2

Thank you for your comment. The Draft EIS/EIR contains a detailed estimate of truck movements to and from the YTI Terminal, including but not limited to hours of operation, empty container logistics, chassis logistics, and dual transactions. Additionally, the Harbor Trucking Association (HTA) should be aware that one of its members, Port Logistics Group, is currently participating in the USDOT FRATIS demonstration project, as discussed in response to USEPA-3.

The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment HTA-3

Thank you for your comment. See Master Response 2: Zero Emission Technologies. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment HTA-4

Thank you for your comment. Competition amongst terminal operators is not an environmental issue that is addressed under either CEQA or NEPA. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment HTA-5

Thank you for your comment. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project.

The issue raised in this comment (e.g., HTA market share and lease terms) is not addressed under either CEQA or NEPA, nor is it subject to the federal control and responsibility or jurisdiction of USACE (see also Response to Comment EJ2-28 on the scope of analysis). Under NEPA, an agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions (40 CFR 1502.2(B)). USACE's regulatory program NEPA implementing regulations (33 CFR Part 325 Appendix B (9)(5)(d)) state:

> "The Corps shall not prepare a cost-benefit analysis for projects requiring a Corps permit. 40 CFR 1502.23 states that the weighing of the various alternatives need not be displayed in a cost-benefit analysis and '***should not be when there are important qualitative consideration.' The EIS should, however, indicate any cost considerations that are likely to be relevant to a decision."

Based on the information provided to USACE by LAHD and YTI, and by HTA in its comment letter, USACE has determined the issue raised in this comment is not appropriate for consideration under NEPA, nor is it subject to the federal control and responsibility or jurisdiction of USACE; therefore, there is no compelling need to prepare a cost analysis of HTA market share and lease terms for the proposed Project or alternatives.

2.3.6 Comments from Individuals

Comment Letter DC1

May 28, 2014

Comments Regarding Yusen Terminals Inc. (YTI) Terminal at Berths 212–224 EIR/EIS

Dear Mr. Canon:

DC1-1 I would like to comment, again, on the Port's method of analysis for this proposed Project's significant air quality impacts, a method used in every Air Quality section in all of the Port's important CEQA documents – Environmental Impact Reports (EIRs), Environmental Impact Statements (EISs), and Mitigated Negative Declarations (MNDs) – a method I find illogical, misleading (**greatly diminishing impacts, if not eliminating them altogether**), and contrary to the letter and intent of the CEQA.

DC1-2 First, I would like to present two doctrines we no doubt, as CEQA consultants, agree upon:

1. The ***purpose*** of an ***environmental impact report*** is to ***identify*** the ***significant effects on*** the ***environment*** of a ***project***, to identify ***alternatives*** to the ***project***, and to indicate the manner in which those significant effects can be mitigated or avoided (§21002.1 Use of Environmental Impact Reports; Policy). And,
2. The ***purpose*** of an ***environmental impact report*** is to ***provide public agencies*** and ***the public in general*** with ***detailed information*** about the ***effect*** which ***a proposed project*** is ***likely*** to ***have on*** the ***environment*** (§21061 Environmental Impact Report);

DC1-3 I agree, also, with the Port's definition of Baseline for this EIS/EIR:

> ...the CEQA baseline is the set of conditions that prevailed at the time the Notice of Preparation (NOP) was published, which was April 2013. The CEQA baseline takes into account the throughput for the 12-month calendar year preceding April 2013 (January through December 2012) in order to provide a representative characterization of activity levels throughout the year (Chapter 2 Project Description, p. 39).

DC1-4 But, I vehemently disagree with the Port's (***fallacious***) premise on assessing potential air quality impacts presented below:

> ***For determining CEQA significance, thresholds are compared to the net change in proposed Project or alternative emissions relative to CEQA baseline emissions*** (Section 3.2 Air Quality and Meteorology, p. 3.2-64).

First, I cannot find this language anywhere in CEQA statute or case law: "***...thresholds are compared to the net change in proposed Project or alternative emissions relative to CEQA baseline emissions***" – ***WOULD YOU PLEASE PROVIDE THIS EXACT LANGUAGE AND ITS LOCATION IN CEQA STATUTE OR CASE LAW***, the latter having been reviewed and accepted by California's highest court, if you don't mind. I don't mean to say this exact definition doesn't exist, I just cannot locate it in any CEQA Authority (did you make this up?) that says" subtract Baseline from Project, then apply to the applicable South Coast Air Quality Management District (SCAQMD) thresholds," although I'm familiar with comparing direct and indirect ***Project*** emissions to accepted thresholds to determine significance (the commonly accepted method). Your help in locating this language (or, at least, a paraphrase) would be greatly appreciated.

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Furthermore, ***I understand that the Lead Agency has the discretion to select the model or methodology to assess project-related impacts, provided it supports its decision with substantial evidence…,***[1] ***and, I would add, provided the model or methodology has some basis in reality.***

However, to my mind, this language could not logically exist because it would subvert and contradict the CEQA doctrines presented again: (1)"The ***purpose*** of an ***environmental impact report*** is to ***identify*** the ***significant effects on*** the ***environment*** of a ***project***, to identify ***alternatives*** to the ***project,***" and (2) "The ***purpose*** of an ***environmental impact report*** is to ***provide public agencies*** and ***the public in general*** with ***detailed information*** about the ***effect*** which ***a proposed project*** is ***likely*** to ***have on*** the ***environment***."

Comparing estimated, quantified Project emissions to accepted SCAQMD thresholds to determine a Project's direct and indirect significant impacts makes total sense (and is, again, the accepted method in the CEQA practice). ***Comparing the "net change" of Project emissions from Baseline emissions to accepted SCAQMD thresholds in order to derive Project impacts is NUTS!***

I will present only one example from section 3.2 Air Quality and Meteorology, Table 3.2-31 (below), and I will also use – hopefully not too facetiously – allegory to make my argument.

DC1-4 cont.

Table 3.2-31: Peak Daily Operational Emissions with Mitigation—Proposed Project (lbs/day)

Source Category	PM 10	PM2.5	NOX	SOX	CO	VOC
Total Year 2017 CEQA Impacts	**383**	**249**	**13,416**	**322**	**2,389**	**779**
CEQA Baseline Emissions	390	265	10,600	1,144	1,826	630
Project Minus CEQA Baseline	(7)	(16)	2,816	(823)	564	150
Significance Threshold	150	55	55	150	550	55
Significant? Port's Method	**No**	**No**	**Yes**	**No**	**Yes**	**Yes**
Significant?Correct Method	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**

One can see that the Project's Peak Daily Operational Emissions with Mitigation for the year 2017 for the listed pollutants highlight in turquoise: PM10 from the Project is estimated to be 383 lbs/day. If one used the correct method of assessing project impacts – comparing 383 lbs/day of PM10 to the SCAQMD threshold of 150 lbs/day of PM10 – the estimated emissions for this pollutant would clearly exceed the accepted threshold. The same would follow for assessing the significance all the project's Peak Daily Operational Emissions.

[1] Guidelines, 15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions (and herein lies that which confuses your AQ consultants: applying a method that works for assessing project GHG emissions, but cannot accurately report the *Whole* of a project's direct and indirect emissions).

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DC1-4 cont.

But, by using the Port's method of assessing project impacts – subtracting the Baseline emissions from the estimated Project emissions, then comparing the "***net change***" to accepted thresholds – one can conveniently under-report or even ***negate*** project emissions. Where once PM10 exceeded thresholds by 233 lbs/day, it now shows a ***negative*** impact of 7 lbs/day. ***Really***! ***Less than zero emissions***! The same for SOX (***creating a deficit of 823 lbs/day, rather than accounting for 322 lbs/day – exceeding threshold by 172 lbs/day***!)

The illogic of this strategy can be demonstrated by the following analogy:

If one equated this project's emissions to zombies, and equated accepted SCAQMD-emission thresholds to bullets (one bullet for one zombie), which method of project impact analysis would you prefer if you lived on the fence line or anywhere near this zombie infested region – the one that ***accurately*** reported hell-of-zombies,[2] thereby giving you a chance to have a serious discussion on the need for this project, or, at least a discussion of the ***most*** stringent mitigation measures (this would be the accurate, lawful CEQA/Zombie analysis)? O would you prefer the Zombie Impact Analysis (ZIA) that ridiculously reports ***less-than-zero*** Zombies – get rid of your bullets, you won't need them – when in fact the project will result in hell-of-zombies?

If you don't like zombies, envision the project as the construction of a new school, emissions are projected student enrollment, and SCAQMD thresholds are available seats – there certainly won't be an opportunity to claim a "less-than-zero" need for seats.

IF I AM INCORRECT, PLEASE EXPLAIN IN DETAIL WHY YOUR METHOD IS AN ACCURATE ASSESSMENT OF ALL DIRECT AND INDIRECT PROJECT IMPACTS (THE WHOLE OF A PROJECT), AND MY METHOD IS NOT.

Mr. Cannon, some people might think that you, your staff, and your consultants know exactly what you are doing: ***intentionally perverting CEQA in order to make your projects seem harmless (such as the SCIG project),*** no matter the cost to fence-line inhabitants, regional inhabitants, ***logic***, ***Environmental Justice***, or ***CEQA Statute***. I don't believe that; I believe that you, your staff, and your subcontractors just need to look at this problem more closely and apply your best analytical skills – ***and a healthy dose of "horse sense."***[3] Bottom line, this method of analysis for Air Quality project ***direct and indirect*** impacts is based on a fallacious premise and just "doesn't hold 'wuda."[4]

[2] Too many damn zombies.

[3] "Common" sense; or, in this case, "the sense God gave a chicken," as my grandmother would say.

[4] Vinny Gambini, *My Cousin Vinny*, 1992.

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DC1-5

Finally, I think I could help you get these projects certified and approved ***without*** employing "trickeration"[5] (***as some of my domino-playing friends say when they are sure they are being cheated but have yet to prove it***) exposing the Port to unnecessary delays from re-circulations and losing lawsuits. The following presents the "quick fix" to assess potential project Air Quality impacts (***exclude GHG analysis at this point because it may confuse you***):

1. Find Baseline, which consists of ***pre-project conditions at the time of the NOP***. All demolition, construction, and operation ***after*** the NOP, attribute to the direct and indirect impacts of the project;

2. Compare the ***direct*** and ***indirect*** project impacts to SCAQMD thresholds (subtract ***NOTHING***!);

3. If the impact is exceeds threshold, ***report a significant impact***; if the impact is under threshold, ***report no significant impact*** – Done! (Now, that was easy).

