

Chapter 2

Response to Comments

2.1 Distribution of the Draft EIS/EIR

The Draft EIS/EIR prepared for the LAHD and USACE was distributed to the public and regulatory agencies on August 20, 2017, for a 45-day review period. Approximately 162 printed and digital copies (CD) of the Draft EIS/EIR were distributed to various government agencies, organizations, individuals, and Port tenants. The USACE also published a Notice of Availability (NOA) of the Draft EIS/EIR in the Federal Register (Volume 82, No. 76 page 18759) and published a Public Notice, both on April 21, 2017. LAHD, in cooperation with the USACE, conducted a public hearing regarding the Draft EIS/EIR on May 10, 2017, to provide an overview of the proposed Project and alternatives and to accept public comments on the proposed Project, alternatives, and environmental document.

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

- Los Angeles Harbor Department, Environmental Management Division, 222 West 6th Street, Suite 900, San Pedro, CA 90731
- Los Angeles Public Library - Central Branch, 630 West 5th Street, Los Angeles, CA 90071
- Los Angeles Public Library - San Pedro Branch, 931 South Gaffey Street, San Pedro, CA 90731
- Los Angeles Public Library - Wilmington Branch, 1300 North Avalon, Wilmington, CA 90744

In addition to printed copies of the Draft EIS/EIR, digital copies were made available in response to specific requests. Due to the size of the document, the digital copies were prepared as a series of PDF files to facilitate downloading and printing. Members of the public were also invited to request a CD containing the EIS/EIR. Digital copies of the Draft EIS/EIR on CD were available free of charge to interested parties. The Draft EIS/EIR was available in its entirety on the Port web site at <http://www.portoflosangeles.org/environmental/publicnotice.htm>, with the public notice available online at www.spl.usace.army.mil/regulatory/POLA.htm. The USACE NOA and Public Notice were also made available online at www.federalregister.gov, and www.spl.usace.army.mil/Missions/CivilWorks/Regulatory, respectively.

2.2 Comments on the Draft EIS/EIR

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

The USACE and LAHD received 21 comment letters on the Draft EIS/EIR during the public review period. Four verbal comments were received at the public hearing. Table 2-1 presents a list of those agencies, organizations, and individuals who commented on the Draft EIS/EIR.

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

Letter Code	Date	Individual/Organization	Page
Federal Government			
NMFS	05/31/17	Bryant Chesney, U.S. Dept. of Commerce, National Oceanic and Atmospheric Admin., National Marine Fisheries Service	2-24 to 2-25
USDOJ	06/04/17	Janet L. Whitlock, Regional Environmental Officer, U.S. Dept. of the Interior	2-26 to 2-27
USEPA	06/05/17	Kathleen Martyn Goforth, Mgr., Environmental Review Section, U.S. Environmental Protection Agency, Region IX	2-28 to 2-45
USFWS	06/05/17	Jonathan Snyder for Karen A. Goebel, Asst. Field Supervisor, U.S. Dept. of the Interior, Fish and Wildlife Service, Ecological Services	2-46 to 2-49
State Government			
DTSC	05/19/17	Department of Toxic Substances Control	2-50 to 2-57
DOT	05/24/17	DiAnna Watson, IGR/CEQA Branch Chief, California Dept. of Transportation, District 7 – Office of Regional Planning	2-58 to 2-59
CARB	06/05/17	Elizabeth Yura, Chief, Emissions Assessment Branch, Transportation and Toxics Division, California Air Resources Board	2-60 to 2-80
Regional and Local Government			
BOS	05/01/17	Ali Poosti, Division Mgr., City of Los Angeles, Bureau of Sanitation,	2-81 to 2-83

Letter Code	Date	Individual/Organization	Page
		Wastewater Engineering Services Division	
SCAQMD	06/02/17	Jillian Wong, Ph.D., Planning and Rules Mgr., Planning, Rule Development & Area Sources, South Coast Air Quality Management District	2-84 to 2-103
Organizations			
JTR	04/20/17	John Tommy Rosas, Tribal Administrator, Tongva Ancestral Territorial Tribal Nation	2-104 to 2-105
CCSC	06/05/17	Dr. Tom Williams, Sr. Technical Advisor, Citizens Coalition for a Safe Community	2-106 to 2-110
CFSE	06/05/17	Coalition for a Safe Environment	2-111 to 2-133
EJ	06/05/17	Adrian Martinez, Staff Attorney, Earthjustice	2-134 to 2-136
LAC	06/05/17	Gary Toebben, President & CEO, Los Angeles Area Chamber of Commerce	2-137 to 2-138
NRDC	06/05/17	Melissa Lin Perrella, Natural Resources Defense Council	2-139 to 2-146
PMSA	06/05/17	Thomas Jelenić, Vice President, Pacific Merchant Shipping Association	2-147 to 2-148
Individuals/Companies			
MK	05/03/17	Michelle Kosik	2-149 to 2-150
IB	05/07/17	ibeahimaadj1	2-151 to 2-152
HP	05/15/17	Stephane de Bord, Hellman Properties	2-153 to 2-154
VICA	06/01/17	Kevin Tamaki, Chair, and Stuart Waldman, President, Valley Industry and Commerce Association	2-155 to 2-156
MCC	06/05/17	George H. Atkinson, Vice President and So. CA Area Mgr., Manson Construction Company	2-157 to 2-159
Draft EIS/EIR Public Hearing – Transcript			
PH1	May 10, 2017	Melissa Lin Perrella, Natural Resources Defense Council	2-177 to 2-178 and 2-186
PH2	May 10, 2017	Jesse Marquez, Coalition for a Safe Environment	2-178 to 2-180 and 2-186 to 2-187
PH3	May 10, 2017	Kathleen Woodfield, San Pedro Peninsula Homeowners Coalition	2-181 to 2-182 and 2-187 to 2-188
PH4	May 10, 2017	David Therrien	2-182 to 2-184 and 2-188

2.3 Responses to Comments

In accordance with NEPA (23 CRR Part 771) and CEQA (Guidelines Section 15088), the USACE and LAHD have evaluated the comments on environmental issues received from agencies and other interested parties and have prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the Draft EIS/EIR. In implementing regulations 23 CFR Part 771 of NEPA and specific compliance with CEQA Guidelines Section 15088(b), the written responses address the environmental issues raised. In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the proposed Project is provided. In each case, the USACE and LAHD have expended a good faith effort, supported by reasoned analysis, to respond to comments.

This section includes responses not only to the written comments received during the 45-day public review period of the Draft EIS/EIR, but also verbal comments made at the public hearing for the Draft EIS/EIR. Some comments have prompted revisions to the text of the Draft EIS/EIR, which are referenced and shown in Chapter 3, “Modifications to the Draft EIS/EIR.” A copy of each comment letter/comment is provided, and responses to each comment letter immediately follow. All of the comments received and the responses to those comments will be considered by the decision-makers prior to taking any action on the proposed Project.

Several comments on the Draft EIS/EIR claimed that the document should be revised and recirculated for additional public review and comment. The following response discusses the standards generally applicable to this issue, particularly under CEQA, and applies those standards to the comments requesting recirculation.

A lead agency is required to recirculate a Draft EIR when the agency adds “significant new information” to the EIR after the close of the public comment period but prior to certification of the Final EIR (Public Resources Code Section 21092.1; State CEQA Guidelines Section 15088.5). “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement” (State CEQA Guidelines Section 15088.5(a)). “Significant” new information includes information showing that “(1) [a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented [;] or (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” (State CEQA Guidelines Section 15088.5 (a)(1), (a)(2)).

The Resources Agency adopted Section 15088.5 of the State CEQA Guidelines in order to incorporate the California Supreme Court’s decision in *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112. According to the Supreme Court, the rules governing recirculation of a Draft EIR are “not intend[ed] to promote endless rounds of revision and recirculation of EIRs” (*Laurel Heights II*, supra, 6 Cal.4th at p. 1132). Instead, recirculation is “an exception, rather than the general rule” (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 221).

Under these standards, a change to a proposed project, made in response to comments on a Draft EIR, generally does not trigger the obligation to recirculate the Draft EIR. “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold

1 of the initial project; indeed, new and unforeseen insights may emerge during investigation,
2 evoking revision of the original proposal” (County of Inyo v. City of Los Angeles (1977)
3 71 Cal.App.3d 185, 199; see River Valley Preservation Project v. Metropolitan Transit
4 Development Bd. (1995) 37 Cal.App.4th 154, 168, fn. 11).

5 As these cases recognize, CEQA encourages the lead agency to respond to concerns as they
6 arise, by adjusting a project or developing mitigation measures, as necessary. That a project
7 evolves to address such concerns is evidence of an agency performing meaningful
8 environmental review. A rule requiring recirculation of the Draft EIR any time a project
9 changes would have the perverse unintended effect of calcifying or freezing the original
10 proposal, and of penalizing the lead agency or the project sponsor for revising the project in
11 ways that may be environmentally benign or even beneficial. In light of this policy concern,
12 the courts uniformly hold that the lead agency need not recirculate the Draft EIR merely
13 because the proposed project evolves during the environmental review process. (See, e.g.,
14 Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227
15 Cal.App.4th 1036, 1061-1065 [project modification requiring consultation with Coast
16 Guard regarding building designs did not require recirculation of Draft EIR]; South County
17 Citizens for Smart Growth v. County of Nevada (2013) 221 Cal.App.4th 316, 329-332
18 [identification of staff-recommended alternative after publication of Final EIR did not
19 trigger obligation to recirculate Draft EIR because alternative resembled other alternatives
20 that the EIR had already analyzed]; Western Placer Citizens for an Agricultural and Rural
21 Environment v. County of Placer (2006) 144 Cal.App.4th 890, 903-906 [revision in
22 phasing plan did not trigger recirculation requirement because revision addressed
23 environmental concerns identified during EIR process].)

