

CEQA FINDINGS OF FACT

I. INTRODUCTION TO CEQA FINDINGS

These findings are made pursuant to the California Environmental Quality Act (CEQA, Public Resources Code §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) by the Board of Harbor Commissioners (Board) of the Los Angeles Harbor Department (LAHD) as the lead agency for the SA Recycling Amendment to Permit No. 750 Project (Proposed Project). These findings pertain to the Subsequent Environmental Impact Report (SEIR) to the Hugo Neu-Proler Lease Renewal Project Final Environmental Impact Report (EIR), State Clearinghouse (SCH) #93071074.

A. *Project Description Summary*

LAHD operates the Port of Los Angeles (Port or POLA) under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Section 601; California Tidelands Trust Act of 1911) and the California Coastal Act (PRC Division 20 Sections 30700 et seq.). The LAHD is chartered to develop and operate the Port to benefit maritime uses, and it functions as a landlord by leasing Port properties to more than 300 tenants.

Among the LAHD's tenants is SA Recycling (Applicant), which has been issued a Permit by LAHD for approximately 26.7 acres of waterfront and backland property at Berths 210 and 211 on Terminal Island at POLA to operate a scrap-metal recycling facility ("SA Recycling"). The facility has operated on the site since August 7, 2010, when they obtained assignment of Permit No. 750 under Order #69250. In 2019, SA Recycling submitted an Application for Port Permit (APP#190916-128) to the Harbor Department expressing interest in extending the permit beyond its current termination date of 2024.

In 1996, LAHD certified the Final EIR for the Hugo Neu-Proler Lease Renewal Project (SCH No. 93071074) (1996 Certified EIR). The primary objective of the 1996 Certified EIR was a permit renewal extending Permit No. 750 through 2024. In addition to the renewal of the permit and continuation of current operations, project objectives included remediation of soil and groundwater contamination of the project site, upgrade or replacement of on-site facilities and equipment, and addition of new facilities and equipment to the operation. The project approved in the 1996 Certified EIR included remediating soil and groundwater contamination on site; reducing the opportunities for future contamination; improving aesthetics of the site; controlling noise; reducing dust emissions, managing stormwater runoff; and improving efficiency, capacity, reliability, and general environmental compatibility of the operation. The maximum capacity of the site under the 1996 approved project (Approved Project) was 1,300,000 gross tons of scrap metal per year. Construction of the Approved Project was completed in 1997.

In 2019, SA Recycling submitted an application expressing interest to extend the existing Permit 750. In 2021, an addendum assessing an extension to the Permit was prepared by SA Recycling and released for public review from August 12 to October 12, 2021. Comments received from regulatory agencies and community stakeholders requested the LAHD evaluate the Proposed Project through a more robust analysis, such as an EIR. After considering the comments and evidence received in

support of those comments, LAHD decided not to adopt the Addendum and decided to conduct further environmental analysis as part of a Subsequent EIR (SEIR).

The primary object of the Proposed Project evaluated in the SEIR is to amend the existing Permit No. 750 to allow for an up-to 10-year extension of the current permit to continue operations, which currently expires in 2024. The term extension would allow for continued operation of the site as a scrap metal recycling facility with no changes to the scope of the Permit, use of the Proposed Project site, or new construction or operations, other than routine maintenance or replacement of equipment (Phase 1, Continued Operations). Phase 1 Continued Operations at the site would conclude at the end of year ten pursuant to the terms of the Permit. Up to an additional 5 years will be granted to allow for any required removal of equipment, demolition of the existing landside structures on the project site, any necessary remediation of the project site to satisfy LAHD and regulatory requirements, and post remedial activities to restore the premises per the terms of the Permit (Phase 2, Non-operational Restoration Period). No recycling operations outside of those required for restoration of the site will occur during the up to 5-year Phase 2 term.

The 1996 Certified EIR determined that most potential impacts generated by the Approved Project were less than significant prior to mitigation or were reduced to a less than significant level with mitigation. The 1996 Certified EIR also found the following environmental impacts would be significant and unavoidable despite implementation of the identified mitigation and a Statement of Overriding Considerations was adopted:

- Air Quality (Nitric Oxide and Nitrogen Dioxide [NO_x] and Volatile Organic Compounds [VOC] emissions during construction).
- Air Quality (NO_x, VOC, and CO [carbon monoxide] emissions during operation).
- Geology (ground shaking).

LAHD also adopted a Mitigation Monitoring and Reporting Program (MMRP) containing 19 mitigation measures to address these impacts, both during construction and operation of the 1996 lease renewal project.

B. Project Objectives

The Proposed Project would address the project objectives, as summarized below:

- Extending the Applicant's existing Permit to remain effective for a period of up to 10 years to allow continued operation and up to an additional 5 years to close, remediate, and restore the property.
- Maintain the use of an existing permitted metal recycling facility for 10 years to provide long-term scrap metal reclamation and recycling capacity consistent with applicable local and state regulatory requirements.
- Utilize an existing permitted metal recycling site to continue providing economical, efficient and safe metal recycling and bulk export by vessel in the Southern California region to meet current and future anticipated demands.
- Allow for ongoing metal recycling activities while ensuring the protection of health, safety and the environment.

- Ensure restoration of the Project site consistent with foreseeable future requirements, including by removing the structures and installations from the SA Recycling premises in accordance with site closure and remediation work plans, as required by the LAHD and trustee/responsible agencies.
- Prevent the release or threatened release of hazardous substances from uses on the Project site.

C. Type of EIR

The EIR for the Proposed Project is a SEIR prepared pursuant to Public Resources Code (PRC) Section 21166 and State CEQA Guidelines Section 15162, that states when an EIR has been certified or a negative declaration adopted for a project, no SEIR or negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, or the negative declaration was adopted shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
 - b. Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

After considering the comments and evidence received from commenters on the previously proposed and voluntarily circulated Addendum, in addition to changes in circumstances (air quality) under which the amended/extended permit would continue to be undertaken, the LAHD elected to prepare the Draft SEIR prior to considering the amended permit for approval. The LAHD continued to serve as the CEQA lead agency and gave the notice and opportunity for public review as is required under CEQA Guidelines Section 15087. Copies of the 1996 Certified Draft and Final EIR were also made available for public review on the Port of Los Angeles' website at: www.portoflosangeles.org/ceqa.

The SEIR was prepared as an informational document to be used by the Board, public agencies, stakeholder organizations and individuals, and the general public during the decision-making

process for the Proposed Project. In accordance with the State CEQA Guidelines, the SEIR informed readers if the implementation of the Proposed Project will cause any new significant environmental impacts or increase the severity of impacts already previously identified in the 1996 Certified EIR, identified if any mitigation measures from the 1996 Certified EIR were applicable, identified feasible mitigation measures for any new impacts or describe project changes to lessen the Proposed Project's significant impacts. The Board has considered the 1996 Certified EIR, along with other substantial evidence in the administrative record, when making its decision to approve the Proposed Project and grant the amendment to Permit No. 750. The Board, in its role as the decision-making body of the LAHD, is responsible for certifying the Final SEIR and adopting the MMRP, and these Findings of Fact prior to approval of the Proposed Project.

The Final SEIR incorporates by reference relevant information, analyses and conclusions contained in the 1996 Certified EIR; considers all additional, relevant information applicable to the Proposed Project that has become available since the LAHD's certification of the 1996 Certified EIR; and examines the impacts of the Proposed Project, including all impacts that (1) were not examined as significant effects on the environment in the 1996 Certified EIR or (2) are susceptible to substantial reduction or avoidance by the choice of specific revisions in the Project, by the imposition of feasible mitigation measures or Project conditions, or other means. When certified, this Final SEIR, in conjunction with the 1996 Certified EIR, will serve as the base environmental document for tiering purposes when implementing the Proposed Project. The 1996 Certified EIR, which this Final SEIR supplements, is available for review at the Port of Los Angeles Environmental Management Division located at 425 South Palos Verdes Street, San Pedro, California 90731. The SA Recycling Amendment to Permit No. 750 Final SEIR (Final SEIR) can be viewed online at: www.portoflosangeles.org/ceqa.

LAHD has exercised independent judgment in accordance with Public Resources Code § 21082.1(c) in retaining its own environmental consultant and directing the consultant in preparation of the SEIR, as well as reviewing, analyzing and revising material prepared by the consultant as described in more detail below.

In accordance with Public Resources Code § 21081 and CEQA Guidelines § 15091, LAHD has made one or more specific written findings regarding significant impacts associated with the Project. Those findings are presented below, along with the rationale behind each of the findings. Concurrent with the adoption of these findings, LAHD adopts the MMRP.

The documents and other materials that constitute the record of proceedings on which the Project findings are based are located at Port of Los Angeles Environmental Management Division located at 425 South Palos Verdes Street, San Pedro, California 90731. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).