I hate to add this, but I will: If you want to manipulate the public's perception or comprehension of this or any project (***such as the SCIG***), do it in the No Project/No Federal Action alternative analysis. That is where the "trickeration" belongs (and can be better disguised).

Let me know if there is anything I can do to help.

Sincerely,

Dennis Crable, Principal
Crable & Associates, Environmental Consultants

[5] Thaumaturgy

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2.3.6.1 Dennis Crable

Response to Comment DC1-1

Thank you for your comment. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). Specific issues are addressed in the responses below.

Response to Comment DC1-2

Comment noted. LAHD and USACE acknowledge and agree with the comment's stated purpose of an EIR pursuant to PRC 21002.1 and 21061. No further response is required.

Response to Comment DC1-3

Comment noted. LAHD and USACE acknowledge the comment's concurrence with LAHD's definition of baseline for the EIS/EIR. No further response is required.

Response to Comment DC1-4

The commenter is asserting that an incorrect method was used to determine the significance of air quality impacts by comparing the net change in the proposed Project or alternative to the threshold relative to the CEQA baseline emissions. The commenter is requesting specific language in CEQA case law and statue to support this. As discussed in the Draft EIS/EIR, the analysis of air quality impacts is based on a comparison of the proposed project emissions to the baseline existing conditions. This is consistent with CEQA Guidelines §15125a, which states, "environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." Section 15064(d) of the State CEQA Guidelines states, "the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." As described in Chapter 2 of the Draft EIS/EIR, the proposed Project includes improvements to an existing terminal, and any increases in throughput associated with those improvements through the end of the existing lease in 2026.

As the YTI Terminal is currently an operating terminal, any existing operations are considered part of the baseline. Since the existing operations are considered part of the baseline, the emissions associated with existing ongoing operations are not caused by the proposed Project and are not considered part of the proposed project impacts. Rather, only those emissions associated with the proposed Project are considered as part of the impact—in this case, the net change (also known as the increment) between impacts in the baseline year (2012) and the impacts resulting from the proposed Project at the end of the lease term (2026). This is also consistent with SCAQMD CEQA guidance on determining significance (SCAQMD 2011) of air pollutants and ambient standards for which concentrations are calculated as an increment between the project and a baseline and whether the increment exceeds the SCAQMD thresholds.

The assertion that a project or alternative cannot result in negative project emissions, but instead must demonstrate an improvement over existing conditions, is incorrect.

Improvements in technology, emission factors, and regulations have the intended effect of improving air quality over time, which can in fact reduce emissions while allowing for increased operations. See Master Response 1: Feasible Mitigation, Master Response 2: Zero Emissions Technologies, and Master Response 4; AMP Requirements for additional discussion.

For the reasons discussed above, the Draft EIS/EIR analysis appropriately discloses the impacts of the proposed Project and fulfills the purpose of an EIS/EIR.

Response to Comment DC1-5

Thank you for your comment and suggestions to assess air quality impacts. See Response to Comment DC1-4 above. As mentioned above, the direct and indirect proposed project impacts are not subtracted from the baseline. The impacts of the proposed Project are determined by calculating the incremental differences between the baseline and proposed project conditions. The Draft EIS/EIR appropriately compares the net change, or the proposed project impacts, to the adopted thresholds.

It should also be noted that CEQA baseline is not the same as the No Project or the No Federal Action Alternative. These scenarios are clearly delineated in Chapters 2 and 6 of the Draft EIS/EIR and represent a future scenario that includes growth without the proposed Project or federal action, whereas the CEQA baseline represents a fixed point in time.

Comment Letter DC2

June 1, 2014

Additional Comments Regarding Yusen Terminals Inc. (YTI) Terminal at Berths 212–224
EIR/EIS to be Appended to my Earlier Comments Dated May 28th, 2014

Dear Mr. Cannon:

As you know, I recently submitted comments on this subject dated May 28, 2014, which addressed the Port's method of analysis for this proposed Project's significant air quality impacts, a method used in every Air Quality section in all of the Port's important CEQA documents – Environmental Impact Reports (EIR's), Environmental Impact Statements (EIS's), and Mitigated Negative Declarations (MND's). That method is stated below:

DC2-1

> *For determining CEQA significance, thresholds are compared to the **net change** in proposed Project or alternative emissions relative to CEQA baseline emissions* (Section 3.2 Air Quality and Meteorology, p. 3.2-64).

And, as you know, I find your method illogical, unsupported by substantial evidence as to its validity, intentionally misleading – **greatly diminishing impacts, and, in many cases, reversing them** – and contrary to the letter and intent of the CEQA: so I asked the following question:

> ***"WOULD YOU PLEASE PROVIDE THIS EXACT LANGUAGE AND ITS LOCATION IN CEQA STATUTE OR CASE LAW,*** the latter having been reviewed and accepted by California's highest court, if you don't mind."

Having dealt with your agency before, and knowing your propensity for circular reasoning, I want to short circuit the answer I feel you will be tempted to provide – a "***recommendation***" from another agency that has apparently borrowed their methodology from POLA, the Bay Area Air Quality Management District (BAAQMD). They state, in their CEQA Guidelines:

DC2-2

> **Step 1: Emissions Quantification**
>
> If a proposed project involves the removal of existing emission sources, BAAQMD ***recommends subtracting*** the existing emissions levels from the emissions levels estimated for the new proposed land use. This net calculation is permissible only if the existing emission sources were operational at the time that the Notice of Preparation (NOP) for the CEQA project was circulated or in the absence of an NOP when environmental analysis begins, and would continue if the proposed redevelopment project is not approved. This net calculation is not permitted for emission sources that ceased to operate, or the land uses were vacated and/or demolished, prior to circulation of the NOP or the commencement of environmental analysis. This approach is consistent with the definition of baseline conditions pursuant to CEQA (page 4-2, Bay Area Air Quality Management District CEQA Guidelines Updated May 2011).

DC2-3

Of this "**recommendation**" I would ask the same questions I ask of you: (1) ***Why does the BAAQMD "recommend"*** subtracting baseline conditions from project in order to assess project emissions? Why do

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DC2-3 cont.

they not follow the logical, more accurate, and generally accepted method of estimating proposed project impacts, then compare those ***estimated impacts*** to accepted South Coast Air Quality Management District (SCAQMD) thresholds to determine their significance per CEQA? (2) What substantial evidence – case law, statute, or science – specifically supports the BAAQMD's (**or POLA's**) method as an effective, good faith reporting of the direct and indirect impacts of a proposed project, which, as we know, ***is*** a requirement of CEQA? Again, this is another case of ***staff*** applying their own illogical notions and deficient understanding of CEQA and presenting it as "rule." ***Why should we accept BAAQMD's (or POLA's) unsupported "guidance"?***

DC2-4

Furthermore, what does the "***definition*** of baseline conditions pursuant to CEQA" have to do with this recommendation other than give it some ***non-sequitur-like authority***! ***POLA's past responses to me have been replete with definitions of baseline!*** However, it is apparent that both POLA and BAAQMD ***do not know what baseline means in relation to assessing a project's impacts***. Let me explain: to assess project impacts, baseline is the starting point (**the date of the NOP, which can logically be designated as "0"!**) from which to describe and attribute all that follows as Project-related impacts – direct and indirect – as opposed to pre-project conditions (**existing conditions**). ***Baseline*** is ***not*** some magic number that is used to deflate or ***reverse*** the significant effects of a project.

DC2-5

POLA's and BAAQMD's method of assessing project impacts strips the public and decision makers of their rightful protections – and obligations – under CEQA: how can anyone make an informed decision about projects when the information provided to them from the Lead Agency is intentionally slanted in favor of development and not the protection of people or the environment.

Bottom line, Mr. Cannon, San Pedro Bay Ports stakeholders have a right to a clear explanation – which is your obligation as the Lead Agency[1] – why POLA feels subtracting baseline from project can reasonably assess the direct and indirect impacts of any project. **Hopefully, you will explain to me and the public at large, in great detail, how your method works to the benefit and comport of the environment, and CEQA.** ***However, we both know that you will not, because you cannot.***

Sincerely,

A. Dennis Crable, Principal
Certified SBE, MBE, DBE, UDBE
Specializing in CEQA/NEPA project management for over 20 years

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1 Guidelines §15151: Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

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2.3.6.2 Dennis Crable

Response to Comment DC2-1

Comment noted. Comments submitted on May 28, 2014 are addressed in Response to Comments DC1-1 through DC1-5 above. Regarding the comment on the methods and thresholds for determining impacts from air quality emissions, LAHD disagrees with the commenter's assertion that an incorrect method was used to determine the significance of air quality impacts by comparing the net change in the proposed Project or alternative to the threshold relative to the CEQA Baseline emissions. See Response to Comment DC1-4.

Response to Comment DC2-2

The thresholds for determining the significance of the impacts were not borrowed from the Bay Area Air Quality Management District (BAAQMD), but in fact are thresholds adopted by SCAQMD and applicable to all projects in the South Coast Air Basin. Comparing the impacts of the proposed Project to the SCAQMD thresholds is the appropriate methodology. In the case of the proposed Project, the increment represents the change from existing conditions in 2012 through the end of the lease term of 2026. LAHD disagrees with the commenter's assertion that an incorrect threshold and approach were applied for determining the significance of an impact to air quality by comparing the net change in the proposed Project or alternative to the threshold relative to the CEQA Baseline emissions. See Response to Comment DC2-1 above.

Response to Comment DC2-3

LAHD cannot comment on the thresholds established by BAAQMD because they are not applicable in the South Coast Air Basin. The Draft EIS/EIR appropriately compares the net change, or the proposed project impacts, to the adopted thresholds. See Response to Comment DC2-1 above for additional discussion of the appropriate baseline and project impact analysis according to CEQA.

Response to Comment DC2-4

Comment noted. LAHD agrees with the commenter that the CEQA baseline should represent the starting point, the date of the Notice of Preparation (NOP). For the purposes of the Draft EIS/EIR, the baseline represents the existing conditions in 2012, since that is the closest available full year of operational information available. However, the baseline condition does not represent zero emissions, since the YTI Terminal is currently operational. Baseline represents existing conditions of the terminal at the time the NOP was distributed. Therefore, the impacts represent the changes between the existing conditions and the proposed end of the lease in 2026, incorporating the changes in operations related to both physical improvements and projected growth in terminal operations. See Response to Comment DC2-1 above for additional discussion of the appropriate baseline and project impact analysis according to CEQA.

Response to Comment DC2-5

Comment noted. See Response to Comment DC2-1 above for additional discussion of the appropriate baseline and project impact analysis according to CEQA.