24 Similarly, information that clarifies or expands on information in the Draft EIR/EIS does
25 not require recirculation. (See, e.g., North Coast Rivers Alliance v. Marin Municipal Water
26 Dist. Bd. of Directors (2013) 216 Cal.App.4th 614, 654-656 [addition of a hybrid
27 alternative to the Final EIR did not trigger duty to recirculate the Draft EIR]; Clover Valley
28 Foundation v. City of Rocklin (2011) 197 Cal.App.4th 200, 219-224 [information regarding
29 presence of cultural resources on property did not require recirculation because information
30 amplified on information that was already in Draft EIR]; California Oak Foundation v.
31 Regents of Univ. of Cal. (2010) 188 Cal.App.4th 227, 266-268 [letters addressing seismic
32 risks did not trigger duty to recirculate Draft EIR, where letters recommended further
33 analysis but did not contradict conclusions in Draft EIR]; Cadiz Land Co. v. Rail Cycle,
34 L.P. (2000) 83 Cal.App.4th 74, 97 [commenter’s disagreement with analysis of
35 groundwater flow in EIR did not require recirculation because substantial evidence
36 supported EIR’s analysis; lead agency had discretion regarding which expert to rely upon];
37 Marin Municipal Water Dist. v. KG Land California Corp (1991) 235 Cal.App.3d 1652,
38 1666-1668 [clarifying information regarding potential length of moratorium was not
39 “significant new information”].)

40 The following discussion applies these standards to the comments stating that the LAHD
41 should recirculate the Draft EIR. In particular, the discussion focuses on whether the
42 information provided in the comment is new, and whether that information discloses:

- 43 ▪ A new significant impact that the project or mitigation would cause,
- 44 ▪ An impact that would be substantially more severe unless mitigation is adopted that
45 avoids the impact,

- 1 ▪ A feasible project alternative is available that would avoid a significant impact, but
2 the applicant will not adopt it, or
- 3 ▪ That the Draft EIR is “fundamentally and basically inadequate” such that
4 meaningful public comment was precluded (CEQA Guidelines Section
5 15088.5(a)).

6 In the instance of the EIS/EIR, a number of comments were provided on the document.
7 Comments were provided on nearly every impact addressed in the EIS/EIR. Further,
8 comments were also provided on the alternatives.

9 The responses to comments are extensive, in large part because the comments were also
10 extensive. The responses to comments provide the following information:

- 11 ▪ First and foremost, the responses address the environmental concerns raised by the
12 comments, and describe how they are addressed in the document;
- 13 ▪ They provide corrections to the text, where such corrections are warranted;
- 14 ▪ They expand on or provide minor clarifications to information already included in
15 the Draft EIR in those instances where comments question this information;
- 16 ▪ They result in proposals for new mitigation measures that may more effectively
17 reduce already identified significant environmental impacts of the project; and
- 18 ▪ They address recommendations for alternatives to the project, including whether
19 these recommendations are already included in the alternatives evaluated in the
20 EIS/EIR.

21 However, none of the conditions warranting recirculation of a Draft EIR, as specified in
22 State CEQA Guidelines Section 15088.5 and described above, has occurred. As a result of
23 responses to comments and the additional of new information, no new significant impacts
24 would result; there is no increase in the severity of a significant impact identified in the
25 Draft EIR, following mitigation; no feasible alternatives have been recommended that
26 would avoid a significant impact, wherein the applicant has refused to adopt such an
27 alternative; and as to the Draft EIR adequacy, the LAHD believes the EIR is complete and
28 fully compliant with CEQA.

29 **2.3.1 Master Responses**

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

- 33 1. Feasible Mitigation – Guidance and Applicability
- 34 2. Zero-Emission Technologies
- 35 3. Port-wide Emission Reduction Programs
- 36 4. Energy Usage and Appendix F

37 Individual responses to all comment letters/comments received on the Draft EIS/EIR are
38 presented following the Master Responses and may refer to the Master Responses in total
39 or in part.
40
41
42

2.3.1.1 Master Response 1: Feasible Mitigation – Guidance and Applicability

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

Mitigation is required only for significant environmental impacts (PRC 21100(b)(3); State CEQA Guidelines Sections 15126.4(a)(1)(A) and 15064(e)). CEQA provides that environmental analysis should emphasize feasible mitigation measures (PRC 21003(c)). An agency may, however, reject mitigation measures or project alternatives if it finds them to be “infeasible” (PRC 21081(a)(3); State CEQA Guidelines Section 15091(a)(3)). “Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (PRC 21061.1; State CEQA Guidelines Section 15364). Consideration of feasibility of mitigation measures may also be based on practicality (No Slo Transit, Inc. v. City of Long Beach [1987] 197 Cal.App.3d 241, 257). In addition, while a lead agency is required to respond to comments proposing concrete, obviously feasible mitigation measures, it is not required to accept suggested mitigation measures (A Local and Regional Monitor (ALARM) v. City of Los Angeles (1993) 12 Cal. App. 4th 1773, 1809). Although not entirely the same as CEQA, mitigation requirements exist under NEPA (40 CFR 1500-1508) and USACE program regulations (33 CFR 320-332).

In reviewing specific proposed suggestions for mitigation measures, LAHD has been cognizant of the legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. LAHD recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular proposed mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter’s view, reduce the severity of environmental effects. LAHD is also cognizant, however, that, the mitigation measures presented in the Draft EIR represent the expert opinions of the preparers of the Draft EIS/EIR regarding how best to effectively, and feasibly, substantially reduce or avoid the proposed Project’s significant environmental effects. Further, those mitigation measures have been subjected to public review and scrutiny through the Draft EIS/EIR process. In determining whether to accept such changes, either in whole or in part, LAHD has considered the following factors, among others: (i) whether the proposed revisions are feasible from an economic, technical, legal, environmental, or other standpoint; (ii) whether the mitigation measure(s) suggested to be revised relate to a significant and unavoidable environmental effect of the proposed Project, or instead relate to an effect that can already be mitigated to less-than-significant levels by the mitigation measures proposed in the Draft EIS/EIR; (iii) whether the proposed revisions represent a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; and (iv) whether the proposed revisions are sufficiently clear as to be easily understood by those who will implement them.

In coordination with the LAHD’s identification of mitigation measures for impacts identified under CEQA, the USACE has also identified mitigation measures for impacts identified under federal law. The NEPA (40 CFR 1500–1508) and USACE regulatory program regulations (33 CFR 320–332) provide authority for USACE to require mitigation for impacts on waters of the United States (U.S.) (40 CFR 1508.14 and 1508.20; 33 CFR 320.4, 33 CFR 325.4, 33 CFR 325 Appendix B paragraph 9(5)(e), and 33 CFR 332).

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

12 While the Berths 226–236 [Everport] Container Terminal Improvements Project (proposed
13 Project) would not result in a discharge of dredged or fill material into waters of the U.S.
14 and therefore, the 404(b)(1) Guidelines would not be applicable to this permit application,
15 mitigation requirements for the proposed Project have been developed as part of the NEPA
16 (EIS) process and USACE permit evaluation process to address potential impacts related to
17 the proposed work and structures in, over, and under navigable waters of the U.S., which
18 are regulated under Section 10 of the Rivers and Harbors Act. More specifically,
19 mitigation requirements associated with USACE’s federal action on the proposed Project
20 (i.e., potential issuance of a permit) are primarily guided by the required public interest
21 review (33 CFR 320.4(a) and (r)). Pending USEPA approval under Section 103 of the
22 Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413), the USACE may also
23 authorize the transport of suitable dredged material for disposal at the LA-2 offshore
24 dredged material disposal site. Pursuant to USACE implementing regulations (33 CFR
25 325.4), the Los Angeles District Regulatory Division has developed standard special
26 conditions that are specific to transport of dredged material for the purpose of ocean
27 disposal; such conditions are designed to avoid and minimize impacts on ocean resources
28 and are always included on DA permits when ocean disposal of dredged material is
29 approved. Such conditions include, but are not limited to, measures to reduce air quality
30 impacts associated with the transport of the dredged materials, specifically, MM AQ-1 –
31 Harbor Craft Used During Construction, MM AQ-3 – Non-Road Construction Equipment,
32 and MM AQ-5 – General Construction Mitigation Measure. In the event that disposal of
33 dredged material occurs in upland areas, instead of ocean disposal, the reduction of air
34 quality impacts would occur through the USACE requirement of measures such as MM
35 AQ-1 – Harbor Craft Used During Construction, MM AQ-2 – On-road Trucks Used During
36 Construction, MM AQ-3 – Non-Road Construction Equipment, and MM AQ-5 – General
37 Construction Mitigation Measure.

38 As is often evident from the specific responses given to specific suggestions, the LAHD
39 and USACE staff and consultants spent large amounts of time carefully considering
40 proposed suggestions for new and revised mitigation measures and in some instances
41 adopted some or all of what a commenter suggested. In no instance did the LAHD and
42 USACE fail to take seriously a suggestion made by a commenter or fail to appreciate the
43 effort that went into the formulation of suggestions.