D. Procedural Compliance with CEQA

LAHD published a Draft SEIR on January 4, 2024, and a Final SEIR on April 1, 2024, in compliance with CEQA requirements. LAHD prepared the Final SEIR in accordance with CEQA and the CEQA Guidelines. As allowed for in CEQA Guidelines Section 15084(d)(2), LAHD retained a consultant to assist with the preparation of the environmental documents. LAHD, acting as lead agency, has directed, reviewed, and edited as necessary all material prepared by the consultant, and such

material reflects LAHD's independent judgment. In general, the preparation of the SEIR included the following key steps and public notification efforts:

- A 30-day scoping process began with LAHD's issuance of the Notice of Preparation (NOP) of an SEIR on March 30, 2023. The 30-day comment period ended April 28, 2023. LAHD held a virtual SEIR scoping meeting on April 11, 2023, to receive perspective and input from agencies, organizations, and individuals on the scope and content of the environmental information to be addressed in the SEIR.
- LAHD issued the Draft SEIR on January 4, 2024. The Notice of Availability for the Draft SEIR mailed and emailed to an extensive distribution list. The Notice of Availability and the Draft SEIR was also posted on LAHD's website and was available for review at the LAHD Office. In addition, notification of the availability of the Draft SEIR was posted in the Los Angeles Times, Torrance Daily Breeze, Long Beach Press Telegram, Random Lengths, Metropolitan News Enterprise, and La Opinión and was distributed to those who provided comments on the NOP, and other interested parties and stakeholders.
- The Notice of Completion for the Draft SEIR was filed with the State Clearinghouse on January 4, 2024. The Draft SEIR was available for a 48-day public review period starting January 4, 2024. Following the close of the public review period on February 19, 2024, LAHD revised the Draft SEIR in response to comments received and provided written responses addressing all significant environmental issues raised.
- LAHD published the Final SEIR on March 2024, and posted the Final SEIR on its website. LAHD provided an email notifying all public agencies, organizations and individuals that commented on the Draft SEIR of the availability of the Final SEIR 10 days prior to certifying the SEIR. The LAHD Board of Harbor Commissioners held a public hearing on April 11, 2024, to consider certification of the Final SEIR.

E. Incorporation of Final SEIR by Reference

The 1996 Certified SEIR is hereby incorporated by reference into these Findings. The Final SEIR consists of: (1) the Draft SEIR, including revisions; (2) all appendices to the Draft SEIR (Appendices A-E); and (3) comments received on the Draft SEIR; a list of public agencies, organizations, and individuals commenting on the Draft SEIR; LAHD's responses to significant environmental issues raised in the review and consultation process; and other information.

II. FINDINGS REGARDING ENVIRONMENTAL IMPACTS

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. (The concept of infeasibility also encompasses whether a particular mitigation measure promotes the Project’s underlying goals and objectives, and whether a mitigation measure is impractical or undesirable from a policy standpoint. See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

LAHD has made one or more of these specific written findings regarding each significant impact associated with the Proposed Project. Those findings are presented below, along with a presentation of facts in support of the findings. The Board of Harbor Commissioners certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed.

The SEIR evaluation included a detailed analysis of impacts on the five resource topics potentially affected by the Proposed Project and analyzed impacts of the Proposed Project. The SEIR disclosed the environmental impacts that would result from the adoption and implementation of the Proposed Project without mitigation. Feasible mitigation measures were identified intended to avoid or substantially lessen significant environmental effects.

III. FINDINGS REGARDING ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the LAHD Board of Harbor Commissioners hereby finds that the following environmental impacts of the Proposed Project either would not occur or are less than significant. These findings are based on the detailed impact analyses provided in Sections 3.1 through 3.5 of the SEIR and the cumulative impacts discussed in Chapter 4 of the SEIR. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines Section 15126.4(a)(3)).

A. Air Quality (SEIR Section 3.1)

AQ-1 Would the Proposed Project result in new emissions that exceed a South Coast Air Quality Management District (SCAQMD) threshold of significance?

The LAHD Board of Harbor Commissioners (Board) finds that implementation of the Proposed Project would not result in new emissions that would exceed a SCAQMD threshold of significance. Phase 1 activities would result in criteria pollutant emissions from engine exhaust and fugitive dust, diesel particulate matter (DPM) emissions from engine exhaust, and toxic air contaminants (TAC) emissions from on-site metal processing. However, air quality modeling through CalEEMod, found that regional peak day criteria pollutant emissions by source category and the CEQA increment (Proposed Project emissions minus the CEQA Baseline) for all pollutants would be below SCAQMD significance thresholds and that Phase 1 emissions would be less than the CEQA Baseline. Truck and worker vehicle emissions would be reduced, in comparison to the CEQA Baseline, as older equipment is replaced with cleaner equipment, per existing regulatory requirements.

It should also be noted that the analysis calculated emissions for the first year of activity under the proposed 10-year permit and did not take credit for anticipated emission reductions in future years, due to existing regulatory requirements. Future emissions were assumed to remain unchanged after the first year of the proposed 10-year permit. This is a conservative approach, as emissions would be reasonably expected to decrease in future years due to more stringent regulatory requirements.

In addition, emissions were found to be substantially less than emissions calculated in the 1996 Certified EIR. Although the Proposed Project throughput would be 1.2 million tons, which is 92% of the 1.3 million tons assessed in the 1996 Certified EIR, Proposed Project emissions would be substantially less. Proposed Project emissions of particulate matter less than 10 microns in diameter (PM₁₀), nitrogen oxides (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), and volatile organic compounds (VOC) would be 12%, 47%, 3%, 20%, and 4% of the 1996 Certified EIR emissions, respectively. The decrease in emissions compared to the 1996 Certified EIR, although due in part to the lower throughput, is primarily attributed to stricter regulatory requirements promoting the use of cleaner engines and sulfur content limits in diesel fuel.

Phase 2 activities would also result in criteria pollutant emissions from engine exhaust and fugitive dust, and in DPM emissions from engine exhaust. Phase 2 non-vessel emissions were calculated, using CalEEMod, for each year of activity. Vessel emissions were calculated using the same methodology used to calculate emissions during Phase 1 activities. Peak day emissions for all pollutants, except PM₁₀ in 2035, would occur when one vessel would transit in, hotel at the berth, and be loaded. The vessel would make only one transit in a 24-hour period and would be maneuvered to/from the berth by tugboats. In addition, on-site equipment would be used to transfer metal to the berth and load it to the bucket crane resulting in engine exhaust and dust emissions. Peak day PM₁₀ emissions would occur in 2035 as a result of fugitive dust during concrete slab demolition. The SEIR analyzed the regional peak day criteria pollutant emissions by source category and shows that the CEQA increment (Proposed Project emissions minus the CEQA Baseline) for all pollutants would be below SCAQMD significance thresholds and that Phase 2 emissions would be less than the CEQA Baseline.

Thus, the Proposed Project would not result in any new significant impacts or in a substantial increase in the severity of previously identified impacts under Impact AQ-1. Specifically, the Proposed Project would not result in any new significant and unavoidable impacts (e.g., to air quality or health risk), or a substantial increase in the previously identified significant impacts found in the 1996 EIR to air quality or geology, for example.

Regarding cumulative impacts, criteria pollutant emissions associated with Phase 1 and Phase 2 of the Proposed Project were analyzed in the SEIR, and emissions of all criteria pollutants were found to be less than the CEQA Baseline and as such would not exceed SCAQMD significance thresholds in any of the analyzed years. Thus, the Proposed Project emissions would be less than the CEQA Baseline and would therefore not make a cumulatively considerable contribution to an existing cumulatively significant impact.

AQ-2 Would the Proposed Project result in new ambient air pollutant concentrations that exceed National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) or exceed an SCAQMD Localized Significance Threshold (LST) standard emissions threshold?

The Board finds that implementation of the Proposed Project would not result in new ambient air pollutant concentrations that exceed NAAQS or CAAQS or exceed an SCAQMD LST standard emissions threshold. Methodology used to assess ambient air quality in the South Coast Air Basin (SCAB) has changed since the time of the 1996 Certified EIR. SCAQMD recommends that projects quantitatively evaluate potential impacts to ambient air quality by either conducting dispersion modeling or using SCAQMD's screening LST methodology. The SEIR evaluated the Proposed Project's on-site Phase 1 peak day criteria pollutant emissions by source category and shows that the CEQA increment (Proposed Project emissions minus the CEQA Baseline) for all pollutants would be below SCAQMD's LST thresholds and that Phase 1 emissions would be either equal to or less than the CEQA Baseline.

The SEIR also evaluated the Proposed Project's on-site Phase 2 peak day criteria pollutant emissions by source category and shows that the CEQA increment (Proposed Project emissions minus the CEQA Baseline) for all pollutants would be below SCAQMD's LST thresholds and that Phase 2 emissions would be less than the CEQA Baseline.

Thus, the Proposed Project would not result in any new significant impacts or in a substantial increase in previously identified impacts under AQ-2.

Regarding cumulative impacts, the SCAQMD developed the LST methodology to aid CEQA lead agencies in assessing localized air quality impacts from Proposed Projects. This screening methodology, based on on-site emissions, emission area, ambient air quality, and distance to the nearest exposed individual, enables a determination of whether a project would cause or contribute to exceeding air quality standards without the need for a dispersion modeling analysis. The LST is presented in look-up tables for various pollutants, and if on-site emissions fall below the specified levels, the proposed activity is considered compliant with ambient air quality standards. Criteria pollutant emissions, from on-site activities, associated with Phase 1 and Phase 2 of the Proposed Project were analyzed in the SEIR and it was found that emissions would be less than the CEQA Baseline, as such would not exceed SCAQMD LST significance thresholds, and would therefore not exceed ambient air quality standards in any of the analyzed years. The Proposed Project emissions would be less than the CEQA Baseline and would therefore not make a cumulatively considerable contribution to an existing cumulatively significant impact.