Comment Letter AH

Keck School of Medicine of USC

ANDREA M. HRICKO
Professor

June 16, 2016

Submitted via e-mail to:

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RE: USC COEC COMMENTS ON BERTHS 212–224 YTI CONTAINER TERMINAL IMPROVEMENTS PROJECT DRAFT - ENVIRONMENTAL IMPACT STATEMENT & (DEIS)/DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

Dear Dr. Stevens and Mr. Cannon:

I am a professor at the Keck School of Medicine of the University of Southern California (USC), where I direct a community outreach and education program at the Southern California Environmental Health Sciences Center. Through that Center, funded by the National Institute of Environmental Health Sciences, and with additional funding from The Kresge Foundation and The California Wellness Foundation, our Center has been studying the health and community impacts related to international trade and goods movement, through ports, rail yards, and other facilities. We have had several national conferences on this topic and have received requests for technical assistance on better understanding of these impacts from those living in communities where ports and rail yards are expanding. It is with this background that I submit these comments. Our Center scientists conduct research on the health impacts of near-roadway air pollution, and their research findings are very relevant to this proceeding.

AH-1 I write to provide comments on the YTI Container Terminal Improvements Project Draft Environmental Impact Statement ("DEIS")/Draft Environmental Impact Report ("DEIR"). I have several concerns about the Project and the accompanying environmental documents. While other nearby port projects have worked hard to mitigate detrimental impacts, the YTI includes much less mitigation than what seems to be feasible. Due to the size and volume of TEUs it will handle, the YTI proposed terminal will clearly have significant environmental health

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impacts on residents in the Harbor area of Los Angeles and Long Beach, impacts which are not fully characterized in the DEIR/DEIS, and for which sufficient mitigation measures are not proposed.

AH-1 cont.

I believe that the DEIR/S fails to provide sufficient mitigation for identified significant impacts and neglects to consider alternatives that effectively protect the environment and the health of community residents living in close proximity to the terminal.

I. Project Size and Mitigation Measures Proposed

AH-2

This Port of Los Angeles Project (YTI) will be one of the largest new port terminal projects in the entire country. This YTI Project involves major construction and dredging and then a huge increase in the volume of container goods that move through the terminal, creating potential impacts on environmental health resources and on residential health in the harbor area. Of special concern are the air pollutant emissions that will disproportionately impact minority and low-income residents in the area of the terminal. These impacts must be much more thoroughly studied than has been done in the DEIR/DEIS, including more significant mitigation measures for air pollution, noise, greenhouse gas emissions and other risks.

- 2x increase in truck trips

AH-3

A simple glance at the TEU figures indicate that the new terminal will have nearly twice the number of TEUs as it currently has. This is a huge increase and must be accounted for in terms of health effects for emission exposures. In 2012, the terminal moved 996,000 TEUS and the project plans to move 1.9 million TEUs. On its own, without any other planned port expansion, this increase in trucks will have a serious impact on emissions in the Harbor area, even with advances in the Clean Trucks Program. Tire wear, clutch wear, and re-entrained dust must be considered.

- Inadequate mitigation measures proposed

AH-4

The South Coast Air Quality Management District (SCAQMD) has a cancer risk threshold of 10 in one million for new projects. This Project, however, would create a risk of 23 in 1,000,000. Only through applying the maximum available controls and feasible mitigations for the significant emission increases can the cancer risk threshold be kept to 10 in a million.

- Lax rules on AMP

AH-5

The alternative maritime power (AMP) mitigation measures' timelines is completely out of line with what other projects have included in their timeline. In the Middle Harbor Project, the EIR/EIS calls for full AMP by 2014. For some reason, the YTI project would not reach that same milestone until 12 years later, with no explanation offered.

- Zero emissions technology and the "cancer burden"

AH-6

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AH-6 cont. To alleviate the cancer burden due to truck emissions, the Port should consider zero emissions technology, which it has stated in the past it will consider in new projects. The DEIR/EIS should develop a schedule for phasing in zero emission technology trucks in lieu of heavy duty diesel trucks.

- Cleaner locomotives

AH-7 As always, on-dock rail should be used to the maximum extent feasible. To reduce the cancer risk from locomotives traversing the terming, the use of Tier 4 locomotives must be implemented, as is set out in the Clean Air Action Plan.

2. Disproportionate Impacts on Lower Income Communities of Color

AH-8 The Environmental Justice chapter of the DEIR/S acknowledges the disproportionate adverse impact the Project will have on minority and low-income communities. Additional mitigation is required to reduce these risks to neighboring communities to an acceptable level.

3. Health Impacts

AH-9 The health impacts from exposure to both air pollution and noise must be considered in the DEIR/DEIS for the YTI Project.

HEALTH EFFECTS OF EXPOSURE TO NOISE

AH-10 According to the DEIR/DEIS, "the proposed Project would result in disproportionate effects on minority and low-income populations as a result of significant and unavoidable impacts for noise." In addition, the DEIR/DEIS states that there would be a "cumulatively considerable and unavoidable contribution to a significant cumulative impact under CEQA and NEPA after mitigation for noise." This is not acceptable because noise is a serious, and often dismissed, public health problem, which causes numerous health and social effects, ranging from hearing to cardiovascular problems, and from learning problems in school to sleep disturbances at home. I request that (1) a review of the noise exposure and health effects literature be included in the DEIR/DEIS; that (2) a discussion needs to occur in the DEIR/EIS about what having a cumulative impact for noise would mean to health of communities near the YTI project as well as a better description of the disproportionate impacts on lower income communities of color, and (3) additional mitigation measures knows be considered to reduce noise exposures to an acceptable level.

Community and occupational health studies show that noise levels from goods movement activities can impact health and quality of life. For example, excessive noise disturbs restorative sleep; elevated noise levels affect children's mental health and classroom behavior, especially if children have an "early biological risk" (such as having been born prematurely); and chronic noise exposure may contribute to the progression of cardiovascular disease. Portions of abstracts from several selected studies are reprinted below to illustrate the causes for concern. See list of selected references in Appendix A.

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"The cost of hypertension-related ill-health attributable to environmental noise." Harding AH, Frost GA, Tan E, Tsuchiya A, Mason HM. Noise Health. 2013 Nov-Dec;15(67):437-45. doi: 10.4103/1463-1741.121253.

ABSTRACT: Hypertension (HT) is associated with environmental noise exposure and is a risk factor for a range of health outcomes. The study aims were to identify key HT related health outcomes and to quantify and monetize the impact on health outcomes attributable to environmental noise-related HT. A literature review identified key HT related health outcomes and their quantitative links with HT. The health impact of increases in environmental noise above recommended daytime noise levels (55 dB[A]) were quantified in terms of quality adjusted life years and then monetized. A case study evaluated the cost of environmental noise, using published data on health risks and the number of people exposed to various bands of environmental noise levels in the United Kingdom (UK). Three health outcomes were selected based on the strength of evidence linking them with HT and their current impact on society: Acute myocardial infarction (AMI), stroke and dementia. In the UK population, an additional 542 cases of HT-related AMI, 788 cases of stroke and 1169 cases of dementia were expected per year due to daytime noise levels ≥55 dB(A). The cost of these additional cases was valued at around £1.09 billion, with dementia accounting for 44%. The methodology is dependent on the availability and quality of published data and the resulting valuations reflect these limitations. The estimated intangible cost provides an insight into the scale of the health impacts and conversely the benefits that the implementation of policies to manage environmental noise may confer."

"Effects of environmental noise on sleep." Hume KI, Brink M, Basner M. Noise Health. 2012 Nov-Dec;14(61):297-302. doi: 10.4103/1463-1741.104897. Review. PMID: 23257581 Abstract: This paper summarizes the findings from the past 3 year's research on the effects of environmental noise on sleep and identifies key future research goals. The past 3 years have seen continued interest in both short term effects of noise on sleep (arousals, awakenings), as well as epidemiological studies focusing on long term health impacts of nocturnal noise exposure. This research corroborated findings that noise events induce arousals at relatively low exposure levels, and independent of the noise source (air, road, and rail traffic, neighbors, church bells) and the environment (home, laboratory, hospital). New epidemiological studies support already existing evidence that night-time noise is likely associated with cardiovascular disease and stroke in the elderly. These studies collectively also suggest that nocturnal noise exposure may be more relevant for the genesis of cardiovascular disease than daytime noise exposure. Relative to noise policy, new effect-oriented noise protection concepts, and rating methods based on limiting awakening reactions were introduced. The publications of WHO's "Night Noise Guidelines for Europe" and "Burden of Disease from Environmental Noise" both stress the importance of nocturnal noise exposure for health and well-being. However, studies demonstrating a causal pathway that directly link noise (at ecological levels) and disturbed sleep with cardiovascular disease and/or other long term health outcomes are still missing. These studies, as well as the quantification of the impact of emerging noise sources have been identified as the most relevant issues that should be addressed in the field on the effects of noise on sleep in the near future."

"Noise and cardiovascular disease: a review of the literature 2008-2011." Davies H, Kamp IV. Noise Health. 2012 Nov-Dec;14(61):287-91. doi: 10.4103/1463-1741.104895. Review. Four large health

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effects examining joint effects were consistent in suggesting that both air pollution and noise are likely independent risk factors for CVD. The majority of the studies found men to be at greater risk that women for noise-related cardiovascular disease irrespective of noise source (road vs. aircraft) or outcome (HT or heart disease). Effects of road traffic are understudied in children. There is some evidence that cardiovascular response to nighttime exposure is stronger in children than adults.

"Disturbed sleep patterns and limitation of noise" by B. Griefahn et al. Noise and Health, Volume 6, Number 22, Jan - Mar 2004, pp. 27-33(7). ABSTRACT. "Due to the undisputable restorative function of sleep, noise-induced sleep disturbances are regarded as the most deleterious effects of noise. They comprise alterations during bedtimes such as awakenings, sleep stage changes, body movements and after-effects such as subjectively felt decrease of sleep quality, impairment of mood and performance.... Intermittent noise that is produced by air traffic, rail traffic and by road traffic during the night is particularly disturbing and needs to be reduced. Suitable limits are suggested."

"Ambient neighbourhood noise and children's mental health" by P. Lercher et al. Occup Environ Med. 2002 Jun;59(6):380-6. "OBJECTIVES: To investigate the relation between typical ambient noise levels (highway, rail, road) and multiple mental health indices of school children considering psychosocial and biological risk factors as potential moderators. CONCLUSIONS: Exposure to ambient noise was associated with small decrements in children's mental health and poorer classroom behaviour. The correlation between mental health and ambient noise is larger in children with early biological risk."