44 LAHD and USACE have identified and propose to incorporate all feasible mitigation
45 measures, including feasible mitigation measures and feasible revisions to the existing
46 mitigation measures recommended by commenters. No additional mitigation measures
47 have been determined to be feasible to reduce significant impacts disclosed in the EIS/EIR;
48 however, MM AQ-5 has been modified to require that, subject to availability, all dredging

1 equipment be electric powered (please refer to Chapter 3 of this Final EIS/EIR). Many of
2 the comments on mitigation feasibility focused on zero-emission technologies. This topic
3 and its feasibility are discussed in detail in Master Response 2: Zero-Emissions
4 Technologies, below. The feasibility of other specific suggested measures is discussed in
5 the individual responses below, as appropriate.

6 **2.3.1.2 Master Response 2: Zero-Emission Technologies**

7 A commenter requested the Final EIS/EIR to include specific mitigation measures for how
8 the proposed Project will achieve the goals and objectives of the San Pedro Bay Ports 2017
9 Clean Air Action Plan Discussion Draft. Other commenters mentioned that the Draft
10 EIS/EIR did not include discussion of, or meaningful commitment to, zero-emissions
11 technologies. This master response addresses those comments by explaining how the
12 LAHD has invested in or secured funding to advance zero- and near-zero technologies in
13 the goods movement industry, including a late-2016 grant from the California Energy
14 Commission (CEC) to demonstrate the extended use of zero- and near-zero yard tractors
15 and top picks at the Evergreen Container Terminal.

16 **Background**

17 While the CAAP has been very successful at encouraging substantial emission reductions,
18 further reductions are needed Port-wide as growth continues to increase in the coming
19 years. Furthermore, the LAHD has identified zero-emission equipment as a critical element
20 to be integrated into marine related goods movement in order to meet greenhouse gas
21 (GHG) reduction deadlines. The Technology Status Report – Zero Emission Drayage
22 Trucks (TIAX, 2011), prepared for the Ports of Los Angeles and Long Beach, examined the
23 state of current zero-emission technologies and outlined a reasonable, programmatic
24 approach to commercialization, based on thorough demonstration and evaluation. The
25 report concludes that a two-phase demonstration approach to commercialization is needed.
26 The first phase would be a small-scale (one to three units) demonstration to test basic
27 technical performance. This would be followed by the second phase consisting of a
28 broader, large-scale (ten to twenty units) demonstration to assess how the technologies fit
29 into existing operations on a multi-unit basis.

30 In July 2011, at a joint meeting with the Harbor Commissions of the Ports of Los Angeles
31 and Long Beach (also called the San Pedro Bay Port Complex), staff presented the
32 Roadmap for Zero Emissions (Port of Los Angeles and Port of Long Beach, 2011). This
33 document, prepared by the two Ports, expresses the Ports' commitment to zero-emission
34 technologies by establishing a reasonable framework for future identification, development,
35 and testing of non-polluting technologies for moving cargo. The Ports of Los Angeles and
36 Long Beach's joint San Pedro Bay Ports Technology Advancement Program (TAP) funds
37 efforts to evaluate and demonstrate new technologies such as zero-emission trucks that
38 could further reduce emissions from goods movement. The Port of Los Angeles and Long
39 Beach regularly meet with technology developers to stay informed about new and emerging
40 technologies that may provide options for reducing emissions from Port operations.
41 Furthermore, annual status reports on the TAP's completed and ongoing projects are
42 provided on the TAP website at [http://www.cleanairactionplan.org/technology-
43 advancement-program/](http://www.cleanairactionplan.org/technology-advancement-program/). Recommendations from the TAP are taken to the Boards of Harbor
44 Commissioners when selecting and funding projects.

45 As detailed in Section 1.6.8.1 of Chapter 1, Introduction of the Draft EIS/EIR, Zero
46 Emission Equipment, in July 2015, the LAHD released a draft Zero Emission White Paper

1 to assist the Port in moving toward the adoption of zero-emission technologies utilized for
2 the purpose of moving cargo on and off Port terminals to a final destination. The LAHD
3 has provided over \$7 million in funding for projects aimed at developing zero-emission
4 technology for short-haul drayage trucks and on-terminal yard tractors. Initial zero-
5 emission vehicle testing has shown mixed results, but more recent progress has been made
6 that reinforces the LAHD's belief that zero-emission container movement technologies
7 show great promise for helping to reduce criteria pollutant and GHG emissions in the
8 future. While zero-emission technologies are promising, zero emission trucks and most
9 zero-emission container movement systems (ZECMS) require longer-term evaluations to
10 establish the technical viability, operational reliability and the ability to attract participation
11 from established original equipment manufacturers that will lower acquisition and
12 maintenance costs and allow this equipment to become commercially viable. ZECMS also
13 present many operational concerns, such as charging/fueling and maintenance that need to
14 be examined prior to full deployment into the fleet. Additionally, durability, loss of power
15 potential, and safety need to be monitored through testing before stakeholders commit to
16 large capital investments. The amount of existing data in these areas is extremely limited,
17 although several demonstration projects are currently underway.

18 Further, without the completion of the real-world fleet testing with full loads and full duty
19 cycles, including longer-term mechanical service and reliability over a sufficient
20 demonstration period, a system that later proved to be unreliable would result in disruption
21 and delay of cargo flow and trade at the Port Complex. In recognition of the potential future
22 promise of such technologies, LAHD has included a lease measure (LM) in this document
23 that requires periodic technology reviews (LM AQ-1). This lease measure will ensure that
24 the Tenant reconsiders the feasibility of zero- and near-zero- emission technologies in the
25 future as the technologies continue to develop. In addition, the tenant will be required to
26 confer with LAHD any time they are replacing any on-site Cargo Handling Equipment
27 (CHE).

28 See below for discussions of specific zero- and near-zero emission demonstrations
29 underway for trucks and container handling equipment. Additionally, see below for
30 information regarding the upcoming zero- and near-zero- emissions yard tractor
31 demonstration project at Evergreen Container Terminal.

32 **Drayage Trucks**

33 In 2006, LAHD co-funded with SCAQMD the world's first plug-in, battery-powered,
34 heavy-duty truck prototype. Subsequently, through the TAP, the Ports of Los Angeles and
35 Long Beach have funded the demonstration of seven TransPower pre-commercial electric
36 drayage trucks, electric drayage infrastructure and charger improvements, and SCAQMD's
37 Zero Emission Cargo Transport II project (which will demonstrate seven trucks including
38 six fuel cell hybrid and one natural gas hybrid).

39 The Ports of Los Angeles and Long Beach conducted demonstration projects for two
40 battery plug-in trucks and one hydrogen fuel cell hybrid truck. In June 2012, the battery
41 plug-in truck was tested on a dynamometer using a Port-specific duty cycle at University of
42 California Riverside's Center for Environmental Research & Technology. The test
43 provided a baseline for future improvements. Since the dynamometer testing, the battery-
44 powered truck has been tested using empty and fully loaded containers that were loaned to
45 the Port for these tests. In this testing, the unit has accumulated approximately 250 hours of
46 use. In February 2014, a heavy-duty battery electric prototype truck that uses the ElecTruck
47 drive system developed by TransPower successfully hauled a 75,000-pound load up and

1 down the Gerald Desmond Bridge multiple times. These ElecTruck drive systems were
2 developed for demonstration in real-world drayage service as part of a zero-emission cargo
3 transport demonstration program funded by a U.S. Department of Energy grant and in
4 collaboration with SCAQMD and the Ports of Los Angeles and Long Beach TAP. The
5 seven trucks that use the ElecTruck drive system were assembled and demonstrated by Port
6 drayage truck operators. The hydrogen fuel cell-powered truck has been used in isolated
7 tests. One test at a facility in Commerce, California, included picking up fully loaded
8 containers and traveling over a 6 percent incline grade. Another test was done by a national
9 retailer picking up containers, crossing the Vincent Thomas Bridge, and delivering them to
10 distribution centers. The truck achieved 200 miles on a single tank of hydrogen, and a
11 demonstration of an extended range of 400 miles is planned. These technologies have been
12 promising in initial use and additional hours of usage are currently being accrued. In
13 addition to the demonstration projects mentioned above, information on planned zero-
14 emission truck development can be found at the Port's website:
15 <http://www.portoflosangeles.org/environment/zero.asp>. Real-world, in-use data is
16 essential, particularly when deploying new technologies on public roads.

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

21 Although zero-emission trucks are currently in limited use, development and deployment of
22 this technology involves the following four steps: (1) research and development; (2)
23 technology development and demonstration; (3) pre-production deployment and
24 assessments; and, (4) early production deployments. Real-world, in-use data is essential,
25 particularly when deploying new technologies on public roads. As a funding partner in
26 those efforts, LAHD supports accelerating zero-emission technologies through LM AQ-1
27 required for this proposed Project, among other commitments as described above.

28 **Cargo Handling Equipment (CHE)**

29 LAHD is also focused on the development of zero-emission technologies for CHE and is in
30 the process of developing and testing some off-road CHE. Several different zero-emission
31 technologies for CHE are being developed and demonstration projects that have been
32 completed or are currently underway are discussed below. Most important, CEC funding
33 for the Evergreen Container Terminal will support the testing of electric (zero-) and
34 liquified natural gas (near-zero-) yard tractors.