AQ-3 Would the Proposed Project result in other emissions (such as those leading to odors) that adversely affect a substantial number of people?

The Board finds that the Proposed Project would not result in emissions (such as those leading to odors) that adversely affect a substantial number of people. Projects that use diesel and gasoline fuels may have the potential to generate odors. Some individuals may sense that diesel and gasoline emissions are objectionable. The Proposed Project would be considered significant if it would result in odors that would adversely affect a substantial number of people by creating a nuisance under SCAQMD Rule 402. The existing industrial setting of the Proposed Project represents an already complex odor environment. Odors from Phase 1 and Phase 2 activities of the Proposed Project would be similar to odors produced from existing industrial activities and would be primarily associated with vessels berthed at the terminal and on-site mobile equipment exhaust. Within this context, the Proposed Project would not likely result in changes to the overall odor environment in the vicinity. The distances between Proposed Project emission sources and the nearest sensitive receptors,

possible residents at the marina in the East Basin are far enough away to allow for adequate dispersion of these emissions to below objectionable odor levels. Thus, the Proposed Project would not result in any new significant impacts or in a substantial increase than previously analyzed under Impact AQ-3.

Regarding cumulative impacts, the existing industrial setting of the Proposed Project represents an already complex odor environment. Odors from Phase 1 and Phase 2 activities of the Proposed Project would be similar to odors produced from existing industrial activities and would be primarily associated with vessels berthed at the terminal and on-site mobile equipment exhaust. Within this context, the Proposed Project would not likely result in changes to the overall odor environment in the vicinity. The distances between Proposed Project emission sources and the nearest sensitive receptors, possible residents at the marina in the East Basin, are far enough away to allow for adequate dispersion of these emissions to below objectionable odor levels. Since the Proposed Project would not result in nuisance odors under SCAQMD Rule 402, it would not result in a cumulatively considerable contribution to odors. Thus, the Proposed Project emissions would not make a cumulatively considerable contribution to odor emissions.

AQ-4 Would the Proposed Project expose receptors to significant levels of TACs per SCAQMD thresholds?

The Board finds that the Proposed Project would not expose receptors to significant levels of TACs per SCAQMD thresholds. Phase 1 activities would result in emissions from engine exhaust in the form of DPM and TAC emissions from on-site metal processing/handling. Phase 1 throughput and source activity would not change from the CEQA Baseline. Corresponding TAC emissions would also not change compared to the CEQA Baseline or in the case of DPM be lower than the CEQA Baseline as equipment engines turnover to cleaner engines or are electrified due to stricter regulatory requirements.

Phase 2 activities would result in DPM emissions from engine exhaust. The greatest source of these emissions on site would be non-vessel activities, such as the dismantling of metal structures, concrete slab and foundation demolition, export of debris and soil, and import of clean cover. These emissions would be substantially less than Phase 1 non-vessel emissions. In addition, Phase 2 would require the use of only 1 vessel over the course of 1 day, compared to 28 annual vessels associated with Phase 1 and the CEQA Baseline. Therefore, Phase 2 activities would be considerably less intensive and result in substantially lower DPM emissions than both Phase 1 activities and the CEQA Baseline. Thus, the Proposed Project would not result in any new significant impacts or in a substantial increase in previously identified impacts under Impact AQ-4.

Regarding cumulative impacts, Phase 1 activities would result in emissions from engine exhaust in the form of DPM and TAC emissions from vessel and tugboat activity, vehicle activity, and on-site metal processing/handling. Since Phase 1 activities would remain unchanged from the CEQA Baseline, corresponding TAC emissions would either stay the same or be lower than the CEQA Baseline; emission reductions would be expected due to the adoption of cleaner engines and electrification in compliance with regulatory requirements. Phase 2 activities would also generate DPM and TAC emissions from vessel and tugboat activity, vehicle activity, and on-site metal processing/handling. However, Phase 2 would involve the use of only one vessel on a single day, compared to 28 vessels annually associated with Phase 1 and the CEQA Baseline. Phase 2 non-vessel activities would be a fraction of Phase 1 and CEQA Baseline emissions. Consequently, Phase

2 activities would be less intensive and result in lower TAC emissions compared to both Phase 1 activities and the CEQA Baseline. The Proposed Project impacts would be less than the CEQA Baseline and would therefore not make a cumulatively considerable contribution to an existing cumulatively significant impact.

AQ-5 Would the Proposed Project conflict with or obstruct implementation of an applicable air quality plan?

The Board finds the Proposed Project would not conflict with or obstruct implementation of an applicable air quality plan. Phase 1 and Phase 2 activities would result in emissions of nonattainment criteria pollutants, primarily from diesel combustion exhaust in vessels, tugboats, trucks, and on-site equipment. SCAQMD periodically updates the Air Quality Management Plan (AQMP); the most recent update was adopted in December 2022. The 2022 AQMP and prior iterations include emission reduction measures that are designed to bring the SCAB into attainment of the state and NAAQS. The 2022 AQMP contains attainment strategies that include mobile source control measures and clean fuel projects that are enforced at the state and federal levels on engine manufacturers and petroleum refiners and retailers. Phase 1 and Phase 2 activities would comply with these control measures. SCAQMD also adopts AQMP control measures into the SCAQMD rules and regulations, which are then used to regulate sources of air pollution in the SCAB. Compliance with these requirements would further ensure that the Phase 1 and Phase 2 activities would not obstruct implementation of the AQMP. Thus, the Proposed Project would not result in any new significant impacts or in a substantial increase in previously identified impacts under Impact AQ-5.

Regarding cumulative impacts, the Phase 1 and Phase 2 activities of the Proposed Project would result in emissions of nonattainment criteria pollutants, primarily from diesel combustion exhaust in vessels, tugboats, trucks, and on-site equipment. Phase 1 and Phase 2 activities would comply with the 2022 AQMP control measures and all SCAQMD rules and regulations, which are used to regulate sources of air pollution in the SCAB. Compliance with these control measures, rules, and requirements would ensure that the Phase 1 and Phase 2 activities would not obstruct implementation of the AQMP. Thus, the Proposed Project would not produce cumulatively considerable impacts that would obstruct or conflict with an air quality plan. Thus, the Proposed Project impacts would not make a cumulatively considerable contribution that would obstruct or conflict with an air quality plan.

B. Cultural Resources (SEIR Section 3.2)

CR-1 Would the Proposed Project cause a substantial change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.5?

The Board finds the Proposed Project would not cause a substantial change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.5. No historical resources are known to exist in the Proposed Project area. The subject property is a scrap metal recycling facility first developed in 1963 with subsequent upgrades and additions in 1966, 1968, the 1990s, 2004, 2006, and 2009. A California Historic Resources Information System (CHRIS) database records search was conducted in the SEIR and a review of previously certified environmental documents were conducted for the Proposed Project site. The CHRIS database search identified three built environment resources within the Proposed Project site's records search area. However, no historic period resources were identified within the Proposed Project site or 0.25-mile records search buffer.

In addition, Appendix D to the SEIR includes a Department of Parks and Recreation (DPR) 523 form prepared in 2011 that finds the subject property ineligible for listing in the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR) and a DPR 523 update form that finds the subject property ineligible as at the local level as a historical cultural monument (HCM). The DPR 523 form includes building development and archival research; development of an appropriate historic context for the evaluation of the subject property; and the recordation and evaluation of the subject property for historical significance in consideration of the NRHP and CRHR. The DPR 523 update form includes the results of an intensive survey of the Project site by a qualified architectural historian and an evaluation of the subject property's historical significance and integrity in consideration of an HCM designation criteria and integrity requirements. These evaluations found the subject property ineligible as a historical resource at the federal, state, and local levels. As such, the subject property is ineligible as a historical resource under CEQA.

No new significant impacts or substantially more severe impacts than previously analyzed would occur to historic resources during the Phase 1 Continued Operations period because no structures would be altered, modified or demolished during this phase. Current operations would continue in an existing industrial facility that is already paved and highly disturbed.

Although the Phase 2 – Non-operational Restoration Period would involve the demolition/dismantling of all onsite structures and buildings, no historic resources are known to exist in the Proposed Project area as described above, and the subject property is ineligible as a historic resource under CEQA. Thus, no known historic resources would be disturbed or compromised as a result of the Proposed Project. No new significant impacts or substantially more severe impacts than previously analyzed would occur to historic resources during the Phase 2 – Non-operational Restoration Period.

All LAHD projects would be required to comply with all federal, state and local requirements and regulations regarding historical resources, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact to historic resources be identified. No built environment CEQA historical resources were identified on the Proposed Project site or in the Proposed Project Area. Therefore, there are no new impacts to CEQA Historical Resources with the implementation of the Proposed Project. Consequently, the Proposed Project would not result in a cumulatively considerable contribution to a change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.5. All construction projects would have to adhere to applicable regulatory requirements regarding historic resources and the Proposed Project would not result in impacts to historic resources. As such, cumulatively considerable impacts would not occur.