"Noise burden and the risk of myocardial infarction" by SN Willich et al. Eur Heart J. 2006 Feb;27(3):276-82. Epub 2005 Nov 24. "In a case-control study, patients consecutively admitted to all 32 major hospitals in Berlin with confirmed diagnosis of acute myocardial infarction were enrolled from 1998 to 2001 in the Noise and Risk of Myocardial Infarction study. Information was obtained on environmental and work noise annoyance. The sound levels of environmental and work noise were assessed using traffic noise maps as proxy and international standards for workplaces, respectively. Environmental sound levels were associated with increased risk in men and women. CONCLUSION: Chronic noise burden is associated with the risk of myocardial infarction."

"Neighbourhood inequalities in physical inactivity: the role of neighbourhood attractiveness, proximity to local facilities and safety in the Netherlands" by FJ van Lenthe et al. Soc Sci Med. 2005 Feb;60(4):763-75. In a study in the Netherlands, residents who lived in neighborhoods with the most traffic-related noise pollution seldom walked or cycled to shops or work. This study is relevant to residents in noise and traffic-related goods movement communities, especially at a time when obesity is becoming such a serious problem.

Appendix A below includes citations to research on the impacts of noise on human health which are submitted for the record.

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Appendix A

Additional Selected References on the Health Impacts of Exposure to Noise

1. Evans GW. Child development and the physical environment. Annual review of psychology 2006;57:423-51.

2. van Kempen EE, van Kamp I, Stellato RK, et al. Children's annoyance reactions to aircraft and road traffic noise. J Acoust Soc Am 2009;125(2):895-904.

3. Bluhm G, Nordling E, Berglind N. Road traffic noise and annoyance--an increasing environmental health problem. Noise & health 2004;6(24):43-9.

4. Ohrstrom E, Barregard L, Andersson E, Skanberg A, Svensson H, Angerheim P. Annoyance due to single and combined sound exposure from railway and road traffic. The Journal of the Acoustical Society of America 2007;122(5):2642-52.

5. Gidlof-Gunnarsson A, Ohrstrom E. Attractive "quiet" courtyards: a potential modifier of urban residents' responses to road traffic noise? International Journal of Environmental Research and Public Health 2010;7(9):3359-75.

6. Ohrstrom E, Skanberg A, Svensson H, Gidlof-Gunnarsson A. Effects of road traffic noise and the benefit of access to quietness. JOURNAL OF SOUND AND VIBRATION 2006;295(1-2):40-59.

7. Stansfeld SA, Berglund B, Clark C, et al. Aircraft and road traffic noise and children's cognition and health: a cross-national study. Lancet 2005;365(9475):1942-9.

8. Stansfeld S, Hygge S, Clark C, Alfred T. Night time aircraft noise exposure and children's cognitive performance. Noise & health 2010;12(49):255-62.

9. Seshagiri B. Occupational noise exposure of operators of heavy trucks. American Industrial Hygiene Association journal 1998;59(3):205-13.

10. Landon P, Breysse P, Chen Y. Noise exposures of rail workers at a North American chemical facility. Am J Ind Med 2005;47(4):364-9.

11. Skånberg A, Ängerheim Pr, Andersson E, Svensson H, Barregård L, Öhrström E. Annoyance due to single and combined sound exposure from railway and road traffic. The Journal of the Acoustical Society of America 2007;122(5):2642-2652.

12. Paunovic K, Jakovljevic B, Belojevic G. Predictors of noise annoyance in noisy and quiet urban streets. Sci Total Environ 2009;407(12):3707-11.

13. Miedema HM, Oudshoorn CG. Annoyance from transportation noise: relationships with exposure metrics DNL and DENL and their confidence intervals. Environ Health Perspect 2001;109(4):409-16.

1

14. Dratva J, Zemp E, Felber Dietrich D, et al. Impact of road traffic noise annoyance on health-related quality of life: results from a population-based study. Qual Life Res 2010;19(1):37-46.

15. Stosic L, Belojevic G, Milutinovic S. Effects of traffic noise on sleep in an urban population. Arh Hig Rada Toksikol 2009;60(3):335-42.

HEALTH EFFECTS FROM EXPOSURE TO AIR POLLUTION

The DEIR/DEIS states that with the proposed project there would be: "Cumulatively considerable and unavoidable contribution to a significant cumulative impact under CEQA and NEPA after mitigation for Air Quality and Meteorology." The DEIR/DEIS also states that: "The proposed Project ... would result in disproportionate effects on minority and low-income populations as a result of significant and unavoidable impacts for Air Quality and Meteorology."

A review of the scientific literature on the health impacts of exposure to mobile source air pollution should be included in the DEIR/DEIS to show the growing body of scientific evidence in this arena. The range of research findings should be discussed, including studies showing that:

AH-11

- Children who grow up in polluted communities suffer reduced lung function and other respiratory effects. USC studies in Southern California show that a package of mobile source pollutants (NOx, PM, acid vapor, and elemental carbon) correlate with reduced lung function. In one USC study, three times as many children in North Long Beach, where levels of elemental carbon (EC) are higher than in most of the communities in the study, had reduced lung function than children in less polluted communities. The study is important because medical experts believe that reduced lung function is a significant predictor of mortality from all causes in adults. The EIR/EIS must describe the USC and other research findings showing the respiratory health effects of mobile source air pollution. (See Appendix B).

- Living or going to school in close proximity to busy roads and freeways or other magnet sources of diesel and auto exhaust is linked to asthma and respiratory effects in children, as well as other effects in adults. (See Appendix B).

- Elevated levels of particulate matter are linked to cardiovascular disease and increased mortality. In response to this growing body of evidence, the American Heart Association has issued a scientific statement concluding: "Exposure to air pollution contributes to the development of cardiovascular diseases." A recent study shows an increase in stroke among those living close to busy roads. Studies on increased cardiovascular disease and mortality from particulate exposure should be reviewed in the DEIR/DEIS. (See Appendix B).

- Pregnant women who live near busy roads and freeways (and who are exposed to current levels of air pollution in Los Angeles air) are more likely to give birth to low birth weight and premature infants; infant mortality has also been linked to air pollution levels. Thousands of women of child-bearing age live in the vicinity of the San Pedro Bay Ports or along goods movement corridors in

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AH-11 cont.

Southern California. Studies on increased reproductive problems and adverse birth outcomes must be described in the EIR/EIS. (See Appendix B).

- Increased lung cancer risks among workers exposed to diesel exhaust, including recent studies on miners, truckers and railroad workers. Based on studies of workers exposed to diesel exhaust, diesel particulate matter was declared a Toxic Air Contaminant in the state of California in 1998. In addition, the International Agency for Research on Cancer named diesel exhaust a "carcinogen" in 2011 in an important scientific deliberation. The cancer-causing effects of exposure to diesel exhaust must be described in the DEIR/DEIS. (See Appendix B).

- Diesel exhaust particles can also enhance allergies and allergic asthma. The DEIR/DEIS should describe studies showing the potential for enhancement of allergies and asthma from diesel exhaust emissions from trucks and locomotives delivering containers to other locations throughout the region. (See Appendix B).

- Exposure to air pollution has also been linked to cognitive decline and other neuropsychological impacts.

APPENDIX B: Selected References on the Health Impacts of Exposure to Air Pollution

Recent Research Findings on Exposure to Air Pollution and Health Effects [1-21] [22] [23-29] [30-34] [30, 35-52]

1. Altug, H., et al., *Effects of ambient air pollution on respiratory tract complaints and airway inflammation in primary school children.* Sci Total Environ, 2014. **479-480**: p. 201-9.
2. Berhane, K., et al., *Longitudinal effects of air pollution on exhaled nitric oxide: the Children's Health Study.* Occup Environ Med, 2014. **71**(7): p. 507-13.
3. Beverland, I.J., et al., *Associations between short/medium-term variations in black smoke air pollution and mortality in the Glasgow conurbation, UK.* Environ Int, 2014. **62**: p. 126-32.
4. Blanes-Vidal, V., et al., *Respiratory and sensory irritation symptoms among residents exposed to low-to-moderate air pollution from biodegradable wastes.* J Expo Sci Environ Epidemiol, 2014.
5. Brugha, R. and J. Grigg, *Urban Air Pollution and Respiratory Infections.* Paediatr Respir Rev, 2014. **15**(2): p. 194-199.
6. Choudhary, H. and S.M. Tarlo, *Airway effects of traffic-related air pollution on outdoor workers.* Curr Opin Allergy Clin Immunol, 2014. **14**(2): p. 106-12.
7. Costa, L.G., et al., *Neurotoxicants are in the air: convergence of human, animal, and in vitro studies on the effects of air pollution on the brain.* Biomed Res Int, 2014. **2014**: p. 736385.
8. Dadvand, P., et al., *Air pollution and biomarkers of systemic inflammation and tissue repair in COPD patients.* Eur Respir J, 2014.
9. Esposito, S., et al., *Possible molecular mechanisms linking air pollution and asthma in children.* BMC Pulm Med, 2014. **14**: p. 31.
10. Gao, Y., et al., *Chronic effects of ambient air pollution on respiratory morbidities among Chinese children: a cross-sectional study in Hong Kong.* BMC Public Health, 2014. **14**: p. 105.
11. Garcia-Chevesich, P.A., et al., *Respiratory disease and particulate air pollution in Santiago Chile: contribution of erosion particles from fine sediments.* Environ Pollut, 2014. **187**: p. 202-5.