35 **Zero-Emission Yard Tractors**

36 LAHD has funded numerous zero-emission yard tractor projects through the TAP,
37 including plug-in battery electric yard tractors and a hydrogen fuel cell yard tractor.
38 However, the feasibility of zero-emission technology for yard tractors or the likelihood of
39 availability of zero-emission yard tractors on the market in the near-term has not yet been
40 shown. Testing of zero-emission yard tractors has been ongoing since 2008, including
41 demonstration projects funded by the Port, but testing and demonstration have not yet
42 produced a viable candidate for large-scale testing or use in a marine terminal operation and
43 duty cycle. In 2013, CARB selected the Ports of Los Angeles and Long Beach to be
44 recipients of grant funding for a two-year project to develop and demonstrate two electric
45 yard tractors developed by TransPower. The yard tractors are currently being demonstrated
46 at the Port's APM and PST terminals. Previously these yard tractors have been successfully

1 demonstrated at the Port's SA Recycling terminal and the Dole terminal at the Port of San
2 Diego. The Port has been proactive in working with manufacturers (such as Balqon and
3 TransPower) to design and produce prototype plug-in electric yard tractors, which operate
4 on lithium-ion batteries. Initial testing of the Balqon yard tractors at the California Cartage
5 Intermodal Facility indicated that the yard tractors were capable of operating for over 12
6 hours on a single charge. Balqon, however, is no longer producing CHE.

7 Five battery electric yard tractors are intended to be tested at Evergreen Container Terminal
8 for a period of one year, which is expected to begin in Spring - Summer 2018. Information
9 collected during this demonstration project and others will dictate whether further larger
10 scale demonstrations using 10- to 20- yard tractors are ready to take place. Once the larger
11 scale demonstrations are deemed successful, the electric yard tractors could be ready for
12 commercialization.

13 The 2010 Hybrid Yard Hostler Demonstration and Commercialization Project was a TAP
14 project that involved three hybrid (diesel-battery-electric) yard tractors. These three hybrid
15 yard tractors were put into service at the Port of Long Beach for a period of 6 months
16 performing ship, rail, and dock work, with a goal of measuring the emissions of a
17 conventional and hybrid yard tractor following cycles developed from monitoring in-use
18 activities. Results indicated that at low loads, the hybrid consumed about 7 percent more
19 fuel and at high loads the hybrid saved about 3 percent fuel, while nitrogen oxide (NOx)
20 emissions were reduced at both load levels. Considering that the results did not indicate
21 fuel savings for the hybrid yard hostler, further refinement of the hybrid drive system
22 design was recommended to improve the yard tractors' fuel economy. The Liquefied
23 Natural Gas (LNG) Yard Hostler Demonstration and Commercialization Project assessed
24 the performance and emissions of three LNG yard tractors over 8 months from June 2006
25 to January 2007 at the Port of Long Beach. Results indicated that LNG yard tractors used
26 about 30 percent more diesel gallon equivalents than diesel yard hostlers, had higher NOx
27 emissions, and had an incremental cost over a diesel yard truck of approximately \$40,000.

28 ETS (through LAHD) was awarded a grant from the California Energy Commission (CEC)
29 in late 2016 to commission a demonstration project for five zero-emission yard tractors,
30 and 20 near-zero-yard tractors equipped with the California Air Resources Board certified
31 Cummins Westport Low NOx engines (0.02 grams of nitrogen oxides/brake horsepower-
32 hour) at the Everport Container Terminal. The Port has constructed electric charging
33 stations at the Everport Container Terminal in preparation of the five zero-emission yard
34 tractors. To further reduce GHG the 20 near-zero-emission yard tractors will be fueled
35 with renewable LNG provided by Clean Energy via a mobile LNG fueling system. This
36 demonstration project is expected to begin in Spring - Summer 2018 and last for 12
37 months. In addition, the LAHD was awarded a second CEC grant in early 2017 to
38 commission a demonstration project for two zero-emission battery electric top handlers and
39 three additional zero-emission battery electric yard tractors to undergo a demonstration
40 project at the Everport Container Terminal as well. This demonstration project is expected
41 to begin in Summer 2019 and last for 12 months. The demonstration project's main goal is
42 to determine the long-term feasibility of near-zero yard tractors. More specifically, the
43 project is expected to: (1) significantly reduce emissions of GHGs, diesel particulate matter
44 (DPM), NOx, and reactive organic gases (ROG) from the Evergreen Container Terminal;
45 and (2) create a test facility for the commercialization of zero- and near-zero- emission
46 technologies that can move break bulk and containerized cargo.

1 Although progress is being made, these examples illustrate the challenges that continue to
2 face developers of zero- and near-zero- emission yard tractors to bring the technology to
3 the market.

4 **Electric Rubber Tire Gantry Cranes (ERTG) and Electric Rail-Mounted Gantry** 5 **Cranes (ERMGs)**

6 A standard rubber tire gantry crane (RTG) runs on diesel fuel and is used for stacking
7 intermodal containers within the stacking areas of a container terminal. An electric RTG
8 (ERTG) runs primarily on electric power provided by a bus bar, overhead conductor, or
9 cable reel but retains diesel engine capabilities for moving between rows of containers. The
10 extensive infrastructure makes ERTG systems extremely expensive to build and makes the
11 layout and operations highly inflexible, which would be difficult to implement on an
12 existing operational container terminal. As such, ERTG systems are best suited for master-
13 planned terminals where the physical layout and operations are specifically designed to
14 accommodate the ERTG system. Additionally, although the proposed Project involves the
15 renewal of a lease at an existing terminal with some expansion of backlands, the extensive
16 reconfiguration which would be required to utilize such equipment at the terminal is
17 beyond the scope of the proposed Project.

18 An electric rail-mounted gantry crane (RMG) system is used for stacking intermodal
19 containers. By mounting a gantry crane on rails, ERMGs sacrifice the mobility of their
20 diesel counterparts; however, ERMGs have lower long-term operating costs and provide
21 substantial environmental benefits since ERMGs run entirely on electricity. ERMG systems
22 involve similar financial and operational restrictions to those discussed above for ERTGs,
23 though to a greater degree. ERMGs operate on rail tracks, making them even more
24 operationally restrictive than ERTGs. Additionally, the capital investment and intensity of
25 construction required to develop an ERMG system are greater than for an ERTG system.
26 As with ERTG systems, ERMG systems are best suited for master-planned terminals where
27 the physical layout and operations are specifically designed to accommodate the RMG
28 system. Additionally, although the proposed Project involves the renewal of a lease at an
29 existing terminal with some expansion of backlands, the extensive reconfiguration which
30 would be required to utilize such equipment at the terminal is beyond the scope of this
31 proposed Project.

32 **Hybrid RTGs (EcoCrane™)**

33 In a demonstration project sponsored by the Ports of Los Angeles and Long Beach under
34 the TAP, a hybrid RTG, EcoCrane™ equipped with an advanced energy capture and
35 battery storage system was placed into testing in 2009 and eventually commissioned after
36 initial engineering issues in 2010. While the EcoCrane™ showed reductions in criteria air
37 pollutant emissions, fuel consumption, and GHGs, as compared to a conventional diesel-
38 electric RTG crane, it experienced engineering issues related to inverter failure,
39 battery/inverter compatibility, and generator failure. In August 2010, the LAHD received a
40 grant from the USEPA to demonstrate a second generation EcoCrane™ hybrid RTG system
41 at the West Basin Container Terminal at the Port of Los Angeles. As such, this technology
42 was verified by the USEPA in June 2013 for specific applications and demonstrated a 56
43 percent fuel economy improvement.

44 Additional concerns associated with the use of hybrid RTGs include the following: safety
45 hazards posed by potential leaks from battery packs; the need for additional labor staffing
46 on the ground due to the reduced visibility from the size and location of the battery box; the

1 logistical difficulties associated with the use of the batteries, which must be drained and
2 “equalized” every 21 days, a process that requires eight hours to complete, thereby
3 negatively impacting the use and efficacy of the RTGs; the increased stress fractures noted
4 in equipment welds due to the additional battery weight on one side of the equipment; and
5 the need to dispose of the batteries (which have a useful life of only three years) as
6 hazardous waste (LAHD, 2016).

7 **Ship-to-Shore Cranes**

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

13 **Conclusion**

14 The LAHD, working collaboratively with Port tenants and other stakeholders, is committed
15 to expanded development and testing of zero-emission technologies, identification of new
16 strategic funding opportunities to support these expanded activities, and planning for long-
17 term infrastructure development to sustain ongoing programs, all while ensuring
18 competitiveness among the maritime goods movement businesses.

19 As noted above, ZECMS (including drayage trucks, yard tractors, and gantry cranes)
20 require longer-term evaluations to establish the technical viability, operational reliability
21 and the ability to attract participation from established original equipment manufacturers
22 that will lower acquisition and maintenance costs and allow this equipment to become
23 commercially viable. When commercial viability is achieved, the proposed Project lease
24 measure LM AQ-1 was specifically established to integrate these systems into terminal
25 operations. At this time, however, LAHD cannot take mitigation credit for zero-emission
26 technologies for this Project.

27 **2.3.1.3 Master Response 3: Port-wide Emission Reduction 28 Programs**

29 Several comments requested that the LAHD implement additional mitigation beyond what
30 current regulations and the San Pedro Bay Ports Clean Air Action Plan (CAAP) would
31 accomplish. This Master Response addresses these comments.