CR-2: Would the Proposed Project cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5?

The Board finds the Proposed Project would not cause a substantial change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5. A CHRIS database records search was conducted in the SEIR and a review of previously certified environmental documents were conducted for the Proposed Project site. The CHRIS database search found no prehistoric archaeological resources within the Proposed Project site or 0.25-mile records search buffer. Additionally, while the CHRIS records indicate that the entirety of the Proposed Project site was

subjected to previous investigations, including pedestrian surveys, these previous studies did not identify archaeological resources within the Proposed Project site.

A review of previous environmental documents that address the present Proposed Project site was conducted, and the 1996 Certified EIR found that the Proposed Project site is underlain with non-native landfill materials that extend from surface to depths between 4 to 10 feet. Current Proposed Project ground disturbing activities during the Phase 2 Non-operational Restoration Period involve the demolition of flat slabs and foundations with an average depth of 16 to 18 inches, and removal of contaminated soils with assumed maximum depths between 2 to 4 feet across the entire Proposed Project site. This suggests that the demolition and soil removal activities would occur within landfill soils (non-native and disturbed soils).

During Phase 1 Continued Operations of the Proposed Project, no subsurface disturbance activity is proposed; therefore, no impact on archaeological resources is anticipated during the continued operations phase.

Thus, no new significant impacts or substantially more severe impacts than previously identified would occur during the Phase 2 – Non-operational Restoration period of the Proposed Project with adherence to applicable regulatory requirements. Adherence to existing regulatory requirements and the construction specifications for the inadvertent discovery of archaeological resources would ensure that no new or substantially more severe impacts than previously analyzed would occur to archaeological resources resulting from Phase 2: Non-operational Restoration of the Proposed Project. Thus, the following standard condition of approval was added to the Proposed Project.

SC CR-1 Stop Work in the Area if Archaeological Resources Are Encountered. In the unlikely event that any prehistoric artifact of historic period materials or bone, shell or nonnative stone is encountered during restoration activities, work shall be immediately stopped, the area secured, and work relocated to another area until the found materials can be assessed by a qualified archaeologist. Examples of such cultural materials might include historical trash pits containing bottles and/or ceramics; structural remains or concentrations of grinding stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; and flakes of stone not consistent with the immediate geology such as obsidian or fused shale. The contractor shall stop construction within 30 feet of the location of these finds until a qualified archaeologist can be retained to evaluate the find. If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with State Historic Preservation Officer Guidelines.

Regarding cumulative impacts, all the cumulative projects are required to adhere to compliance with CEQA regulations and to implement mitigation measures when significant impacts are identified. This will ensure that cumulative impacts to unknown archaeological resources would be less than significant with adherence to existing regulatory requirements. In addition, there are no known significant archaeological resources pursuant to CEQA Guidelines Section 15064.5 present on the Proposed Project site, and the Proposed Project would be required to adhere to compliance with CEQA regulations, standard conditions of approval as well as existing Port construction specifications that ensure that impacts to unknown archaeological resources would not create any new significant impacts or substantially more severe impacts. As such, the Proposed Project would not result in a cumulatively considerable impact to archaeological resources. All construction projects would have

to adhere to applicable CEQA regulations and regulatory requirements for the inadvertent discovery of archaeological resources. Thus, there would be no cumulatively considerable impacts to archaeological resources.

CR-3 Would the Proposed Project directly or indirectly destroy a unique paleontological resource or unique geological features?

The Board finds the Proposed Project would not directly or indirectly destroy a unique paleontological resource or unique geological feature. No prehistoric sites have been identified in the Proposed Project site or within a 0.25-mile radius of the site. Furthermore, the geologic formation within the Project site is human-made artificial fill created in the twentieth century. The location is on Terminal Island which has been subject to extensive previous construction activity. This activity has likely destroyed any unique paleontological resources and any unique geologic features. The Proposed Project excavation would not occur on any geologic layer that could yield unique paleontological resources. Therefore, there would be no impact to unique paleontological resources or unique geologic features.

No new significant impacts or substantially more severe impacts than those previously analyzed would occur during the Phase 1 - Continued Operations as no subsurface activities would occur. Also, during Phase 2 - Non-operational Restoration would have no new or more substantially severe impacts than those previously analyzed.

Regarding cumulative impacts, all cumulative projects would be required to comply with all federal, state, and local requirements and regulations related to paleontological resources, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact be identified. As such, cumulative impacts would be less than significant with adherence to existing regulatory requirements. In addition, no prehistoric sites have been identified in the Proposed Project site or within a 0.25-mile radius of the site. Furthermore, the geologic formation within the Project site is man-made artificial fill created in the 20th Century. The location is on Terminal Island, which has been subject to extensive previous construction activity. This activity has likely destroyed any unique paleontological resources and any unique geologic features. The Proposed Project excavation would not occur on any geologic layer that could yield unique paleontological resources. Therefore, there would be no cumulatively considerable impact to unique paleontological resources or unique geologic features caused by the Proposed Project.

CR-4 Would the Proposed Project disturb any human remains, including those interred outside of formal cemeteries?

The Board finds the Proposed Project would not disturb any human remains, including those interred outside of formal cemeteries. No prehistoric or historic period burials, within or outside of formal cemeteries, were identified within the Proposed Project site as a result of the CHRIS records search. In the event that human remains are inadvertently encountered during ground disturbing activities, they would be treated consistent with state and local regulations including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or off-site improvement areas or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County

Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to notify the Native American Heritage Commission (NAHC) that shall notify those persons believed to be the most likely descendant. The most likely descendant shall determine, in consultation with the property owner, the disposition of the human remains. Compliance with these regulations would ensure that impacts to human remains resulting from the Project would be less than significant.

No new impacts or substantially more severe impacts than those previously identified would occur during Phase 1 - Continued Operations because no subsurface disturbance would occur. For the reasons discussed above, no new or substantially more severe impacts than those previously identified would occur relating to the inadvertent discovery of human remains during the Proposed Project's Phase 2 - Non-operational Restoration period with adherence to applicable regulatory requirements. Adherence to existing regulatory requirements as outlined above would ensure that no new significant impacts or substantially more severe impacts than previously analyzed would occur to human remains resulting from Phase 2: Non-operational Restoration of the Proposed Project. In the absence of new or substantially more severe significant impacts from implementation of the Proposed Project, mitigation is not required. Thus, the following standard condition of approval was added to the Proposed Project.

SC CR-2 Stop Work in the Area if Human Remains are Encountered. In the unlikely event that any human remains are encountered during restoration activities, excavation shall be immediately stopped, the area shall be secured, and no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further excavation activity until consultation with the MLD regarding their recommendations as required by California Public Resources Code Section 5097.98 has been conducted. In addition, California Public Resources Code Section 5097.98, CEQA Guidelines Section 15064.5 and California Health and Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.

Regarding cumulative impacts, in the event that human remains are inadvertently encountered during the ground disturbing activities of cumulative projects, they would be treated consistent with state and local regulations including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5. Compliance with these regulations would ensure that impacts to unknown human remains resulting from the cumulative projects would be less than significant. In addition, no prehistoric or historic period burials, within or outside of formal cemeteries, were identified within the Proposed Project site as a result of the California Historical Resources Information System records search. In the event that human remains are inadvertently encountered during ground disturbing activities, they would be treated consistent with state and local regulations including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) similar to the cumulative projects. Compliance with these laws and regulations would ensure that impacts to human remains resulting from the Proposed Project would not cause any new significant impacts. Based on the degree of protection afforded by the

aforementioned state regulations and standard conditions as required by the Port, the Proposed Project would not cause a cumulatively considerable contribution in the disturbance of any human remains, including those interred outside of dedicated cemeteries.

C. Greenhouse Gas (SEIR Section 3.3)

GHG-1 Would the Proposed Project generate greenhouse gas (GHG) emissions, either directly or indirectly, that would exceed the SCAQMD 10,000 metric tons per year carbon dioxide equivalent (CO₂e) threshold?

The Board finds that implementation of the Proposed Project would not generate GHG emissions, either directly or indirectly, that would exceed the SCAQMD 10,000 metric tons per year of CO₂e threshold. Phase 1 and Phase 2 activities would result in direct GHG emissions from engine exhaust and indirect GHG emissions from electricity use. The SEIR evaluated GHG emissions by source category. The CEQA increment was determined by subtracting the CEQA Baseline from the maximum of Phase 1 and Phase 2 annual emissions, and it was found that the CEQA increment would be below the SCAQMD significance threshold and that emissions would be less than the CEQA Baseline.

The analysis shows that Phase 1 truck and worker vehicle emissions would be reduced, in comparison to the CEQA Baseline, as older vehicles are replaced with more fuel efficient and electric vehicles, per existing regulatory requirements. This reduction is incorporated into CARB's EMFAC model and is reflected in the analysis. Conversely, although it is anticipated that future indirect GHG emissions associated with electricity use would be reduced in accordance with California's Renewable Portfolio Standard (RPS), which sets a 60 percent renewable electricity procurement target by 2030, the anticipated reduction was conservatively not accounted for in the SEIR analysis. The analysis calculated emissions for the first year of activity under the proposed 10-year permit and did not take credit for anticipated emission reductions, due to existing regulatory requirements beyond the first year; future emissions were assumed to remain unchanged after the first year of the proposed 10-year permit. This is a conservative approach, as emissions were expected to decrease in future years due to more stringent regulatory requirements.