1

12. Heo, J., et al., *Fine particle air pollution and mortality: importance of specific sources and chemical species.* Epidemiology, 2014. **25**(3): p. 379-88.
13. Lin, Y.T., et al., *Air pollution and limb defects: A matched-pairs case-control study in Taiwan.* Environ Res, 2014. **132C**: p. 273-280.
14. Liu, C., et al., *Exaggerated effects of particulate matter air pollution in genetic type II diabetes mellitus.* Part Fibre Toxicol, 2014. **11**(1): p. 27.
15. MacIntyre, E.A., et al., *Air pollution and respiratory infections during early childhood: an analysis of 10 European birth cohorts within the ESCAPE Project.* Environ Health Perspect, 2014. **122**(1): p. 107-13.
16. Nicolussi, F.H., et al., *Air pollution and respiratory allergic diseases in schoolchildren.* Rev Saude Publica, 2014. **48**(2): p. 326-330.
17. Nieuwenhuijsen, M.J., et al., *Air pollution and human fertility rates.* Environ Int, 2014. **70C**: p. 9-14.
18. Samet, J.M., et al., *Concentrated ambient ultrafine particle exposure induces cardiac changes in young healthy volunteers.* Am J Respir Crit Care Med, 2009. **179**(11): p. 1034-42.
19. Schikowski, T., et al., *Association of ambient air pollution with the prevalence and incidence of COPD.* Eur Respir J, 2014.
20. Tam, W.W., et al., *Association between air pollution and general outpatient clinic consultations for upper respiratory tract infections in Hong Kong.* PLoS One, 2014. **9**(1): p. e86913.
21. Wong, G.W., *Air pollution and health.* Lancet Respir Med, 2014. **2**(1): p. 8-9.
22. Bhavaraju, L., et al., *Diesel and biodiesel exhaust particle effects on rat alveolar macrophages with in vitro exposure.* Chemosphere, 2014. **104**: p. 126-33.
23. Finkelman, F.D., *Diesel exhaust particle exposure during pregnancy promotes development of asthma and atopy.* J Allergy Clin Immunol, 2014.
24. Heidari Nejad, S., et al., *The effect of diesel exhaust exposure on blood-brain barrier integrity and function in a murine model.* J Appl Toxicol, 2014.
25. Larcombe, A.N., et al., *Route of exposure alters inflammation and lung function responses to diesel exhaust.* Inhal Toxicol, 2014. **26**(7): p. 409-18.
26. Sun, Y., et al., *Diesel exhaust exposure and the risk of lung cancer-a review of the epidemiological evidence.* Int J Environ Res Public Health, 2014. **11**(2): p. 1312-40.
27. Vermeulen, R., et al., *Exposure-response estimates for diesel engine exhaust and lung cancer mortality based on data from three occupational cohorts.* Environ Health Perspect, 2014. **122**(2): p. 172-7.
28. Vesterdal, L.K., et al., *Pulmonary exposure to particles from diesel exhaust, urban dust or single-walled carbon nanotubes and oxidatively damaged DNA and vascular function in apoE(-/-) mice.* Nanotoxicology, 2014. **8**(1): p. 61-71.
29. Weldy, C.S., et al., *In utero exposure to diesel exhaust air pollution promotes adverse intrauterine conditions, resulting in weight gain, altered blood pressure, and increased susceptibility to heart failure in adult mice.* PLoS One, 2014. **9**(2): p. e88582.
30. Acciani, T.H., et al., *Diesel exhaust particle exposure increases severity of allergic asthma in young mice.* Clin Exp Allergy, 2013. **43**(12): p. 1406-18.
31. Bradley, J.M., et al., *Exposure to diesel exhaust particulates induces cardiac dysfunction and remodeling.* J Appl Physiol (1985), 2013. **115**(7): p. 1099-106.
32. Brandt, E.B., et al., *Diesel exhaust particle induction of IL-17A contributes to severe asthma.* J Allergy Clin Immunol, 2013. **132**(5): p. 1194-1204 e2.
33. Carll, A.P., et al., *Diesel exhaust inhalation increases cardiac output, bradyarrhythmias, and parasympathetic tone in aged heart failure-prone rats.* Toxicol Sci, 2013. **131**(2): p. 583-95.

1

34. Carlsten, C., et al., *Symptoms in response to controlled diesel exhaust more closely reflect exposure perception than true exposure.* PLoS One, 2013. **8**(12): p. e83573.
35. Ailshire, J.A. and P. Clarke, *Fine Particulate Matter Air Pollution and Cognitive Function Among U.S. Older Adults.* J Gerontol B Psychol Sci Soc Sci, 2014.
36. Calderon-Garciduenas, L., et al., *Exposure to severe urban air pollution influences cognitive outcomes, brain volume and systemic inflammation in clinically healthy children.* Brain Cogn, 2011. **77**(3): p. 345-55.
37. Calderon-Garciduenas, L., et al., *Air pollution, cognitive deficits and brain abnormalities: a pilot study with children and dogs.* Brain Cogn, 2008. **68**(2): p. 117-27.
38. Calderon-Garciduenas, L. and R. Torres-Jardon, *Air Pollution, Socioeconomic Status, and Children's Cognition in Megacities: The Mexico City Scenario.* Front Psychol, 2012. **3**: p. 217.
39. Chen, J.C. and J. Schwartz, *Neurobehavioral effects of ambient air pollution on cognitive performance in US adults.* Neurotoxicology, 2009. **30**(2): p. 231-9.
40. Dix-Cooper, L., et al., *Neurodevelopmental performance among school age children in rural Guatemala is associated with prenatal and postnatal exposure to carbon monoxide, a marker for exposure to woodsmoke.* Neurotoxicology, 2012. **33**(2): p. 246-54.
41. Fonken, L.K., et al., *Air pollution impairs cognition, provokes depressive-like behaviors and alters hippocampal cytokine expression and morphology.* Mol Psychiatry, 2011. **16**(10): p. 987-95, 973.
42. Freire, C., et al., *Association of traffic-related air pollution with cognitive development in children.* J Epidemiol Community Health, 2010. **64**(3): p. 223-8.
43. Gatto, N.M., et al., *Components of air pollution and cognitive function in middle-aged and older adults in Los Angeles.* Neurotoxicology, 2014. **40**: p. 1-7.
44. Grant, W.B., *Polycyclic aromatic hydrocarbons, particulate air pollution, and cognitive decline.* Arch Intern Med, 2012. **172**(13): p. 1045; author reply 1045-6.
45. Guxens, M. and J. Sunyer, *A review of epidemiological studies on neuropsychological effects of air pollution.* Swiss Med Wkly, 2012. **141**: p. w13322.
46. Jedrychowski, W., et al., *Effect of prenatal PAH exposure on birth outcomes and neurocognitive development in a cohort of newborns in Poland. Study design and preliminary ambient data.* Int J Occup Med Environ Health, 2003. **16**(1): p. 21-9.
47. Kim, E., et al., *Prenatal exposure to PM(1)(0) and NO(2) and children's neurodevelopment from birth to 24 months of age: mothers and Children's Environmental Health (MOCEH) study.* Sci Total Environ, 2014. **481**: p. 439-45.
48. Power, M.C., et al., *Traffic-related air pollution and cognitive function in a cohort of older men.* Environ Health Perspect, 2011. **119**(5): p. 682-7.
49. Ranft, U., et al., *Long-term exposure to traffic-related particulate matter impairs cognitive function in the elderly.* Environ Res, 2009. **109**(8): p. 1004-11.
50. van Kempen, E., et al., *Neurobehavioral effects of exposure to traffic-related air pollution and transportation noise in primary schoolchildren.* Environ Res, 2012. **115**: p. 18-25.
51. Wang, S., et al., *Association of traffic-related air pollution with children's neurobehavioral functions in Quanzhou, China.* Environ Health Perspect, 2009. **117**(10): p. 1612-8.
52. Weuve, J., et al., *Exposure to particulate air pollution and cognitive decline in older women.* Arch Intern Med, 2012. **172**(3): p. 219-27.

1

Older references on health effects of air pollution:

Respiratory Effects

Barck, C., J. Lundahl, et al. (2005). "Brief exposures to NO2 augment the allergic inflammation in asthmatics." Environ Res 97(1): 58-66.

Brugha R, Grigg J. (2014). Urban Air Pollution and Respiratory Infections. Paediatr Respir Rev. 2014 Jun;15(2):194-199. doi: 10.1016/j.prrv.2014.03.001. Epub 2014 Mar 12. Review.

Delfino, R. J. (2002). "Epidemiologic evidence for asthma and exposure to air toxics: linkages between occupational, indoor, and community air pollution research." Environ Health Perspect 110 Suppl 4: 573-89.

Gauderman, W. J., R. McConnell, et al. (2000). "Association between air pollution and lung function growth in southern California children." Am J Respir Crit Care Med 162(4 Pt 1): 1383-90.

Gauderman, W. J., E. Avol, et al. (2004). "The effect of air pollution on lung development from 10 to 18 years of age." N Engl J Med 351(11): 1057-67.

Gauderman, W. J., E. Avol, et al. (2005). "Childhood asthma and exposure to traffic and nitrogen dioxide." Epidemiology 16(6): 737-43.

Gauderman, W. J. (2006). "Air Pollution and Children – An Unhealthy Mix." N Engl J Med 355(1): 78-79.

Gilliland, F. D., K. Berhane, et al. (2001). "The effects of ambient air pollution on school absenteeism due to respiratory illnesses." Epidemiology 12(1): 43-54.

Hall, J. V., V. Brajer, et al. (2003). "Economic valuation of ozone-related school absences in the South Coast Air Basin of California." Contemporary Economic Policy 21: 407-417.

Heo J, Schauer JJ et al. (2014) Fine particle air pollution and mortality: importance of specific sources and chemical species. Epidemiology. 2014 May;25(3):379-88

Künzli, N., R. McConnell, et al. (2003). "Breathless in Los Angeles: the exhausting search for clean air." Am J Public Health 93(9): 1494-9.

McConnell, R., K. Berhane, et al. (2002). "Asthma in exercising children exposed to ozone: a cohort study." Lancet 359(9304): 386-91.

McConnell, R., K. Berhane, et al. (2003). "Prospective Study of Air Pollution and Bronchitic Symptoms in Children with Asthma." Am J Respir Crit Care Med 168(7): 790-797.

McConnell, R., et al. (2006). "Traffic, Susceptibility, and Childhood Asthma." Environ Health Perspect 114(5): 766–772.

1

Nieuwenhuijsen MJ, Basagaña X, et al. (2014) . Air pollution and human fertility rates. Environ Int. 2014 May 27;70C:9-14. doi: 10.1016/j.envint.2014.05.005.

Pandya, R. J., G. Solomon, et al. (2002). "Diesel exhaust and asthma: hypotheses and molecular mechanisms of action." Environ Health Perspect 110 Suppl 1: 103-12.

Peden, D. B. (2002). "Pollutants and asthma: role of air toxics." Environ Health Perspect 110 Suppl 4: 565-8.

Pietropaoli, A. P., M. W. Frampton, et al. (2004). "Pulmonary function, diffusing capacity, and inflammation in healthy and asthmatic subjects exposed to ultrafine particles." Inhal Toxicol 16 Suppl 1: 59-72.

Traffic proximity

Brauer, M., G. Hoek, et al. (2002). "Air pollution from traffic and the development of respiratory infections and asthmatic and allergic symptoms in children." Am J Respir Crit Care Med 166(8): 1092-8.

Brunekreef, B. and J. Sunyer (2003). "Asthma, rhinitis and air pollution: is traffic to blame?" Eur Respir J 21(6): 913-5.

Brunekreef B, Beelen R, Hoek G, et al. Effects of long-term exposure to traffic-related air pollution on respiratory and cardiovascular mortality in the Netherlands: the NLCS-AIR study. Res Rep Health Eff Inst 2009(139):5-71; discussion 73-89.

Cyrys, J., J. Heinrich, et al. (2003). "Comparison between different traffic-related particle indicators: elemental carbon (EC), PM2.5 mass, and absorbance." J Expo Anal Environ Epidemiol 13(2): 134-43.