32 The Ports of Los Angeles and Long Beach originally developed the CAAP in 2006 with
33 input from a number of stakeholders, including the USEPA, CARB, and SCAQMD. The
34 CAAP was updated in 2010, and underwent a revision in Summer 2017. The Draft CAAP
35 Update was released in July 2017 with a tentative adoption date set for November 2017. The
36 CAAP has produced emission reductions of criteria pollutants, toxic air contaminants, and
37 GHG either in excess of those required by existing federal and state regulations, or have
38 accelerated achievement of the reductions anticipated in the regulations. Through the
39 CAAP and the associated programs, emission reduction technologies have been tested and
40 are being developed to produce commercially viable mitigation for Port emission sources.
41 The CAAP and updates, as well as accomplishments of Port-wide emission reduction
42 programs can be reviewed at:

- 43 ▪ <https://www.portoflosangeles.org/environment/caap.asp>

- 1 ▪ <https://www.portoflosangeles.org/environment/ogv.asp>
- 2 ▪ https://www.portoflosangeles.org/ctp/idx_ctp.asp
- 3 ▪ <https://www.portoflosangeles.org/environment/amp.asp>
- 4 ▪ <https://www.portoflosangeles.org/environment/progress/initiatives/technology-advancement-program/>

6 The Ports are committed to updating the CAAP this year, with the Draft 2017 CAAP
7 released for public review in mid-July 2017, with anticipated adoption of the final 2017
8 CAAP update by the end of 2017. Note that the CAAP will continue to push technological
9 improvements for emission reductions at a pace faster than regulations alone. In addition,
10 the cost of zero-emission technologies can be substantially higher than conventional
11 equipment, making economic feasibility challenging. However, the Ports cannot yet rely
12 on any programs in this update to be available and appropriate for claiming additional
13 emission reductions in the Draft EIS/EIR. As technologies become technologically
14 feasible, economically viable, and commercially available in the region, they will become
15 requirements at the Port of Los Angeles as stated in lease measure LM AQ-1: Replacement
16 of Equipment and Review of New Technology (please see the Draft EIS/EIR, page 3.2-51).

17 In various comments from regulatory agencies, as well as other stakeholders, on the Draft
18 EIS/EIR, requests were made that the LAHD should implement mitigation measures that, at
19 this time, are not feasible, or for which LAHD lacks jurisdiction to implement.

20 **2.3.1.4 Master Response 4: Energy Usage and Appendix F**

21 **Introduction**

22 LAHD respectfully disagrees with the commenter’s opinion that the Draft EIR/EIS fails to
23 comply with Appendix F of the State CEQA Guidelines regarding energy consumption, and
24 that the proposed Project would result in a significant impact from energy consumption
25 requiring mitigation. This master response clarifies the assumptions and information
26 contained in the EIS/EIR, and expands upon that information. It does not constitute
27 “significant new information” requiring recirculation. (See PRC Section 21092.1; CEQA
28 Guidelines Section 15088.5.)

29 Appendix F of the State CEQA Guidelines states that “the goal of conserving energy
30 implies the wise and efficient use of energy. The means of achieving this goal include the
31 following: decreasing overall per capita consumption; decreasing reliance on fossil fuels
32 such as coal, natural gas and oil, and increasing the reliance on renewable energy sources.”
33 The objective of the Everport Container Terminal Improvement Project is to accommodate
34 larger (16,000 TEU), more efficient vessels at the site to improve energy and fuel
35 efficiency and reduce pollution. Currently, the facility can only accommodate 8,000 TEU
36 vessels. Upon project completion, the facility will be able to accommodate 16,000 TEU
37 vessels. These vessels are newer and cleaner burning with the ability to connect to auxiliary
38 maritime power (AMP). Further, accommodating larger vessels significantly reduces vessel
39 transit time to further the goal of improved fuel efficiency at the site.

40 Appendix F further states that “Potentially significant energy implications of a project shall
41 be considered in an EIR to the extent relevant and applicable to the project.” There were no
42 significant energy impacts associated with the proposed Project; in fact, the Project’s
43 objective is to improve energy efficiency and the overall efficiency of the facility. This
44

1 Project and its overall objective were evaluated against Appendix F and it was determined
2 that many of its components were found to be unnecessary. However, this response has
3 been prepared to further clarify energy consumption related to the proposed Project.
4 Specific areas of focus include the following:

- 5 ▪ Energy requirements and energy use by amount and fuel type for construction and
6 operation;
- 7 ▪ The effects of the Project on local and regional energy supplies;
- 8 ▪ The effects of the Project on peak and base period demands for electricity;
- 9 ▪ Compliance with energy standards;
- 10 ▪ Effects of the Project on energy resources;
- 11 ▪ The Project's projected transportation energy use requirements and overall use of
12 efficient transportation alternative; and
- 13 ▪ Energy conservation measures that have been incorporated into the Final EIS/EIR.

14 The proposed Project, in combination with improved fuel standards and energy efficient
15 technology, would achieve the abovementioned objectives outlined in Appendix F. The
16 proposed Project includes a throughput increase yet the per-container energy usage
17 decreases over time. This decrease can also be compared to the No Project Alternative
18 which still accounts for natural growth at the site without the project and still shows fuel
19 efficiency. This decrease is attributable to several factors that include cleaner, newer, more
20 efficient replacement equipment over time; increases in regulations and policies related to
21 energy consumption; and mitigation measures imposed on the proposed Project to conserve
22 or reduce energy consumption to the maximum extent feasible. In addition, the facility
23 itself has embarked on two different zero- and near-zero emission demonstration projects
24 that may also decrease the facility's use of fossil fuels.

25 To demonstrate the operational fuel efficiency of the proposed Project, for the CEQA
26 Baseline, 2038 CEQA No Project and the 2038 Proposed Project, energy demand was
27 calculated and energy consumed per TEU processed by the Everport Container Terminal
28 for the following energy categories: Diesel Fuel, Gasoline Fuel, and Electricity. The
29 comparisons between the CEQA and NEPA Baselines and the 2038 Proposed Project
30 shows the positive effect that the project would have in preventing wasteful, inefficient, and
31 unnecessary consumption of energy. Efficiency breakdowns and energy per TEU
32 reductions associated with the proposed Project over the CEQA and NEPA baselines were
33 calculated for each source type. For energy sources consuming electricity, the same 2013
34 CO₂e per MWh emission factor was used for the CEQA Baseline as for the 2038 Proposed
35 Project. Thus, this analysis does not take credit for reductions in electricity emission rates
36 associated with the introduction of higher percentages of renewable resources that would
37 happen irrespective of the proposed Project.

38

Table MR 4-1: Operational Energy Consumption per TEU for Proposed Project year 2038 and CEQA Baseline and CEQA No Project year 2038

Scenario	Source Type	Fuel Consumed <i>Gallons for Fuels</i> <i>MWh for Electricity</i>	Annual TEUs Handled	Energy per TEU <i>Gallons for Fuels</i> <i>MWh for Electricity</i>	Percent Reduction in Energy per TEU over CEQA Baseline*
CEQA Baseline	Ships - Transit and Anchoring	4,911,775	1,240,773	3.96	
	Ships - Hoteling	1,323,067	1,240,773	1.07	
	AMP Electricity Use	4,374	1,240,773	0.0035	
	Tugboats	61,513	1,240,773	0.05	
	Trucks	5,552,690	956,755	5.80	
	Line Haul Locomotives	1,868,632	284,018	6.58	
	Switch Locomotives	25,877		0.09	
	Cargo Handling Equipment	1,823,044	1,240,773	1.47	
	On-terminal Electricity Use	8,026	1,240,773	0.0065	
	Worker Vehicles	223,386	0	0.00	
	Total Operations - Diesel	15,566,598	1,240,773	12.55	
	Total Operations - Gasoline	223,386	0	0.00	
	Total Operations - Electricity	1,827,418	1,240,773	1.47	
CEQA No Project Year 2038	Ships - Transit and Anchoring	7,273,573	1,818,000	4.00	-1%
	Ships - Hoteling	1,167,071	1,818,000	0.64	40%
	AMP Electricity Use	7,906	1,818,000	0.0043	-23%
	Tugboats	105,310	1,818,000	0.06	-17%
	Trucks	4,715,033	1,090,800	4.32	26%
	Line Haul Locomotives	4,659,527	727,200	6.41	3%
	Switch Locomotives	68,492		0.09	-3%
	Cargo Handling Equipment	2,199,601	1,818,000	1.21	18%
	On-terminal Electricity Use	7,547	1,818,000	0.0042	36%
	Worker Vehicles	319,107	0	0.00	0%
	Total Operations - Diesel	20,188,606	1,818,000	11.10	11%
	Total Operations - Gasoline	319,107	0	0.00	0%
	Total Operations - Electricity	2,207,506	1,818,000	1.21	18%
Proposed Project Year 2038	Ships - Transit and Anchoring	6,921,621	2,379,525	2.91	27%
	Ships - Hoteling	1,505,933	2,379,525	0.63	41%
	AMP Electricity Use	13,186	2,379,525	0.0055	-57%
	Tugboats	105,310	2,379,525	0.04	11%
	Trucks	6,628,722	1,427,715	4.64	20%
	Line Haul Locomotives	5,988,823	951,810	6.29	4%
	Switch Locomotives	89,655		0.09	-3%
	Cargo Handling Equipment	3,357,223	2,379,525	1.41	4%

On-terminal Electricity Use	9,280	2,379,525	0.0039	40%
Worker Vehicles	380,859	0	0.00	0%
Total Operations - Diesel	24,597,286	2,379,525	10.34	18%
Total Operations - Gasoline	380,859	0	0.00	0%
Total Operations - Electricity	3,370,409	2,379,525	1.42	4%

1 * The change in energy consumption per TEU relative to the existing conditions (CEQA Baseline) if provided for both the 2038 No
 2 Project and 2038 Proposed Project scenarios to allow the reader to compare future energy consumption without and with the project,
 3 respectively.