Phase 2 non-vessel emissions were calculated, using CalEEMod, for each year of activity. Vessel emissions were calculated using the same methodology used to calculate emissions during Phase 1 activities. The CEQA increment was determined by subtracting the CEQA Baseline from the maximum of Phase 1 and Phase 2 emissions and comparing the resulting increment to SCAQMD significance thresholds. Since Phase 1 has the higher emissions, it was used for determining potential impacts.

The analysis showed the Proposed Project would not result in any new significant impacts under GHG-1.

Regarding cumulative impacts, past, present, and reasonably foreseeable future projects in the area have generated and will continue to generate GHGs from the combustion of fossil fuels and the use of coatings, solvents, refrigerants, and other products. Current and future projects will incorporate a variety of GHG reduction measures in response to federal, state, and local mandates and initiatives, and these measures are expected to reduce GHG emissions from future projects. However, because of the long-lived nature of GHGs in the atmosphere and the global nature of GHG emissions impacts, no specific quantitative thresholds of significance under CEQA for GHG emissions from related projects in the region or state-wide have been identified. It is therefore conservatively assumed that GHG emissions related to past, present, and reasonably foreseeable future projects represent a

significant cumulative impact. In addition, GHG emissions associated with Phase 1 and Phase 2 of the Proposed Project were evaluated in the SEIR and shows that GHG emissions would be below the CEQA Baseline and as such would not exceed the SCAQMD threshold of significance. As such, the Proposed Project would not create a new significant cumulatively considerable impact.

GHG-2 Would the Proposed Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

The Board finds that implementation of the Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The SEIR summarizes the consistency of the Proposed Project with key relevant GHG reduction plans, policies or regulations such as the Standards for Medium- and Heavy Duty Vehicles, California GHG Reduction Targets, Low Carbon fuel Standard, RPS, Advanced Clean Truck/Advanced Clean Car Regulations, Limited Idling Time for Commercial Vehicles and Off-Road Equipment, City of Los Angeles Green New Deal Sustainability pLAn, City of Los Angeles Construction and Demolition Waste Recycling Ordinance, City of Los Angeles General Plan – Mobility Element, San Pedro Bay Ports CAAP: 2007, 2010 Update, 2017 Update, and the LAHD 2009 Sustainable Construction Guidelines. The analysis showed the Proposed Project would not conflict with any of the applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Thus, the Proposed Project’s implementation would not create any new significant impacts under Impact GHG-2.

Regarding cumulative impacts, past, present, and reasonably foreseeable future projects in the area have generated and will continue to generate GHGs from the combustion of fossil fuels and the use of coatings, solvents, refrigerants, and other products. Current and future projects will incorporate a variety of GHG reduction techniques in response to federal, state, and local mandates and initiatives, and these techniques are expected to reduce GHG emissions from future projects. It is therefore conservatively assumed that GHG emissions related to past, present, and reasonably foreseeable future projects represent a significant cumulative impact. In addition, the Proposed Project’s consistency with key relevant GHG reduction strategies was evaluated in the SEIR, and it was found that the implementation of the Proposed Project would not conflict with any of the applicable state and local GHG reducing plans, policies and regulations adopted with the purpose of reducing GHG emissions. The Proposed Project would not cause a significant cumulative impact because there are no conflicts with adopted GHG reduction plans, and/or sustainability plans. Therefore, the Proposed Project’s incremental impacts related to conflicts with local plans adopted for the purpose of reducing GHG emissions (GHG-2) are not cumulatively considerable.

D. Hazards (SEIR Section 3.4)

HAZ-3 Would the Proposed Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The Board finds that the Proposed Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. The Project site is listed on the Leaking Underground Storage Tank (LUST) database, which is a hazardous materials site pursuant to Government Code Section 65962.5 (Cortese List Site). The groundwater contamination plume associated with this listing is undergoing remediation and monitoring under Los Angeles Regional

Water Quality Control Board (LARWQCB) File 90-47. Remediation is ongoing until cleanup criteria established in the remediation action plan (RAP) are achieved and/or as deemed complete by the regulatory agency and LAHD. As such, continued operations would reduce impacts associated with the groundwater contamination plume, and no new impacts or substantially more severe impacts than those previously analyzed would occur.

Operation of the Proposed Project would include remedial activities required under LARWQCB File 90-47, which would ultimately reduce impacts associated with the site's listing on a Cortese List database, as regulatory requirements and remedial activities would further reduce impacts associated with this listing. Completion of remedial activities and closure of the regulatory file is required under state regulation, and as such no new or substantially more severe groundwater impacts associated with the Cortese List site would occur.

The Phase 2 - Non-operational Restoration Period would further reduce impacts by removing impacted soils and replacement with clean fill. While soil contamination was previously addressed under WDR 96-020, the previous cleanup levels do not meet current regulatory standards, and therefore are no longer protective of human health or the environment. Restoration actions would remove remaining impacted concrete/asphalt and soils, and remaining soils and clean fill would meet present-day regulatory standards and those established by LAHD. The Applicant has also entered into a Consent Order with the Department of Toxic Substances Control (DTSC), under which remedial activities would also be required following review of the Site Investigation Report (GSI 2023b) and supplemental site investigation report. As such, no new or substantially more severe impacts would occur with implementation of the Proposed Project.

Regarding cumulative impacts, some of the cumulative projects may also be included on government cleanup databases, and as such would be under regulatory oversight for cleanup of released hazardous materials to the environment. As with the Project site, their presence on this list does not necessarily result in a significant impact, as ongoing remediation as required by these regulatory agencies would ultimately reduce impacts to the environment (i.e., remove hazardous materials from soil, soil vapor, and groundwater during remediation activities). Construction and operation of cumulative projects that are identified on Cortese List databases would not likely result in a cumulative significant impact. The Proposed Project would result in a reduction of impacts associated with groundwater contamination resulting from the leaking underground storage tank release, which is regulated under LARWQCB File 90-47. This ongoing cleanup and remediation would reduce impacts associated with the groundwater contamination plume, and the Proposed Project would not contribute to a significant cumulatively considerable impact.

E. Hydrology and Water Quality (SEIR Section 3.5)

HYD-1 Would the Proposed Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The Board finds that the Proposed Project would not violate any water quality or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Operationally, the Proposed Project would continue during Phase 1 as a scrap metal recycling facility with no material changes to the existing ongoing operations, routine maintenance, or replacement of existing equipment that may be necessary during the term of the proposed extension. The existing and ongoing groundwater monitoring and free product recovery of the 1988 diesel fuel release would

continue as under existing conditions, with no changes proposed, which should provide gradual improvement in groundwater quality. The existing stormwater control system would continue to operate in accordance with the current Stormwater Pollution Protection Plan (SWPPP) that is consistent with the National Pollutant Discharge Elimination System (NPDES) Industrial General Permit and provide water quality treatment prior to any off-site discharge.

Since certification of the 1996 Certified EIR, there has been an increased focus on what are known as emerging contaminants such as poly-fluoroalkyl substances (PFAS), which are being considered by the Environmental Protection Agency (EPA) for listing as hazardous substances under the Comprehensive Response, Compensation, and Liability Act (CERCLA). The SEIR found that PFAS compounds are not stored or used directly as part of operations at the Project site but could potentially be included as part of the throughput received and processed at the site. However, considering that site operations would continue as under existing conditions, there would be no substantive increase in the volume of PFAS compounds that are present at the Project site, and little is known regarding transport or exposure risks of PFAS compounds as it relates to metal recycling. In addition, the facility would be required to adhere to any applicable regulatory changes that may become applicable to site operations as agencies such as the EPA and Regional Water Quality Control Board (RWQCB) implement their roadmap to regulation of PFAS. Therefore, since the throughput characteristics connected with the Proposed Project's Phase 1 - Continued Operations would not substantively change with the Proposed Project, and the continued compliance with regulatory requirements including the NPDES Industrial General Permit as well as any forthcoming regulatory changes, there would be no new significant impacts or more severe impacts beyond those previously studied in the 1996 Certified EIR related to water quality.

In Phase 2 - Non-operational Restoration, the existing above ground improvements would be demolished and transported off site for recycling or disposal in accordance with a demolition permit issued by the City of Los Angeles and any applicable LAHD requirements. The drainage system would operate throughout demolition activities in accordance with the existing NPDES Industrial General Permit. Demolition of the utilities including the drainage system would follow the removal of demolition debris. Once the demolition debris is removed, 11,000 cubic yards of soil would be excavated from the site in coordination with the LARWQCB as part of the remediation of the site. Excavation and handling of the excavated materials would be done in accordance with regulatory oversight from the LARWQCB that would ensure that measures such as isolation and covering of excavated materials to prevent contact with stormwater runoff would occur.