Environmental Protection Agency (2004). "Study of Health Effects of Toxic Air Pollutants on Asthmatic Children in Huntington Park."

Gauderman, W.J. et al. (2007) “Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study.” Lancet 369(9561):571-7.

Gilliland, F. L., Y;Saxon,A;Diaz-Sanchez,D; (2004). "Effect of glutathione-S-transferase M1 and P1 genotypes on xenobiotic enhancement of allergic responses: randomised, placebo-controlled crossover study." Lancet 363: 119.

Green, R. S., S. Smorodinsky, et al. (2004). "Proximity of California public schools to busy roads." Environ Health Perspect 112(1): 61-6.

Lee, Y. L., C. K. Shaw, et al. (2003). "Climate, traffic-related air pollutants and allergic rhinitis prevalence in middle-school children in Taiwan." Eur Respir J 21(6): 964-70.

Nicolai, T., D. Carr, et al. (2003). "Urban traffic and pollutant exposure related to respiratory outcomes and atopy in a large sample of children." Eur Respir J 21(6): 956-63.

1

Zhu, Y., W. C. Hinds, et al. (2002). "Study of ultrafine particles near a major highway with heavy-duty diesel traffic." Atmospheric Environment 36: 4323-4335.

Zhu, Y., W. C. Hinds, et al. (2002)(2). "Concentration and Size Distribution of Ultrafine Particles Near a Major Highway." J Air & Waste Manage Assoc 52:1032-1042.

Particulate Matter and Diesel Exhaust

Chalupa, D. C., P. E. Morrow, et al. (2004). "Ultrafine particle deposition in subjects with asthma." Environ Health Perspect 112(8): 879-82.

Charron, A. and R. M. Harrison (2003). "Primary particle formation from vehicle emissions during exhaust dilution in the roadside atmosphere." Atmos Environ.

Delfino, R. J., C. Sioutas, et al. (2005). "Potential role of ultrafine particles in associations between airborne particle mass and cardiovascular health." Environ Health Perspect 113(8): 934-46.

Environmental Protection Agency (2004). "Air Quality Criteria for Particulate Matter Providing the Scientific Foundation for EPA Decision Making." Volumes 1 and 2.

Fruin, S. A., A. M. Winera, et al. (2004). "Black carbon concentrations in California vehicles and estimation of in-vehicle diesel exhaust particulate matter exposures." Atmos Environ 38: 4123–4133.

Garshick, E., F. Laden, et al. (2004). "Lung cancer in railroad workers exposed to diesel exhaust." Environ Health Perspect 112(15): 1539-43.

Hauck, H., A. Berner, et al. (2003). "AUPHEP—Austrian Project on Health Effects of Particulates—general overview." Atmos Environ .

Hauck, H., A. Berner, et al. (2003). "AUPHEP—Austrian Project on Health Effects of Particulates—general overview." Atmos Environ .

Health Effects Institute (HEI) (2003). "Research on Diesel Exhaust and Other Particles."

Lippmann, M., M. Frampton, et al. (2003). "The U.S. Environmental Protection Agency Particulate Matter Health Effects Research Centers Program: a midcourse report of status, progress, and plans." Environ Health Perspect 111(8): 1074-92.

Mudway, I. S., N. Stenfors, et al. (2004). "An in vitro and in vivo investigation of the effects of diesel exhaust on human airway lining fluid antioxidants." Arch Biochem Biophys 423(1): 200-12.

Nikasinovic, L., I. Momas, et al. (2004). "A review of experimental studies on diesel exhaust particles and nasal epithelium alterations." J Toxicol Environ Health B Crit Rev 7(2): 81-104.

1

Salmon, L. G., P. R. Mayo, et al. (2004). "Determination of Elemental Carbon and Organic Carbon Concentrations During the Southern California Children's Health Study, 1999-2001."

Saxon, A. and D. Diaz-Sanchez (2000). "Diesel exhaust as a model xenobiotic in allergic inflammation." Immunopharmacology 48(3): 325-7.

Saxon, A. and D. Diaz-Sanchez (2005). "Air pollution and allergy: you are what you breathe." Nat Immunol 6(3): 223-6.

Siegel, P. D., R. K. Saxena, et al. (2004). "Effect of diesel exhaust particulate (DEP) on immune responses: contributions of particulate versus organic soluble components." J Toxicol Environ Health A 67(3): 221-31.

Singh, M., H. C. Phuleria, et al. (2005). "Seasonal and spatial trends in particle number concentrations and size distributions at the children's health study sites in Southern California." J Expo Anal Environ Epidemiol.

Sioutas, C. (2003). "Results from the Research of the Southern California Particle Center and Supersite (SCPCS)."

Sioutas, C., R. J. Delfino, et al. (2005). "Exposure assessment for atmospheric ultrafine particles (UFPs) and implications in epidemiologic research." Environ Health Perspect 113(8): 947-55.

Wallace, L. A., H. Mitchell, et al. (2003). "Particle concentrations in inner-city homes of children with asthma: the effect of smoking, cooking, and outdoor pollution." Environ Health Perspect 111(9): 1265-72.

Cardiovascular effects

Hong, Y. C., J. T. Lee, et al. (2002). "Effects of air pollutants on acute stroke mortality." Environ Health Perspect 110(2): 187-91.

Jerrett, M., R. T. Burnett, et al. (2005). "Spatial analysis of air pollution and mortality in Los Angeles." Epidemiology 16(6): 727-36.

Johnson, R. L., Jr. (2004). "Relative effects of air pollution on lungs and heart." Circulation 109(1): 5-7.

Krewski, D., R. Burnett, et al. (2005). "Mortality and long-term exposure to ambient air pollution: ongoing analyses based on the American Cancer Society cohort." J Toxicol Environ Health A 68(13-14): 1093-109.

Künzli, N., M. Jerrett, et al. (2005). "Ambient air pollution and atherosclerosis in Los Angeles." Environ Health Perspect 113(2): 201-6.

1

Maheswaran, R. and P. Elliott (2003). "Stroke mortality associated with living near main roads in England and wales: a geographical study." Stroke 34(12): 2776-80.

Oberdorster, G. and M. J. Utell (2002). "Ultrafine particles in the urban air: to the respiratory tract--and beyond?" Environ Health Perspect 110(8): A440-1.

Oberdorster, G., Z. Sharp, et al. (2004). "Translocation of inhaled ultrafine particles to the brain." Inhal Toxicol 16(6-7): 437-45.

Peters, A. and C. A. Pope (2002). "Cardiopulmonary mortality and air pollution." Lancet 360(9341): 1184-5.

Pope, C. A., R. T. Burnett, et al. (2004). "Cardiovascular mortality and long-term exposure to particulate air pollution: epidemiological evidence of general pathophysiological pathways of disease." Circulation 109(1): 71-7.

Riediker, M., R. Williams, et al. (2003). "Exposure to particulate matter, volatile organic compounds, and other air pollutants inside patrol cars." Environ Sci Technol 37(10): 2084-93.

Riediker, M., W. E. Cascio, et al. (2004). "Particulate matter exposure in cars is associated with cardiovascular effects in healthy young men." Am J Respir Crit Care Med 169(8): 934-40.

Weinhold, B. (2004). "Environmental cardiology: getting to the heart of the matter." Environ Health Perspect 112(15): A880-7.

Reproductive and Developmental Effects

California Air Resources Board (2004). “Particulate Air Pollution and Infant Mortality.” Presentation May 20-21, 2004.

Salam, M. T., J. Millstein, et al. (2005). "Birth outcomes and prenatal exposure to ozone, carbon monoxide, and particulate matter: results from the Children's Health Study." Environ Health Perspect 113(11): 1638-44.

Sokol, R. Z., P. Kraft, et al. (2005). "Exposure To Environmental Ozone Alters Semen Quality." Environ Health Perspect.

Wilhelm, M. and B. Ritz (2005). "Local variations in CO and particulate air pollution and adverse birth outcomes in Los Angeles County, California, USA." Environ Health Perspect 113(9): 1212-21.

Cancer

Cohen, A. J. (2003). "Air pollution and lung cancer: what more do we need to know?" Thorax 58(12): 1010-2.

1

Guo, J., T. Kauppinen, et al. (2004). "Risk of esophageal, ovarian, testicular, kidney and bladder cancers and leukemia among Finnish workers exposed to diesel or gasoline engine exhaust." Int J Cancer 111(2): 286-92.

Mack, T. (2006). "Cancers in the Urban Environment." Presentation to the Southern California Association of Governments, January 18, 2006. Book published by Elsevier Academic Press.

Nafstad, P., L. L. Haheim, et al. (2003). "Lung cancer and air pollution: a 27 year follow up of 16 209 Norwegian men." Thorax 58(12): 1071-6.

Nicolich, M. J. and J. F. Gamble (2001). "Urban air pollution and lung cancer in Stockholm." Epidemiology 12(5): 590-2.

Pope, C. A., 3rd, R. T. Burnett, et al. (2002). "Lung cancer, cardiopulmonary mortality, and long-term exposure to fine particulate air pollution." Jama 287(9): 1132-41

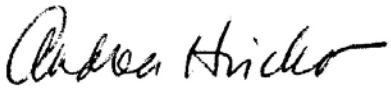
Roosli, M., N. Kunzli, et al. (2003). "Single pollutant versus surrogate measure approaches: do single pollutant risk assessments underestimate the impact of air pollution on lung cancer risk?" J Occup Environ Med 45(7): 715-23.

South Coast Air Quality Management District (AQMD) (1999). "Multiple Air Toxics Exposure Study (MATES-II)."

Vineis, P., F. Forastiere, et al. (2004). "Outdoor air pollution and lung cancer: recent epidemiologic evidence." Int J Cancer 111(5): 647-52.

Thank you for your consideration of these comments.

Sincerely,



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2.3.6.3 Andrea Hricko

Response to Comment AH-1

Thank you for your comment. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). See also Master Response 1: Feasible Mitigation.

Response to Comment AH-2

Thank you for your comment. The comment mischaracterizes the proposed Project as a new port terminal project. The YTI Terminal is an existing, fully operational marine cargo container terminal and the proposed Project includes improvements to the terminal to increase its container-handling efficiency. The comment summarizes impacts that have been adequately analyzed and disclosed in the Draft EIS/EIR. The comment will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). Additionally, see Master Response 1: Feasible Mitigation and Master Response 3: Environmental Justice.