4 Energy consumption data related to the proposed Project can be found throughout the Draft
 5 EIS/EIR as it is an integral data component of addressing and identifying air quality
 6 impacts related to emissions of criteria pollutants and greenhouse gases from the proposed
 7 Project as well as all project alternatives. For example, Appendix B1 highlights air quality
 8 calculations, methodology and assumptions and includes fuel usage in order to complete
 9 the calculations. Sections 3.2, Air Quality and Meteorology, and 3.5, Greenhouse Gas
 10 Emissions, highlight mitigation measures that effectively conserve energy as well highlight
 11 existing regulations related to GHGs and air quality that have secondary benefits related to
 12 energy conservation.

13 **Energy Requirements and Energy Use by Amount and Fuel Type**

14 **Construction**

15 Energy (primarily as diesel fuel, but including minor amounts of gasoline) would be used
 16 during construction of the proposed Project. Project construction activities and elements
 17 for which energy consumption was calculated include: (a) off-road diesel-powered
 18 construction equipment; (b) on-road diesel-powered delivery and haul trucks; and (c)
 19 worker commute vehicles. Energy expenditures during construction would be temporary,
 20 lasting for approximately 24 months. These energy expenditures are short-term but
 21 necessary to achieve the overall objective of the Project; which is the efficiency of the
 22 terminal and the associated reduction of fuel consumption.

23 Construction would not result in substantial waste or inefficient use of energy. The
 24 construction of the improvements would undergo a competitive bid that includes energy
 25 conservation measures in the bid specifications that must be adhered to throughout the
 26 construction process. In addition, construction would be consistent with the policies in the
 27 Port of Los Angeles’ Sustainable Construction Guidelines, which guide the content of bid
 28 specifications. Current LAHD bid specifications include provisions to reduce energy
 29 consumption, such as staging work during nonpeak hours when appropriate, and minimum
 30 engine emissions standards for construction equipment in accordance with the Clean Air
 31 Action Plan. Accordingly, construction would comply with all existing energy standards.

32 Further, because construction would occur at an existing terminal, the site will have limited
 33 operation during this time period so energy consumption related to existing operations will
 34 decrease while construction is occurring helping to offset energy demand from
 35 construction.

36 Total construction energy efficiency for the proposed Project is presented below for
 37 informational purposes.

38

Table MR 4-2: Construction Energy Consumption for Proposed Project Ocean Disposal

Proposed Project Construction - Ocean Disposal	Year	Fuel	GHG Emissions (Metric Tons)	Fuel Consumed (Gallons)
Off-road Construction Equipment	2018	Diesel	2,148	211,407
Marine Source Exhaust	2018	Diesel	477	46,947
On-road Construction-Related Vehicles	2018	Diesel	1,014	99,798
Worker Vehicles	2018	Gasoline	21	2,362
Off-road Construction Equipment	2019	Diesel	161	15,846
Marine Source Exhaust	2019	Diesel	800	78,736
On-road Construction-Related Vehicles	2019	Diesel	118	11,614
Worker Vehicles	2019	Gasoline	10	1,125
Total Construction - Diesel	ALL	Diesel	4,718	464,348
Total Construction - Gasoline	ALL	Gasoline	31	3,487

1 **Operation**
 2 Operational electricity demands of the proposed Project would be related to additional
 3 wharf cranes, additional AMP vaults, and additional facility and backland operations. The
 4 new wharf cranes would represent a new electrical demand, since the existing cranes would
 5 remain in use as would the additional AMP vaults. However, these taller cranes are
 6 necessary to accommodate the larger vessels and further the goal of accommodating these
 7 larger vessels that are generally cleaner, more able to plug in to AMP and will allow for the
 8 goal of increased container throughput with as few vessel trips as possible. . Truck trips
 9 would increase as well as on-dock rail activity to accommodate the increase throughput.
 10 Please see Table MR 4-1 above for operation-related fuel consumption estimates on a per
 11 TEU basis associated with the proposed Project.

12 **Effects of the Project on Local and Regional Energy Supplies**
 13 Consistent with the goal of conserving energy expressed in CEQA Guidelines Appendix F,
 14 the proposed Project would include decreased reliance on fossil fuels through the
 15 accommodation of larger vessels thereby reducing significant transiting time and
 16 unnecessary fuel consumption. Future operations would be subject to the Port of Los
 17 Angeles’ conservation and sustainability goals, standards, and initiatives, as set forth in the
 18 Sustainability Assessment and Plan Formation (LAHD, 2008). These include a number of
 19 programs under the Clean Air Action Plan (currently being updated), various greenhouse
 20 gas reduction and zero-emissions programs, recycling and other sustainability programs,
 21 and the Port Leasing Policy. The increased use of trains to transport containers directly
 22 from the terminal would represent a more fuel-efficient mode than trucking containers to
 23 off-dock yards. Energy conservation measures were also incorporated into the document
 24 through mitigation that will further the goal of fuel efficiency and decreased energy
 25 consumption. Finally, the Port’s Energy Management Action Plan and Alternative Energy
 26 Program would promote increasing efficiency of energy usage in terminal operations.

27 **The Effects of the Project on Peak and Base Period Demands for Electricity**
 28 The Los Angeles Department of Water and Power (LADWP) is charged with maintaining
 29 sufficient capability to provide its customers with a reliable supply of power, and will
 30 continue to do so with proper planning and development of facilities in accordance with the
 31 City Charter, using such mechanisms as the Power Integrated Resources Plan (IRP). Based

1 on the LADWP Power IRP, electricity resources and reserves at LADWP will adequately
2 provide electricity for all of its customers, including the proposed Project, through the
3 current Power IRP planning horizon of 2040 (LADWP, 2016). Furthermore, because
4 LADWP is moving toward increasing renewable energy supplies in its resource portfolio,
5 the electricity demand of the proposed Project, by itself, would not result in the need to
6 construct a new off-site power station or facility.

7 Fuel consumption from the proposed Project does not pose a significant adverse impact to
8 energy. The Project decreases its energy consumption on a per TEU basis over time thereby
9 achieving the objectives outlined in Appendix F.

10 **Compliance with Energy Standards**

11 Over time, implementation of the proposed Project would replace older, less efficient
12 pieces of equipment and vehicles. The improved terminal will be required to comply with
13 current state energy efficiency standards and regulations pursuant to the California Building
14 Code (CBC), California Green Building Standards (CALGreen) and City of Los Angeles
15 Green Building Code (LAGBC) that would reduce long-term energy demand. These
16 requirements would reduce wasteful, inefficient and unnecessary consumption of energy
17 over the long-term. Additional information regarding these and other regulations and
18 programs that support energy conservation through the reduction of GHGs are described in
19 further details for information purposes below. In addition, summaries of some of these
20 regulations can be found in Appendix B1 as well. All of these regulations will be complied
21 with as applicable for the proposed Project.

22 **Natural Gas and Electricity Infrastructure**

23 Electrical power within the City of Los Angeles is supplied by LADWP, which serves
24 approximately 3.8 million people. LADWP obtains electricity from various generating
25 sources that utilize coal, nuclear, natural gas, hydroelectric and renewable resources to
26 generate power. Its current system capacity is 7,630 megawatts (MW). LADWP does not
27 forecast that peak demand will reach capacity through 2040. LADWP is committed to
28 increasing the share of renewable energy and promoting increased energy efficiency and
29 conservation by its customers. Diversification of LADWP's energy portfolio, increasing
30 electricity through renewable energy and new customer energy efficiency measures will all
31 help meeting the City needs.

32 According to the most recent data available from the LADWP, approximately 23 percent of
33 its electricity purchases in 2013 were from eligible renewable sources. LADWP has
34 adopted a number of initiatives to increase its use of renewable energy resources to support
35 the goal of reducing GHG emissions, reducing reliance on fossil fuels and meeting state
36 mandates requiring all utilities to provide 33 percent of their energy from renewable
37 resources by 2020.

38 Existing energy infrastructure has sufficient capacity to accommodate the needs of its 3.8
39 million people along with sufficient capacity to accommodate the Everport Container
40 Terminal Project. The regulations listed below must be complied with throughout the
41 Project to further ensure that the Project will not result in wasteful, inefficient or
42 unnecessary consumption of electricity or natural gas.

43 **Green LA**

44 In May 2007, the City of Los Angeles introduced Green LA – An Action Plan to Lead the
45 Nation in Fighting Global Warming (Green LA). Green LA presents a framework targeted

1 to reduce the City’s GHG emissions by 35 percent below 1990 levels by 2030. The plan
2 calls for an increase in the City’s use of renewable energy to 35 percent by 2020 in
3 combination with promoting water conservation, improving the transportation system,
4 reducing waste generation, greening the ports and airports, creating more parks and open
5 space and greening the economic sector. Green LA identifies objectives and actions in
6 various focus areas.

7 **Executive Directive No. 10**

8 Executive Directive No. 10 was issued in 2007 regarding environmental stewardship
9 practices. Consistent with the goal specified in Green LA, Executive Directive No. 10
10 requires that City departments create a “Statement of Sustainable Building Policies”
11 including sustainable design, energy and atmosphere, materials and resources, water
12 efficiency, landscaping and transportation resources. City departments are required to
13 submit annual sustainability reports to the Mayor for review.