Any applicable requirements related to enforcement measures of the Harbor Toxics Total Maximum Daily Load (TMDL) would also apply to the restoration activities at the site to ensure that control of contaminants is incorporated into earthwork activities to protect water and sediment quality of the harbor. The excavated soils would be replaced with certified clean imported fill materials. Ultimately, the restoration of the site would remove existing subsurface contaminants and reduce the source of contamination that is currently adversely affecting groundwater quality. With adherence to LARWQCB oversight requirements, which could include replacement of the existing cap, maintenance requirements, ongoing removal of free phase petroleum, and monitoring activities, the remediation activities would be conducted in a manner that is protective of water quality. Therefore, the Phase 2 - Non-operational Restoration activities of the Proposed Project would be conducted in accordance with regulatory oversight with required measures (e.g., covering stockpiles soils and avoidance of rainy season) that are protective of water quality and ultimately would remove source materials that

can adversely affect water quality. As a result, no new significant impacts or substantially more severe potential impacts related to water quality related to decommissioning and restoration activities would occur.

Regarding cumulative impacts, the waters in the Los Angeles and Long Beach Harbors are listed as impaired according to the Clean Water Act and the 303(d) list of impaired waters. Cumulative projects with in-water construction components (e.g., dredging, dike placement, fill, pile driving, and pier maintenance) would result in temporary and localized adverse effects to water quality when existing contaminated sediments are disturbed. However, these adverse effects are often minimized with implementation of construction methods that minimize disturbances and would generally be localized and temporary. Other sources of pollution include discharges and stormwater runoff or wastewater discharges from the cumulative sites. However, these discharges are currently regulated by the NPDES Program and stormwater permits where projects are required to prepare and implement SWPPPs. SWPPPs provide the best management practices (BMPs) and monitoring compliance measures that are designed to minimize the off-site discharge of pollutants. Although existing regulatory compliance measures would apply to existing and future projects, the Harbor is still listed as impaired and included on the Section 303(d) list. Until the TMDL can be fully implemented throughout the entire watershed, the related projects would be cumulatively considerable and result in a cumulatively significant impact to water quality. However, the Proposed Project does not include any in-water construction activities and as a result would not disturb any existing contaminated sediments within the Harbor waters. The Proposed Project only extends current operations at the site and there would be no material changes to the operations such that there would be a negligible change in stormwater discharges from the site. The existing facility has both a SWPPP and Spill Prevention Plan to address any accidental spills of hazardous materials at the site such that containment and spill response measures can be employed to minimize any adverse effects in the unlikely event of a spill or accidental release. As a result, the Proposed Project would not make a cumulatively considerable contribution to adverse effects to water quality during Phase 1 - Continued Operations. The SWPPP and Spill Prevention Plan would also be implemented during Phase 2 - Non-operational Restoration activities at the site. The SWPPP would include BMPs to ensure that all demolition activities and site cleanup activities are conducted in a manner that minimizes off-site discharge of pollutants by providing containment methods that have proven effective in reducing adverse effects to insubstantial levels. As a result, the Non-operational Restoration phase of the Project would not have a cumulatively considerable impact on the Harbor waters.

HYD-2: Would the Proposed Project risk release of pollutants due to inundation as a result of a flood, tsunami, or seiche hazard?

The Board finds that the Proposed Project would not risk release of pollutants due to inundation as a result of a flood, tsunami, or seiche hazard. The topography of the site and surrounding area is flat. The Project site is not currently located within a 100-year flood zone. Even so, in the event the site were subject to flooding, there would be no substantive changes to operations under or potential sources of pollutants onsite as a result of implementation of the Proposed Project.

The Project site is located within the tsunami hazard zone and will be subject to future effects of sea level rise. Los Angeles County has been affected by 9 notable tsunami events dating back to 1927, with the most recent being in 2015, although no damage was reported during that event. The

frequency of tsunamis is related to the frequency of the events that cause them, which can be from a seismic event, volcanic activities, or oceanic landslides. Generally, four or five tsunamis occur every year in the Pacific Basin, and those that are most damaging are generated in the Pacific waters off South America rather than in the northern Pacific. A Port of Los Angeles and Port of Long Beach (Port Complex) model that assessed tsunami and seiche scenarios determined that in each case modeled, impacts from a tsunami were equal to or more severe than those from a seiche (Moffatt and Nichol 2007). As a result, the discussion below refers to tsunamis as the worst case of potential impacts.

Phase 1 Continued Operations would not increase the potential for tsunami damage to occur. Under the Proposed Project, the existing operation would continue for 10 years, and no new structures would be constructed that would be subject to damage, including inundation by tsunami.

A Port Complex model also indicates that a reasonable maximum source for future tsunami events within the harbor area would either be a magnitude (M) 7 earthquake on the Santa Catalina Fault or a submarine landslide along the nearby Palos Verdes Peninsula. The tsunami study notes that large offshore earthquakes (M-7.5) in the Port region are very infrequent (Moffatt and Nichol 2007). Based on the seismicity, geodetics, and geology, a large locally generated tsunami from either local seismic activity or a local submarine landslide (a landslide that would transport sediment across the continental shelf and into the deep ocean) would likely not occur more than once every 10,000 years (Moffatt and Nichol 2007). Thus, the probability of a tsunami event large enough to cause inundation of the Project site is highly unlikely given the relatively short-term nature of the Proposed Project's Phase 1, which is limited to the 10 years, the potential for a tsunami to occur during that time frame would be extremely low. In addition, the contaminant sources that would exist at the Project site would be no different than what is already subject to inundation under existing conditions.

The Sea Level Rise Adaptation Study conducted by the Port of Los Angeles in 2018 found the Proposed Project site would remain free of inundation and flooding if the sea level rises by 12 inches by the year 2030 and by 24 inches in the year 2050 as predicted. Therefore, considering that the terms of the Proposed Project are for extending the existing operation of the facility up to 10 years from 2024 to 2034, and the site would remove all contaminant sources during the Phase 2 - Non-operational Restoration Period of the Project (to 2039), the likelihood of inundation of the site due to sea level rise over the following approximate 10 years of continued operations and 5 years of restoration seems remote. Thus, the potential risk of release of pollutants due to inundation due to SLR would be less than significant.

Considering the relatively short duration of the Phase 1 - Continued Operations and the low probability of a tsunami event large enough to inundate the site, no new or substantially more severe potential significant impacts related to the release of pollutants from inundation would occur.

Seiches are oscillations generated in enclosed bodies of water usually as a result of earthquake related ground shaking. A seiche wave has the potential to overflow the sides of a containing basin to inundate adjacent or downstream areas. However, the Pacific Ocean and San Pedro Bay are not of the nature that would result in a seiche. As a result, no new or substantially more severe potential impacts related to the release of pollutants from inundation from seiche waves would occur.

The Non-operational Restoration phase of the Proposed Project would also be relatively short (up to 5 years) and would involve the demolition of all structures on site, the excavation of all hazardous

soils and the replacement of those soils with certified clean imported soils. As discussed above, the probability of a tsunami event large enough to cause inundation of the Project site during Phase 2 of the Proposed Project is highly unlikely given the relatively short-term nature of the restoration, which is limited to 5 years. The potential for a tsunami to occur during that time frame would be extremely low. In addition, all activities that would be conducted during Phase 2 would be in accordance with regulatory oversight from LARWQCB, which would ultimately ensure that no threat to human health or the environment remains at the site. Required remediation would consider pathways of exposure and human health risks such that all potential sources of contamination at the site would be managed in a manner that would minimize potential contact with tsunami floodwaters or stormwater flows were they to occur. Considering the relatively short duration of the Phase 2 - Non-operational Restoration and the low probability of a tsunami event large enough to inundate the site, no new or substantially more severe significant impacts related to the release of pollutants from inundation would occur.

Regarding cumulative impacts, the Los Angeles and Long Beach Harbor waters are impaired and included on the 303(d) list in accordance with the Clean Water Act. Any release of additional pollutants could exacerbate the water quality of the Harbor waters. The majority of the cumulative projects include industrial land uses that involve varying types and quantities of hazardous materials and are located in varying risk levels of inundation by flood or tsunami hazards. Seiche waves are generally related to enclosed bodies of water (e.g., lakes) or semi-enclosed bodies of water, which could include the Inner Harbor area. However, the inundation from a tsunami event is considered to be a higher risk than seiche waves. In the event of a substantive flood, tsunami or seiche hazard, unsecured or exposed hazardous materials could be at risk of release and result in a cumulatively considerable discharge of pollutants into the Harbor waters.

In addition, the Proposed Project site is not located in a 100-year flood zone, but is located in a tsunami hazard zone. As discussed above, a flood hazard model was developed for the Port and found that the most likely sources for tsunamis, large offshore earthquakes (M-7.5) in the Port region, are very infrequent and would have a low probability of occurring during the Proposed Project's Phase 1, which is limited to 10 years. In addition, the contaminant sources that would exist at the Project site would be no different than what is already subject to inundation under existing conditions and are subject to existing storage requirements in accordance with regulatory requirements. Phase 2 of the Proposed Project would be an even shorter time frame of just 5 years and therefore would also have a low probability of inundation during that phase of the Project. In addition, Phase 2 operations would not include any substantive increases in the types, quantities or storage methods of hazardous materials at the site while any hazardous materials associated with operations (e.g., fuels, oils, paints, solvents associated with maintenance) would be removed. All remediation activities including the removal of contaminated soils would be conducted under the oversight of the appropriate regulatory agencies. Thus, there would not be any increase in risks of potential pollutants at the Project site. Therefore, contribution of the Proposed Project would not make a cumulatively considerable impact related to risk of release of pollutants from inundation when combined with past, present, and future projects.