Response to Comment AH-3

Comment noted. The comment mischaracterizes the proposed Project as a new terminal. The YTI Terminal is an existing terminal, and the proposed Project includes improvements to the terminal to increase its container-handling efficiency. The comment characterizes the "new terminal" as having nearly twice the number of TEUs it currently has. LAHD would like to point out that while it is true that in 2012, the YTI Terminal handled 996,109 TEUs and the capacity of the terminal at full buildout under the proposed Project would be 1,913,000 TEUs annually. However, in the absence of the proposed Project, the terminal has the capacity to handle up to 1,692,000 TEUs annually currently, and throughput projections estimate that this existing capacity would be reached by 2026. As such, anticipated throughput under the proposed Project represents an increase of 221,000 TEUs per year over anticipated throughput without the proposed Project. Furthermore, the air quality analysis presented in Section 3.2 of the Draft EIS/EIR does take into account truck emissions from tire wear, brake wear, and re-entrained road dust, as well as engine exhaust (see Sections 3.2.4.1, 3.2.4.2, 3.2.4.3, and 3.2.4.5 of the Draft EIS/EIR).

Response to Comment AH-4

Please refer to Response to Comment EJ2-9. See also Master Response 1: Feasible Mitigation.

Response to Comment AH-5

See Master Response 4: AMP Requirements.

Response to Comment AH-6

See Master Response 2: Zero Emissions Technologies. Further, the comment implies that the cancer burden associated with the proposed Project would be significant, which is not the case. Please refer to Response to Comment EJ2-21.

Response to Comment AH-7

See Response to Comment SCAQMD-19.

Response to Comment AH-8

See Master Response 1: Feasible Mitigation and Master Response 3: Environmental Justice.

Response to Comment AH-9

The air quality and health risk impacts as well as noise impacts resulting from the proposed Project and alternatives have been adequately disclosed in the Draft EIS/EIR. The comment does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (Public Resources Code Section 21091(d); State CEQA Guidelines Section 15130; 40 CFR 1503.4 (a)(5)).

Response to Comment AH-10

See Master Response 1: Feasible Mitigation and Master Response 3: Environmental Justice. The lead agencies thank the commenter for providing the literature citations. However, in determining the contents of an EIS/EIR, a lead agency is entitled to rely on its own experts' opinions as to which studies and analyses are appropriate to evaluate impacts (*Association of Irritated Residents v. County of Madera*, 107 Cal.App.4th 1383, 1396-1398). CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project (Ibid). An EIR is not required to perform every analysis requested by concerned persons (*Clover Valley Foundation v. City of Rocklin* [2011] 197 Cal.App.4th 200, 245). Similarly, NEPA requires federal agencies to prepare an analytic rather than encyclopedic EIS (40 CFR 1500.4(b) and 1502.2(a)). While the Draft EIS/EIR acknowledged and appropriately disclosed that a cumulative noise impact could occur to a limited number of liveaboard receptors that reside in the nearby marinas during construction, the cumulative noise impacts would occur within a short duration (only during pile driving activities), and are not likely to cause adverse health impacts. The proposed Project creates a 6-dB increase (an increase from 56 dBA up to 62 dBA) over the daytime ambient at the closest sensitive receptor, ST-4, which is a liveaboard. This increase is only associated with pile driving, and the contractors would be required to limit construction to daytime hours in accordance with the City's Noise Ordinance. No other construction activity would cause an increase over the ambient noise level. Additionally, while the cumulative noise impacts from pile driving were previously determined to result in a disproportionately high and adverse effect on minority and low-income populations (Draft EIS/EIR Chapter 5, Environmental Justice, Page 5-18), that conclusion has since been determined to have been made in error. The liveaboard receptors are located in the marinas that fall within census tract 9800.14, which, according to Table 5-2, is 23.4% minority and 16.7% low-income. Thus, the liveaboard receptors do not constitute a minority or low-income community as defined by Executive Order 12898 and the Council of Environmental Quality's Environmental Justice Guidance under the National Environmental Policy Act

(CEQ 1997). Therefore, the cumulative impact would not constitute a disproportionately high and adverse effect on minority and low-income populations. This change has been made in Chapter 3 of the Final EIS/EIR, Modifications to the Draft EIS/EIR.

Response to Comment AH-11

Thank you for your comment. The Draft EIS/EIR does not fail to review research findings on the health effects of air pollution, and in fact includes considerable discussion on the topic. For example, Table 3.2-1 in the Draft EIS/EIR provides a summary of adverse health effects associated with human exposure to criteria air pollutants, compiled by the SCAQMD. A further elaboration of the health effects of exposure to particulate matter, including such emissions from the goods movement industry, begins on Page 3.2-54 of the Draft EIS/EIR in the discussion of mortality and morbidity. LAHD believes that these two summaries together provide an adequate disclosure of health effects information as required under CEQA and NEPA. With respect to the studies cited by the commenter, the lead agency thanks the commenter for the information, but notes that in determining the contents of an EIR, a lead agency is entitled to rely on its own experts' opinions as to which studies and analyses are appropriate to evaluate impacts (*Association of Irritated Residents v. County of Madera*, 107 Cal.App.4th 1383, 1396-1398). CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project (Ibid). An EIR is not required to perform every analysis requested by concerned persons (*Clover Valley Foundation v. City of Rocklin* [2011] 197 Cal.App.4th 200, 245). Similarly, NEPA requires federal agencies to prepare an analytic rather than encyclopedic EIS (40 CFR 1500.4(b) and 1502.2(a)).

2.3.7 Draft EIS/EIR Public Hearing

Comment Letter PH

STATE OF CALIFORNIA

LOS ANGELES CITY HARBOR DEPARTMENT

ENVIRONMENTAL MANAGEMENT DIVISION

Berths 212-224

[YTI] Container Terminal

Improvements Project

DRAFT EIS/EIR

P U B L I C S C O P I N G H E A R I N G

TUESDAY, MAY 20, 2014

PORT OF LOS ANGELES, SAN PEDRO, CA

REPORTED BY: Kimberly Meza, CSR No. 12771

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APPEARANCES OF COUNSEL:

For PORT OF LOS ANGELES, PROJECT MANAGER:

LAURA MASTERSON

For SAN PEDRO CITY ATTORNEY:

JUSTIN HOUTERMAN

For U.S. ARMY CORPS OF ENGINEERS:

THERESA STEVENS

Public Speakers:

MICHELE GRUBBS

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TRANSCRIPT OF PROCEEDINGS

6:03 P.M.

* * *

LAURA MASTERSON: Okay. We're going to go ahead and get started. Thank you for being here this evening. This is the public meeting for Berths 212 through 224 YTI Container Terminal Improvements Project. First of all, I'm going to introduce Theresa Stevens who is from the regulatory vision of the United States Army Corps of Engineers. She's going to be reading a statement, and then I will go through a quick presentation letting you know what the project is and also going through some of the findings of our draft document.

THERESA STEVENS: Good evening, everyone. My name is Theresa Stevens. I'm a senior project manager of the Los Angeles District U.S. Army Corps of Engineers regulatory division on behalf of the Corps of Engineers. I'd like to welcome everyone to this public meeting. Recently, the Los Angeles Harbor Department applied to the Corps of Engineers for a permit to construct wharf and terminal improvements at Berths 212 and 224, the YTI Container Terminal, on Terminal Island.

Because Federal permit qualifies Federal actions, The Corps must also comply with the National Environmental

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Policy Act also known as NEPA. Due to the nature and scope of activities in waters of the United States, The Corps determined the proposed project could result in a significant impact; and, therefore, an Environmental Impact Statement or EIS was prepared on April 5th, 2013. We published a notice of intent to prepare an EIS in the Federal register. On May 2nd, 2014, we published a notice of availability for the Draft EIS in the Federal register. We also distributed a public notice and posted a public notice on our website.

In response to comments received at this meeting and written comments received through June 16th, The Corps and the Harbor Department will prepare a final EIS/EIR. The Corps of Engineers is responsible for regulating discharges of dredged and film material in waters of the United States, work that may be conducted, and structures that may be installed in over or under navigable waters of the United States, any activities that may affect navigation, and the transport of dredged material for the purpose of ocean disposal.

As proposed, the project does not include a discharge of dredged or film material into waters of the U.S.; therefore, a Section 404 Clean Water Act authorization is not required. However, the proposed dredging and wharf requirements and crane replacement

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activities are regulated under Section 10 of the Rivers and Harbors Act. Because the project includes dredging, The Port has also proposed to dispose of some of the dredged material at the USEPA-approved ocean disposal site known as LA2. Some dredged material would also be disposed at the Berth's 243 to 245, confined disposal facility. Disposal at LA2 requires authorization under Section 103 of the Marine Protection Research and Sanctuaries Act.

Federal actions such as Corps permit decisions are subject to compliance with the variety of Federal environmental laws in addition to NEPA. Consequently, The Corps has a responsibility to evaluate the environmental impacts that would be caused by the project prior to making a permit decision. In meeting its regulatory responsibility, The Corps is neither a project proponent or opponent.

In addition to evaluating the direct, indirect, and cumulative environmental impacts of the project, The Corps must determine whether the project is in the public interest. No permit can be granted if we find that the proposal is contrary to the public interest. The public interest determination requires a careful weighing of factors that is relevant to the particular project. The public interest review also requires The Corps reevaluate

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project benefits and balance them against reasonably foreseeable detriments.

At this hearing, The Corps is requesting input from the public concerning the project and The Corps' firm actions. The Corps would like to emphasize that we will carefully consider all comments received, and they will be given full consideration as part of our final decision. Following this meeting, all parties will be given until June 16th, 2014, to provide written comments on the project and our permit action. All oral and written testimony will become part of The Corps' administrative record for this action.

At this time I'd like to ask you if you know that you would like to speak tonight to please fill out a speaker card and hand it to me, Harbor Department, or consultant staff. This will help us transition to the public input session. Now I'll pass the meeting back to Laura.

LAURA MASTERSON: Thank you, Theresa. So I'm going to give a brief rendition about the project and about the findings of the document. One second. I'm just trying to get into the record our translator was delayed. And if everyone is okay without a translator, we're going to go ahead and proceed. Thank you. Okay. Sorry for the delay. Again, my name is Laura Masterson. I am the

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project manager for this project. So here's the agenda for today. We already did the opening remarks and Theresa Stevens presented her presentation. Now I'm going to go through my presentation, and then we will have public comments.

So the purpose of this hearing is to provide you information on its project. And it's also to provide an overview of the analysis that was done in the Draft EIR/EIS and also to obtain public comment on the analysis found in the EIR/EIS. And contrary to this sign saying there's Spanish translation available, we will not be having Spanish translation at this time. This is just to give you a quick overview of the environmental review process and where we are in this process right now.

We are in the draft EIS/EIR. We released the document for public review on May 2nd, and that review period will be through June 16th. And tonight we are at the public meeting on May 20th for the draft document. We also held a scoping meeting when we released the NOI/NOP back in April of 2013. This is just to give you an idea of the project location where you can see more of a regional scale, and then also a more detailed location of the project.