14 **Sustainable City Plan**

15 In 2014, Mayor Eric Garcetti launched the City of Los Angeles’s first-ever Sustainable City
16 Plan. The pLAN is a comprehensive policy roadmap that prepares the City for an
17 environmentally healthy, economically prosperous and equitable future. The framework of
18 the pLAN includes the vision of things to be accomplished over the next 20 years and
19 highlights near-and long-term outcomes. Through the pLAN, the City’s goal is to become a
20 national leader in carbon reduction and climate action by eliminating coal from the City’s
21 energy mix, prioritizing energy efficiency, and inspiring other cities to take similar action.
22 The pLAN sets targets of reducing GHG emissions below 1990 levels by at least 45 percent
23 by 2025, 60 percent by 2035 and 80 percent by 2050.

24 **LAHD Sustainable Construction Guidelines**

25 In February 2008, the LAHD Board of Harbor Commissioners adopted the Los Angeles
26 Harbor Department Sustainable Construction Guidelines for Reducing Air Emissions
27 (LAHD Construction Guidelines). These guidelines will be used to establish air emission
28 criteria for inclusion in construction bid specifications. The LAHD Construction Guidelines
29 reinforce and require sustainability measures during performance of the contracts,
30 balancing the need to protect the environment, be socially responsible, and provide for the
31 economic development of the Port. The intent of the LAHD Construction Guidelines is to
32 facilitate the integration of sustainable concepts and practices into all capital projects at the
33 Port and to phase in the implementation of these procedures in a practical yet aggressive
34 manner. These Guidelines are currently being revised to include additional measures to
35 ensure that construction activities are conducted in the most sustainable manner possible.

36 **San Pedro Bay Ports Clean Air Action Plan (CAAP)**

37 In 2006, the ports of Long Beach and Los Angeles created and approved the San Pedro Bay
38 Ports Clean Air Action Plan, or “CAAP.” The CAAP provides the overall strategy for
39 dramatically reducing air pollution emissions from cargo movement in and around the
40 Ports. The Ports updated the CAAP in 2010 with new strategies and emission-reduction
41 targets. Since the adoption of the original CAAP, diesel particulate emissions from mobile
42 sources in and around the Ports are down 84 percent. Despite this significant progress, the
43 Ports recognize that more needs to be done. The CAAP 2017 Update provides new and
44 updated strategies and emission-reduction targets to cut emissions from sources operating
45 in and around the Ports, setting the Ports firmly on the path toward zero-emissions goods
46 movement.

1 The CAAP 2017 Update contains 14 strategies to reduce emissions from sources in and
2 around the Ports, plan for zero-emissions infrastructure, encourage freight efficiency, and
3 address energy resources. These strategies include:

- 4 ▪ Advancing the Clean Trucks Program to phase out older trucks and transition to
5 zero-emission trucks by 2035;
- 6 ▪ Support and advance state-led efforts to transition terminal equipment to zero
7 emissions by 2030;
- 8 ▪ Further reducing emissions from ships at-berth, and transitioning the oldest, most
9 polluting ships out of the San Pedro Bay fleet;
- 10 ▪ Accelerating the deployment of cleaner harbor craft engines and operational
11 strategies to reduce harbor craft emissions;
- 12 ▪ Expanding use of on-dock rail to shift more cargo leaving the port to go by rail;
- 13 ▪ Reduce population-weighted residential cancer risk of Port-related DPM emissions
14 by 85 percent by 2020;
- 15 ▪ Reduce port-related emissions by 59 percent for NO_x, 93 percent for SO_x and 77
16 percent for DPM by 2023; and,
- 17 ▪ Reduce GHGs from port-related sources to 40 percent below 1990 level by 2030
18 and 80 percent below 1990 levels by 2050.

19 **Effects of the Project on Energy Resources**

20 As discussed above, the overall objective of the proposed Project is to reduce fuel
21 consumption and improve energy efficiency. The Project consists of short-term
22 construction impacts to achieve long-term fuel consumption benefits. There is no
23 significant adverse effect on energy resources as a result of the proposed Project.
24 Construction-related fuel usage would be short-term and necessary to further the overall
25 goal of fuel efficiency at the terminal. In addition, energy conservation measures have been
26 incorporated into construction and operation of the proposed Project wherever feasible to
27 further reduce energy consumption when possible (see below).

28 **Transportation Energy Use Requirements**

29 In addition to the abovementioned policies and regulations pertaining to energy usage, there
30 are numerous adopted ordinances related to energy efficiency as well. Below please find a
31 list of regulations that also apply to the project and its construction to ensure that energy is
32 conserved to the maximum extent feasible.

- 33 ▪ Renewable Portfolio Standard
- 34 ▪ LADWP Power Plan
- 35 ▪ Climate LA
- 36 ▪ GHG and Fuel Efficiency Standards for Passenger Cars and Light-Duty Trucks
- 37 ▪ AB 1493 – Pavley
- 38 ▪ California Advanced Clean Cars/Zero Emission Vehicle Program

39

Energy Conservation Mitigation Measures

Although fuel consumption and energy usage decreases with time as a result of the Project, energy conservation measures have nonetheless been incorporated into the Draft EIR where feasible, including the following:

- MM AQ-2 – On-road Trucks Used During Construction (increase fuel efficiency)
- MM AQ-3 – Non-Road Construction Equipment (increase fuel efficiency)
- MM AQ-6 – Vessel Speed Reduction Program (VSRP) (increase fuel efficiency)
- MM AQ-7 – Alternative Maritime Power (AMP) (reduction in use of fossil fuels by allowing electric plug-in capability)
- LM AQ-1 – Replacement of Equipment and Review of New Technology (may result in fuel efficiency depending upon results of technology review)
- LM AQ-2 – Priority Access System (potential fuel efficiency from reduced idling at the gate)
- MM GHG-1 – LED Lighting (electricity reduction)
- MM GHG-2 – Solar Electricity (electricity reduction)
- LM GHG-1 – GHG Credit Fund (funding local programs aimed at the reduction of GHGs and generally result in a decrease on the reliance of fossil fuels)

These measures can be found Section 3.2, Air Quality and Meteorology and Section 3.5, Greenhouse Gas Emissions, as well as in the Mitigation Monitoring and Reporting Program for the Project. These mitigation measures and lease measures not only have the direct benefit of reducing emissions of GHGs and criteria pollutants but they have the secondary benefit of reducing energy consumption and usage (see above).

In addition to the mitigation measures described above, the facility was awarded two separate grants and has voluntarily agreed to participate in two demonstration projects related to the use of zero-emission and zero-emission equivalent cargo handling equipment at the facility. Everport will be utilizing 20 zero-emission equivalent (ultra-low NOx with renewable natural gas) yard tractors, eight battery electric yard tractors, and two battery electric top picks. In total, 30 pieces of equipment will undergo testing for a period of approximately 12 months. If this equipment proves feasible and successful at the site, it may be a viable replacement in the future and help further the goal of reducing the reliance on fossil fuels at the site.

The proposed Project does not pose a significant adverse impact to energy usage. The proposed Project seeks to avoid any wasteful, unnecessary or inefficient consumption of energy and modify the facility to achieve these objectives. As stated above, energy consumption decreases over time at the Project site through the use of cleaner equipment, compliance with regulations and policies and implementation of the mitigation measures and lease measure described above. Because there are no energy impacts, there are also no unavoidable adverse effects nor is there an irreversible commitment of resources or growth-inducing effects created or exacerbated by the Project.

2.3.2 Federal Government Comments

-----Original Message-----

From: Bryant Chesney - NOAA Federal [<mailto:bryant.chesney@noaa.gov>]

Sent: Wednesday, May 31, 2017 10:29 AM

To: Stevens, Theresa CIV USARMY CESPL (US) <Theresa.Stevens@usace.army.mil>

Subject: [Non-DoD Source] Berths 226-236 Everport Container Terminal Improvements Project

Theresa,

NOAA's National Marine Fisheries Service (NMFS) has reviewed the U.S. Army Corps of Engineers (USACE) letter dated April 21, 2017, and the Essential Fish Habitat (EFH) Assessment, for the Los Angeles Harbor Department's (LAHD) proposed terminal improvement project at Berths 226-236. NMFS generally concurs with the adverse effect determination made within the EFH Assessment. The proposed project would not result in a permanent loss of EFH, and adverse impacts to the quality of EFH are not expected to be substantial. The USACE would require best management practices to address temporary adverse impacts associated with increased noise and turbidity. There are currently no feasible project-specific mitigation measures to reduce the potential for the introduction of invasive species via hull fouling. Therefore, NMFS has no additional EFH conservation recommendations to provide for the LAHD's proposed terminal improvement project. Thank you for consulting with NMFS.

NMFS-1

Regards,

Bryant

-----Confidentiality Notice-----

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1 **2.3.2.1 U.S. Department of Commerce, National Oceanic and**
2 **Atmospheric Administration, National Marine Fisheries**
3 **Service (NMFS)**

4 **Response to Comment NMFS-1**

5 Thank you for your review of the Draft EIS/EIR. The comment is noted. Potential impacts and mitigation
6 measures for noise and turbidity are discussed in Sections 3.10.4.3 and 3.11.4.3, respectively, of the Draft
7 EIS/EIR.