IV. FINDINGS REGARDING THE SEIR'S CONCLUSIONS OF NO SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

The Board finds that mitigation measures that have been identified in the SEIR will lessen the following significant environmental impacts to a less-than-significant level. These findings are based

on the discussion of impacts in the detailed Hazard issue area analyses in Sections 3.4 of the SEIR and the cumulative impacts discussed in Chapter 4 of the SEIR as well as relevant responses to comments in the Final SEIR.

None of the impacts within any resource category will be significant and unavoidable with implementation of all feasible mitigation measures.

Findings regarding the significant environmental impacts of the Proposed Project that were not revised by the SEIR are described in the CEQA Findings of Fact for the Project approved by the Board in 1996, incorporated herein as part of the records of proceedings. None of the impacts within any resource category would be a new or substantially more severe than what was previously analyzed within the 1996 Certified SEIR and none of the impacts would be significant and unavoidable with the implementation of all feasible mitigation measures.

This following section of the SEIR findings show those impacts that would require the implementation of feasible mitigation measures.

A. Hazards (SEIR Section 3.4)

HAZ-1 Would the Proposed Project create a significant hazard to the public through the routine transport, use or disposal of hazardous materials?

Significant Impact

The Board finds that implementation of the Proposed Project could create a significant hazard to the public through the routine transport, use or disposal of hazardous materials as discussed below.

As discussed in the Consent Order (Appendix E-1 of the SEIR), evidence of off-site migration of hazardous waste and hazardous waste constituents (as defined in California Code of Regulations (CCR) Title 22 Section 66261.24) was documented in multiple on-site inspections and sampling events conducted by the DTSC between February 2017 and January 2022. Interim investigations and cleanup actions were completed by the Applicant (GSI 2022a), and further inspections conducted by DTSC from January 2022 to present did not result in findings of additional violations. As outlined in the Consent Order, the Applicant is required to implement further investigation and cleanup actions, as outlined in the Off-Site LFM Investigation Work Plan (Appendix E-2) and Off-Site LFM Cleanup and Removal Action Work Plan (Appendix E-3), which would investigate and evaluate for the presence of chemically treated metal shredder residue (CTMSR) (LFM) within a 0.5-mile radius and remove off-site materials that contain hazardous waste constituents. Remedial actions are currently underway, as outlined in the Work Plans, and DTSC can legally enforce these actions under the Consent Order.

- Operations would continue during Phase 1 in accordance with all applicable permits and authorizations, including Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, NPDES permits, and air discharge permits under Title V. As outlined in the Consent Order (Appendix E-1), response actions are required and legally enforceable by DTSC, which will address the alleged hazardous waste violations identified in the Cleanup and Abatement Order and Consent Order, including off-site migration of hazardous waste constituents and on-site hazardous waste handling procedures (hazardous waste as

defined in CCR Title 22 Section 66261.24). With implementation of legally enforceable action items outlined in the Consent Order (Appendix E-1 of the SEIR), including implementation of off-site investigations and cleanup actions (Appendices E-2 and E-3 of SEIR), no new or substantially more severe impacts associated with hazardous waste and hazardous material handling violations would occur.

Previous Environmental Investigations and Site Conditions, remedial actions that took place on the Project site under WDR Order No. 96-020 are no longer deemed protective of human health and the environment as they do not meet current regulatory screening criteria. Additionally, while recent evaluation determined the cap to be in good condition (GSI 2023b), there are no requirements in the WDR termination (LARWQCB 2012), nor are there BMPs in the SWPPP to address potential degradation of the existing cap originally placed in 2002 to contain remaining contaminated soils. The Phase 2 Non-operational Restoration of the Project site, as discussed below, would remove the existing cap and require excavation of contaminated soils. Soils, concrete, and asphalt materials (parking lot) removed would be characterized and disposed of in accordance with applicable federal and state rules and regulations. While remediation and restoration would ultimately mitigate future impacts and the Project would ultimately result in a positive impact by removing contaminated soils, ongoing use without appropriate maintenance of the existing cap over the proposed 10-year operating period could result in future degradation of the existing cap and releases of contaminated soils prior to remediation, which could create a new significant hazard to the public or environment. Mitigation would be required.

In addition, the groundwater contamination plume beneath the site is undergoing remediation, and the size of the plume continues to decrease. Continued operation of the Proposed Project would include continued remediation and monitoring of the groundwater contamination plume under LARWQCB File 90-47, which is scheduled to continue until the groundwater reaches cleanup criteria established in the 1997 RAP (Clayton Environmental 1997) and/or as deemed complete by the regulatory agency and the LAHD. As such, continued operation of the Proposed Project may result in a reduced impact due to the groundwater contamination plume, and no new significant impacts would occur.

Also, restoration activities during the Phase 2 Non-operational Restoration Period have the potential to cause fugitive dusts and emissions of toxic air pollutants due to excavation of contaminated soils. SCAQMD Rules 1466, 1166, and 403 require dust and volatile organic compound (VOC) control measures and monitoring to prevent impacts to public health or the environment. Excavation activities may also fall under WDRs specific to the Los Angeles region, which would be determined by LARWQCB. Excavation of soils would occur until remaining soils meet established regulatory cleanup goals for the site based on proposed future land use. The excavated areas would be backfilled with clean soil that, at a minimum, meets clean fill criteria set forth in LAHD's Environmental Guidance for Industrial Fill Material. Removal, transportation, and disposal of hazardous wastes and materials with hazardous waste constituents, and handling of hazardous materials during construction activities, would all be conducted in accordance with federal, state, and local rules and regulations. These rules and regulations include reporting, safety measures, and spill prevention techniques to reduce the potential for impacts to public safety or the environment. No new significant impacts or substantially more severe impacts beyond those previously analyzed would occur.

Finally, the Phase 2 - Non-operational Restoration activities of the Proposed Project would include demolition of all site structures. Based on the age of the structures, asbestos, lead-based paint, and other hazardous building materials could be present. Although SCAQMD Rule 1403 requires all demolition projects undergo an inspection for asbestos and appropriate abatement of identified materials, demolition of these structures without proper abatement would potentially result in a release of hazardous materials during routine demolition activities, creating a new significant impact to the public and on-site workers. Mitigation for future discretionary approvals to implement Phase 2 could be required.

Mitigation Measures

The following mitigation measures identified in Section 3.4 of the SEIR would be applicable to the Proposed Project and would help reduce hazard impacts.

MM-HAZ-1: Maintenance of the Existing Cap. The existing cap shall, at all times during the continued operations of the Proposed Project, prior to the deconstruction activities, meet the requirements of A.6 of the WDR, which includes a minimum of 6 inches of concrete pavement over a minimum of 8 inches of base rock or base material. A maintenance schedule shall be prepared and implemented that addresses ongoing maintenance and repair of the concrete cap. The schedule shall be reviewed and approved by LAHD. Inspections will be conducted by the site operator; inspection reports will be submitted to LAHD for review prior to finalization and/or submittal to any regulatory agency. Additionally, LAHD shall have authority to conduct regular cap inspections as outlined in the maintenance schedule to verify cap integrity, confirm the maintenance, and repair schedule is being appropriately implemented. In addition to LAHD oversight, a workplan must be submitted to and approved by DTSC if corrective actions associated with the Consent Order require removal of pavements overlying contaminated soils.

MM-HAZ-2 Pre-Demolition Hazardous Materials Survey and Abatement. A hazardous materials survey will be conducted on the Project site prior to demolition or other deconstruction activities. Demolition or renovation plans and contract specifications shall incorporate abatement procedures for the removal of materials containing hazardous materials, as defined at the time of the activity. All abatement work shall be done in accordance with federal, state, and local regulations and requirements, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District.

Findings

New impacts related to off-site deposition of hazardous waste constituents during operation would be reduced to less than significant with mitigation incorporated. Implementation of **MM-HAZ-1** requires preparation and implementation of a cap maintenance program that would result in ongoing maintenance and inspection of the concrete cap during the continued operations phase (Phase 1). Regular inspections would be conducted by the site operator and inspection report would be submitted to LAHD for review prior to finalization and/or submittal to any regulatory agency. This would reduce or eliminate the potential for degradation of the existing engineered cap and subsequent releases of impacted/contaminated soils. New impacts to the public through routine continued operations would be reduced to a less than significant level with the implementation of this mitigation. Implementation of

Mitigation Measure **MM-HAZ-1** and adherence to federal, state, and local rules and regulations, would also further reduce potential impacts related to groundwater contamination.

Mitigation measure **MM-HAZ-2** would require a survey for and abatement of other hazardous building materials prior to demolition of on-site structures. The survey would evaluate universal wastes, lead-based paints, PCB-containing materials, and other hazardous materials that may be present on the Project site, such as drums, tanks, and totes containing hazardous liquids or residues that would be characterized as hazardous wastes. Once these materials are properly abated and removed, permitted demolition of the buildings in accordance with federal, state, and local rules and regulations would not release hazardous materials to the environment. New potential impacts related to hazardous building materials would be less than significant with implementation of this mitigation.