The project is located on Terminal Island within The Port of Los Angeles property along the East Basin

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Channel. This is the existing project site. It is 185-acre site on Terminal Island, like I said. There are three existing berths, two of which are currently in use. There is 157-acre container yard and a 24-acre on-dock rail yard with four dedicated tracks for YTI. There are 14 existing cranes, ten of which are currently in operation.

During the calendar year 2013, there were -- excuse me, 2012, there were 996,109 TEUs moved through the terminal with 162 vessel calls. And the existing lease for YTI goes through 2016 with an option to extend for ten years through 2026. The purpose of the proposed project is to improve marine shipping and commerce by upgrading container terminal infrastructure to accommodate the projected shipment of larger containership anticipated to call at YTI through 2026.

The needs for the proposed project are that the existing berths at the terminal are not deep enough to accommodate the projected fleet mix that's expected to call at the terminal in the future. Some of the existing cranes and the crane rail are not sufficient to load and unload the largest containerships efficiently. The on-dock rail yard servicing the terminal does not have the capacity to efficiently accommodate increases in peak container volume associated with the servicing of larger

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vessels. And the terminal container yard surface is in need of repair and strengthening to prevent damage and assure efficiency of the yard equipment.

This slide shows you a slight plan of the proposed project, and I'll leave this up here just for a second. And as I start to talk through some of the elements, I will also show those in writing in a second. So there will be new dredging and sheet piles and king piles at Berths 214 through 216 and also at 217 through 220. And you can see the area that is hashed in white is the area where there's proposed dredging and deepening of those berths. There will be removal and replacement and the raising -- there will be removing and replacement of some of the cranes and raising of the existing cranes for a total of 14 operational cranes after construction is complete.

There will be an extension of the 100-foot gauge crane rail by 1500 feet to extend it to Berths 217 through 220. So 217 through 220 is the one to the left of the screen that is not currently operational which will become operational and have the crane rail extended. And there will be back line and service improvements on 160 acres on the terminal back lines. And there will be an addition of the single loading track to the on-dock rail yard. And here is just a -- quickly so you can see what is proposed.

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The timeline for construction is a 22-month construction schedule broken up into two phases. The first phase is proposed to be 12 months beginning in mid-2015. During that phase, Berths 212 and 213 and 214 and 216 will be in operation. So the two existing operational berths will be in operation while Berths 217 through 220 is being constructed.

Phase 2 will be ten months beginning in mid-2016 during which time Berths 212 through 213 and the newly improved Berths 217 through 220 will be in operation. Subsequent to Phase 2 of construction, there will be three operational berths starting in early 2017 through 2026.

I'm going to quickly go through the findings of the Draft EIS/EIR. We found less than significant impacts in the areas of aesthetics, culture resources, geology, ground transportation, hazards and hazardous materials, land use, purchased transportation, public services, utilities and service systems and water quality, cement and oceanography. We found less than significant impacts with the incorporation of mitigation in ground water soils and also noise.

And we have mitigation measures GW1 and GW2 to address impacts to ground water soils, and mitigation measures NOI-1 and NOI-2 to address impacts to noise. Our draft analysis found significant and unavoidable impacts

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in the area of air quality and meteorology, biological resources, and greenhouse gas emissions. However, you can see the list of mitigation measures that we have incorporated to reduce such impacts. We also found cumulative impacts in the areas of air quality and meteorology, biological resources, noise, aesthetics only under CEQA but not under NEPA, and greenhouse gas emissions only under CEQA, not under NEPA.

This slide is just a brief summary of the proposed project and the project alternatives that were analyzed in the draft document. We had the No Project Alternative which is required under CEQA that generated what would happen at the terminal without the project over time. We have the No Federal Action Alternative that analyzes what project would go forward without Federal approval. And we have the Reduced Project Alternative which is to improve Berths 217 through 220 only and not to do any improvements at Berths 214 through 216.

And this table just gives you a brief summary of the major elements of the different alternatives. You can see that the Reduced Project Alternative has the same capacity as the proposed project, and you can see the number of annual ship calls is higher only under the Reduced Project Alternative. And I won't go through all of those things, but one main difference is the amount of

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dredging is reduced under the Reduced Project Alternative. There's only 6,000 cubic yards of dredging as opposed to 20,000 under the proposed project.

So we want your comments, and that's the purpose of this meeting this evening and also the public comment period. So there are several ways that you can provide comments. You can provide an oral comment at tonight's meeting. We will start that immediately following my presentation. If you would like to speak, please fill out a comment card, and we will collect those and call out the speakers.

You can also fill out a comment card which we have available which you can either turn in a written comment tonight or you can mail it to us. You can send an e-mail to both of the e-mail addresses listed below on this slide. And I can put this back up later if anyone needs it or you can mail written comments in, and I will show the mailing addresses on the next slide.

Please keep in mind that the comment period closes on June 16th just so that everyone knows if you do give an oral comment tonight, we do have a court reporter here that will be recording all comments received. Let me quickly go over the procedure. As we'll go through for the comments, you will be called in order that the comment cards were received. Speakers will be given three

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minutes. We'll have a timer up here to have an idea how much time you have left. It turns yellow when you have 30 seconds left and red when you have five seconds left.

Like I said, all comments will be transcribed by the court reporter and included in the final document and considered in the analysis in the final document. All right. Thank you very much. We'll start the public comment portion. Okay. So we have one speaker card as of now. This is Michele Grubbs. When you're ready, please begin.

MICHELE GRUBBS: Is this on? Got it. Thank you. Good evening, my name is Michele Grubbs. I'm the vice president of Pacific Merchant Shipping Association. I am here on behalf of PMSA to show support of the Draft EIR for the improvements to the YTI terminal. Competition for U.S. ports is intensifying.

PH-1

The Port of Los Angeles must upgrade their terminals to prepare for the larger vessels and to be able to handle vessels larger than 85,000 TEUs, sorry, 8500 TEUs, and to have The Port be big-ship ready. These larger vessels will increase not only cargo throughput but will also increase jobs in the Southern California region. For this reason PMSA supports the Draft EIR.

LAURA MASTERSON: Thank you very much. That is the only speaker card that I have in hand. Does anyone

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else have any other speaker cards? Okay. That was the final speaker of the evening. And with that, we will conclude the public comment portion, and we will conclude this meeting officially. Thank you all for coming.

(Proceedings concluded at 6:21 p.m.)

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REPORTER'S CERTIFICATE

I, Kimberly Meza, a Certified Shorthand Reporter, holding a valid and current license issued by the State of California, CSR No. 12771, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed into typewriting under my direction and supervision.

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 4th day of June, 2014.

Kimberly Meza

Certified Shorthand Reporter

2.3.7.1 Draft EIS/EIR Public Hearing Transcripts

Response to Comment PH-1

The public hearing on the Draft EIS/EIR was held on May 20, 2014. One speaker, Michele Grubbs from the Pacific Merchant Shipping Association, provided comments during the public hearing in support of the Draft EIS/EIR. LAHD thanks Ms. Grubbs for her comment. The comment is noted and will be before the decision-makers for their consideration prior to taking any action on the project. The comment is general and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

2.4 References

2.4.1 Printed References

CALSTART. 2012. Preliminary Assessment: Technologies, Challenges & Opportunities I-710 Corridor Zero Emission Freight Corridor Vehicle Systems. June. Available: http://www.calstart.org/Libraries/Publications/I-710_Tech_Challenges_Opps_Report.sflb.ashx.

California Department of Transportation (Caltrans). 2002. Guide for the Preparation of Traffic Impact Studies. December. Available: http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

City of Los Angeles. 2007. Green LA: An Action Plan to Lead the Nation in Fighting Global Warming. May. Available: http://www.environmentla.org/pdf/GreenLA_CAP_2007.pdf.

U.S. Environmental Protection Agency (EPA). 2005. Appendix W Guidance. Available: http://www.epa.gov/scram001/guidance/guide/appw_05.pdf.

Gladstein, Neandross & Associates. 2012. Zero-Emission Catenary Hybrid Truck Market Study. Prepared for South Coast Air Quality Management District. March. Available: http://www.transpowerusa.com/wordpress/wp-content/uploads/2012/06/ZETECH_Market_Study_FINAL_2012_03_08.pdf.

Merkel & Associates. 2010. Demersal Fisheries Response to the 2004 Channel Deepening Project in San Diego Bay: Supplemental Fish Sampling. Prepared for Port of San Diego, Port of Los Angeles, Port of Long Beach, NOAA Fisheries, and Naval Facilities Engineering Command Southwest. February. San Diego, CA. Available: http://www.portofsandiego.org/component/docman/doc_download/3136-dredgescar-supplemental-submitted.html.

Port of Long Beach and Port of Los Angeles (POLA & POLB). 2011. Roadmap for Zero Emissions. June. Available: http://www.polb.com/civica/filebank/blobdload.asp?BlobID=8493.

Port of Los Angeles (POLA). 2011. Methodology for Addressing Mortality and Morbidity in Port of Los Angeles CEQA Documents. July 22.

Port of Los Angeles (POLA). 2014. Port of Los Angeles Energy Management Action Plan.

Science Applications International Corporation (SAIC). 2010. *Final 2008 Biological Surveys of Los Angeles and Long Beach Harbors.* In Association with Seaventures, Keane Biological Consulting, Tenera Environmental, ECORP Consulting Inc., and Tierra Data Inc. April.

South Coast Air Quality Management District (SCAQMD). 2011. Air Quality Significance Thresholds. March. Available: http://www.aqmd.gov/ceqa/handbook/signthres.pdf.

Starcrest Consulting Group, LLC; Mitsui Engineering & Shipbuilding Co., LTD; and MAN Diesel & Turbo A/S. 2013. Man Slide Valve Low-Load Emissions Test. Final report. Prepared for: the Port of Long Beach and the Port of Los Angeles. June

TIAX LLC. 2011. Technology Status Report – Zero Emission Drayage Trucks. Prepared for the Port of Long Beach and Port of Los Angeles. June. Available: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.cleanairactionplan.org%2Fcivica%2Ffilebank%2Fblobdload.asp%3FBlobID%3D2522&ei=HFT-U-ffE7OI8QH8zYHABA&usg=AFQjCNECyGFEXUKkHICrWGpQlYrZxLDM7Q&sig2=MA9dYIl4gZ4jZZzT7DdDPg.

2.4.2 Personal Communication

Hansen, Douglas. Director, Strategic Planning & IT. Yusen Terminals, Inc. E-mail correspondence on October 8, 2013 regarding NYK-operated vessel projections. San Pedro, CA.