Regarding cumulative impacts, the Proposed Project's metal recycling operations are unique to the Port Complex, and as such it can be assumed that the potential impacts related to routine transport, use, or disposal of hazardous materials are also unique. Typically, industrial operations, such as those in the Port Complex, are regulated under federal, state, and local rules and regulations. These regulations are in place to eliminate significant impacts associated with routine operations. It can generally be assumed that cumulative projects and ongoing industrial operations within the Port Complex would adhere to federal, state, and local rules and regulations, and those that do not would be under regulatory oversight for cleanup actions. Considering the unique operations of the Proposed Project compared with the cumulative projects, and the unique releases resulting in a Consent Order issued by DTSC, it can be assumed that potentially significant impacts are unique to the Project site. As such, cumulative projects are not likely to result in a cumulatively significant impact. In addition, the Proposed Project will implement Project-specific mitigation measures (**MM-HAZ-1** and **MM-HAZ-2**) that will ensure all new potential significant impacts will be kept at a less than significant level. In addition, the legally enforceable Consent Order is in place, and actions to address hazardous material releases have been implemented and will continue to be required. While the Proposed Project and nearby cumulative projects will likely involve the routine use of hazardous materials, rules, regulations, and BMPs and protocols are in place for all hazardous materials handling, especially for substances handled above reportable quantities. As a result, routine use, transportation, and storage of hazardous materials during operation of the Proposed Project would not result in a new significant cumulative impact.

HAZ-2 Would the Proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Significant Impact

The Board finds that implementation of the Proposed Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment as discussed below.

The air pollution control system (APCS) underwent improvements following an explosion that occurred in 2007. The improved design of the shredder directly addressed the cause of past explosions and preventive measures have been implemented. As such, future risk due to explosion is not anticipated.

Evidence of off-site migration of hazardous waste and hazardous waste constituents was documented in multiple on-site inspections and sampling events conducted by DTSC between February 2017 and January 2022. Corrective actions have been implemented, and continued operations will include further evaluation and correction of off-site impacts under the Consent Order between DTSC and the Applicant (Appendix E-1 of the SEIR). With implementation of these legally enforceable corrective actions during the operational phase of the Proposed Project, hazardous waste impacts would be corrected, and no new or substantially more severe impacts would result from the implementation of Phase 1.

Potential releases of hazardous materials could occur due to demolition and restoration activities of Phase 2. New impacts for upset and accident conditions involving releases of hazardous materials during the demolition phase would be potentially significant, and mitigation has been required in the final MMRP.

Mitigation Measures

Both **MM-HAZ-1** and **MM-HAZ-2** would be required as outlined above.

Findings

Implementation of **MM-HAZ-1** would result in the development and implementation of an ongoing maintenance and repair program of the asphalt cap during the operational phase, which would prevent degradation and release of contaminants to soils. This program would require routine inspections and maintenance of the cap's integrity while reducing the potential for contamination to be released to the environment. As such, new impacts to the public or environment due to potential upset or accident conditions would be reduced to a less than significant level with mitigation incorporated.

Implementation of **MM-HAZ-2** would result in proper abatement of hazardous building materials during Phase 2's demolition activities, and would result in removal of said materials prior to demolition of on-site structures. This would remove the potential for upset or accident conditions, as protective measures would be required and implemented by licensed and certified personnel trained to handle hazardous building materials. With the implementation of this mitigation, and adherence to SCAQMD Rules 1403, 14666, 1166 and 403, new impacts to the public or environment due to potential upset or accident conditions would be reduced to a less than significant level.

Regarding cumulative impacts concurrent cumulative projects within the Port Complex are not likely to have similar impacts, as proposed operations are not similar. Cumulative projects do have the potential to release hazardous materials to the environment due to accident or upset conditions. Regulations in place that manage the handling of these hazardous materials require written and practicable release prevention and response procedures if reportable quantities of hazardous materials are used on site. Should contaminated media be present, similar to the Proposed Project site, where construction would disturb and potentially release hazardous materials, contaminated media BMPs/protocols will mitigate such releases. These mitigation measures would reduce potentially cumulative impacts to less than significant levels.

The Proposed Project will implement project-specific mitigation measures (**MM-HAZ-1** and **MM-HAZ-2**) that will ensure the Proposed Project would not result in any new foreseeable upset condition associated with the release of hazardous materials. In addition, a legally enforceable Consent Order

is in place, and actions to address alleged off-site migration of hazardous materials has occurred and will continue to be required. As such, on- and off-site releases of hazardous materials have and will continue to be remediated under the Consent Order. Therefore, operation of the Proposed Project would not result in a new cumulatively considerable impact.

V. FINDING REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA requires that an EIR must address any significant irreversible environmental changes that would be caused if the Proposed Project were implemented (CEQA Guidelines Section 15126.2(c)). An impact would come under this category if (1) the project would involve a large commitment of nonrenewable resources; (2) the primary and secondary impacts of the project would generally commit future generations to similar uses; (3) the project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; and (4) the proposed consumption of resources is not justified.

The Proposed Project does not include any new transportation network improvements, land use changes, or construction beyond what was identified in the 1996 Certified EIR during Phase 1. Phase 2 would also use of the site for a Non-operational Restoration period for any necessary closure and remediation activities to restore the property. Therefore, implementation of the Proposed Project would not increase vehicle miles traveled and would not result in an increased and irreversible consumption of nonrenewable energy resources in the form of on-road vehicle gasoline and diesel fuel. Thus, the Proposed Project would not result in wasteful, inefficient, or unnecessary use of energy because per capita energy use would still decrease between 2024 and each horizon year, and energy impacts would be less than significant.

VI. FINDING REGARDING GROWTH-INDUCING IMPACTS

The Board has reviewed and considered the information on growth-inducing impacts, including the information provided in comments on the Draft SEIR and the responses to those comments in the Final SEIR. The CEQA Guidelines (§15126.2(d)) require a discussion of growth-inducing impacts of a project. A project may be considered growth inducing when it:

- Fosters economic growth, population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment;
- Removes obstacles to population growth or additional housing;
- Burdens existing community service facilities beyond current/projected capacities; or
- Encourages or facilitates other activities that could significantly affect the environment.

Growth inducement would be caused by the provision or extension of utilities and public services. For example, the development of water, wastewater, fire, or other services in previously underserved areas; the extension of transportation routes into undeveloped areas; and the establishment of major new employment opportunities would all induce growth.

The Proposed Project does not include any transportation network changes or new construction during Phase 1. The Proposed Project would also be non-operational during the Phase 2 restoration period, and would not support additional housing, population, and economic growth beyond what was identified in the 1996 Certified SEIR. Therefore, the Proposed Project is not considered growth-inducing.

VII. FINDINGS REGARDING ALTERNATIVES EVALUATED IN SEIR

The Board has reviewed and considered the information on alternatives provided in the SEIR. The SEIR does not include an analysis of alternatives because no new significant and unavoidable impacts were identified from the proposed extension of operations and decommissioning of the site. (See Draft SEIR, p. ES-4, Ch. 4.)

VIII. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT SEIR AND REVISIONS TO THE FINAL SEIR

Finding VIII of the SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines §15088(b). The SEIR also includes minor clarifications and modifications. The Board has reviewed and considered the Final SEIR and all of this information.

The Board finds that responses to comments made on the Draft SEIR and revisions to the Final SEIR merely clarify, amplify, or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5.

Rationale: CEQA Guidelines §15088.5 provides:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.... “Information” can include changes in the project or environmental setting as well as additional data or other information.... “Significant new information” requiring recirculation includes, for example...
 - (1) A new significant environmental impact would result from the 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 project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The new information added to the SEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed and that would clearly lessen the significant environmental impacts of the Proposed Project.

IX. FINDING ADOPTING A MITIGATION MONITORING PROGRAM

The Board finds that a MMRP has been prepared for the Proposed Project and has been adopted concurrently with these Findings (Public Resources Code, §21081.6(a)(1)). LAHD will use the MMRP to track compliance with mitigation measures. A copy of the final MMRP is provided as part of the staff report.

X. FINDING REGARDING LOCATION AND CUSTODIAN OF RECORD

The documents and other materials that constitute the record of proceedings on which LAHD's Findings of Fact are based are located at Port of Los Angeles Environmental Management Division located, 425 S Palos Verdes Street, San Pedro CA 90731. The custodian of these documents is Lisa Wunder, Acting Director of Environmental Management. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and 14 Cal. Code Regs. §15091(e).

For purposes of CEQA and these Findings, the Record of Proceedings for the Proposed Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by LAHD and in conjunction with the Proposed Project.
- The Draft and Final SEIRs, including appendices and technical studies included or referenced in the Draft and Final SEIRs.
- All comments submitted by agencies or members of the public during the 48-day public comment period on the Draft SEIR.
- All comments and correspondence submitted to LAHD with respect to the Proposed Project.
- The MMRP for the Proposed Project.
- All Findings and resolutions adopted by LAHD decision makers in connection with the Project, and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Proposed Project prepared by Dudek, consultants to LAHD.
- All documents and information submitted to LAHD by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Proposed Project, up through the date the Board approved the Proposed Project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by LAHD, in connection with the Proposed Project.
- Any documentary or other evidence submitted to LAHD at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to LAHD, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code §21167.6(e)