8 The Marine Invasive Species Program intended to prevent the spread of invasive species is discussed in
9 Section 3.3.3.7 of the Draft EIR/EIS. Potential impacts from invasive species are discussed in Section
10 3.3.4.3, Impact BIO-3, of the Draft EIS/EIR. All marine vessels associated with project operation would be
11 required to adhere to the Marine Invasive Species Act, specifically those directives included under 2007
12 Assembly Bill (AB 740) that prescribe measures to prevent hull fouling, such as regular hull cleaning and
13 maintenance.

14 The comment generally concurs with the findings of the Draft EIS/EIR; therefore, no further response is
15 required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

16

17

18



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
333 Bush Street, Suite 515
San Francisco, California, 94104

IN REPLY REFER TO:
(ER 17/0198)

Filed Electronically

June 4, 2017

Theresa Stevens
U.S. Army Corp of Engineers
Los Angeles District
Regulatory Division
2121 Alessandro Drive, Suite 110
Ventura, CA 93001

Subject: Draft Environmental Impact Statement by the Army Corps of Engineers for the Berths 226-236 [Everport] Container Terminal Improvements Project – Port of Los Angeles, California

Dear Ms. Stevens:

The Department of the Interior has no comments on the Draft Environmental Impact Statement for the Berths 226-236 [Everport] Container Terminal Improvements Project – Port of Los Angeles, California. Thank you for the opportunity to review this project. If you have any questions, please call me at (415) 296-3355.

USDOI-1

Sincerely,

Janet L. Whitlock
Regional Environmental Officer

Cc:

Cheryl Kelly, DOI, OEPC
Alan Schmierer, NPS
Michael Norris, USGS
Ellen McBride, FWS
John Rydzik, BIA
Elizabeth Meyer-Shields, BLM

1 **2.3.2.2 U.S. Department of Interior (USDOI)**

2 **Response to Comment USDOI-1**

3 Thank you for your comment on the Draft EIS/EIR. LAHD and USACE acknowledge the U.S. Department
4 of the Interior's review and that no comments are provided; therefore, no further response is required (PRC
5 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

June 5, 2017

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

Subject: Draft Environmental Impact Statement/Report (EIS/EIR) for the Berths 226-236 [Everport] Container Terminal Improvements Project, Los Angeles, California (EIS No. 20170060)

Dear Ms. Stevens:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Report (EIS/EIR) for the Everport Container Terminal (ECT) Improvements Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The U.S. Army Corps of Engineers (USACE) proposes to dredge at Berths 226-229 and Berths 230-232 in order to accommodate the fleet of larger vessels expected to call at ECT through 2038. The proposed project would also include various infrastructure improvements to manage the resulting increase in throughput, which is expected to reach 2,379,525 twenty-foot equivalents (TEUs) annually by 2033.

EPA recognizes the significant long-term operational air quality improvements that the applicant, Los Angeles Harbor Department (LAHD), has made over the years, particularly its efforts to reduce diesel particulate matter emissions and health risks to neighboring communities. Construction and operation of the proposed terminal redevelopment project, however, would result in greater emissions from ECT.

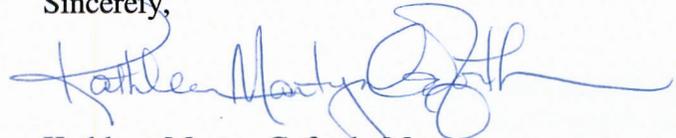
While we applaud the efforts already underway to deploy effective control technologies at ECT, EPA is concerned about the project-related air quality impacts that would remain significant after the project is completed and proposed mitigation measures are implemented. Based on our concerns regarding the project's air quality impacts, we have rated the action alternatives as *Environmental Concerns—Insufficient Information, EC-2* (see attached "Summary of the EPA Rating System"). Given the anticipated adverse health impacts to the general population and vulnerable low-income and minority communities, in an area with some of the nation's worst air quality, we strongly encourage USACE to work with LAHD to explore additional opportunities to reduce emissions associated with the project. Additionally, we recommend that LAHD and USACE use information gathered from public outreach efforts to design mitigation measures that respond to the needs of adjacent communities that would be adversely affected by the project. Our concerns and recommendations are discussed further in the enclosed detailed comments.

USEPA-1

EPA appreciates the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Morgan Capilla, the lead reviewer for this project, at 415-972-3504 or capilla.morgan@epa.gov.

USEPA-2

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosures: Summary of EPA Rating Definitions
EPA's Detailed Comments

Electronic copy: Christopher Cannon, Port of Los Angeles
John Hummer, U.S. Maritime Administration
Susan Nakamura, South Coast Air Quality Management District
Robbie Morris, California Air Resources Board
Jason Roach, Caltrans District 7

SUMMARY OF EPA RATING DEFINITIONS*

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

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

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

"EC" (Environmental Concerns)

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

"EO" (Environmental Objections)

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

"EU" (Environmentally Unsatisfactory)

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

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

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

"Category 2" (Insufficient Information)

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

"Category 3" (Inadequate)

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

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

Air Quality and Environmental Justice

EPA recognizes the efforts that the U.S. Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD) have put forth to reduce emissions associated with the proposed project. We commend LAHD for its pursuit of 2010 Clean Air Action Plan (CAAP) goals, particularly its commitment to the Vessel Speed Reduction Program and Alternative Maritime Power. We also support Everport Terminal Services's (ETS's) proactive participation in zero-and near-zero-emission technology demonstrations, and encourage continued pursuit of these opportunities in the future.

Notwithstanding the above, EPA is concerned about the increase in ambient air pollution that would result from the Proposed Action after mitigation. The project area is located within the South Coast Air Basin (SCAB), an area that faces some of the worst air quality in the country. EPA currently designates SCAB as an extreme nonattainment area for ozone and a serious nonattainment area for particulate matter of less than 2.5 microns (PM_{2.5}). Chapter 3 of the Draft Environmental Impact Statement (DEIS) notes that air quality impacts from the proposed project would remain significant after mitigation, thus contributing to the poor air quality in the project area. Peak daily emissions from construction would exceed South Coast Air Quality Management District (SCAQMD) thresholds for volatile organic compounds (VOC) and nitrogen oxides (NO_x), as well as SCAQMD thresholds for federal one-hour nitrogen dioxide (NO₂). Project operational emissions would exceed SCAQMD thresholds for VOC, NO_x, and carbon monoxide (CO), as well as the SCAQMD off-site threshold for particulate matter of less than 10 microns (PM₁₀). Construction emissions would also exceed federal *de minimis* levels for NO_x in 2018.

Recommendations:

- Given the severe air quality issues within the project area and the residual impacts that would result from the proposed project, we recommend that USACE work with LAHD to consider including the following mitigation measures in the Final EIS (FEIS) to reduce emissions to the greatest extent feasible.¹
 - *On-Highway Vehicles:* Require on-highway vehicles servicing ECT to meet or exceed EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., drayage trucks, long haul trucks, refuse haulers, etc.).²
 - *Marine Vessels:* Require marine vessels, including all dredging equipment, servicing ECT to meet or exceed the latest EPA exhaust emissions standards for marine compression-ignition engines (i.e., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).³
 - *Locomotives:* Require locomotives servicing ECT to meet or exceed EPA Tier 4 exhaust

¹ Allow exemptions only if: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

² See EPA's Exhaust Emission Standards for Heavy-Duty Highway Compression-Ignition Engines and Urban Buses. Available at: <https://nepis.epa.gov/Exec/ZyPDF.cgi?Dockey=P10009ZZ.pdf>

³ See EPA's Exhaust Emission Standards for Federal Marine Compression-Ignition (CI) Engines. Available at: <https://nepis.epa.gov/Exec/ZyPDF.cgi?Dockey=P1000A0B.pdf>

- emissions standards for line-haul and switch locomotive engines.⁴
- *Cargo-Handling Equipment*: Require all cargo-handling equipment to be zero-emissions, subject to equipment availability, by 2030, as envisioned in the draft 2017 Clean Air Action Plan Discussion Document.⁵
- Discuss, in the FEIS, the minimum performance requirements of mitigation measures Air Quality (AQ)-2 and AQ-3 that would be instated if contractors are unable to access the specified technologies, and describe how partial implementation of mitigation measures would influence emissions estimates.
- Include a commitment to all proposed mitigation measures, and any port-wide mitigation that would reduce air quality impacts, in the FEIS and Record of Decision (ROD).
- Consider updating Table 3.2-1 with information from EPA’s Criteria Air Pollutant web resource.⁶

USEPA-4
cont.

Chapter 5 of the DEIS indicates that, under the mitigated scenario, the Proposed Action would result in significant, disproportionate air quality impacts—including a cumulatively considerable contribution to cancer risk—to low-income and minority communities in and around the project area. Section 5.4.2.1 identifies a multitude of health risks that these communities could face, such as decreased lung function, adverse birth outcomes, asthma exacerbation, among others, due to project-related emissions. Such populations are already heavily impacted by poor air quality, a condition that could be exacerbated by the Proposed Action, when considered cumulatively with other proposed projects around the Port.

USEPA-5

According to Chapter 2, the Proposed Action would result in 7,028 average daily truck trips during peak months in 2038—an increase of 2,213 average daily truck trips compared to the NEPA baseline (p. 2-4). Figure 3-1 of Appendix B2, which illustrates offsite vehicle source locations, suggests that truck routes associated with the project would traverse low-income and minority communities identified in Figures 5-1 and 5-2 of Chapter 5; however, this map does not indicate the number of trucks expected to use each route. Disclosure of such information is important to inform decision-making regarding project design and mitigation needs, and to enable affected communities to understand how the project would impact their neighborhoods and health.

USEPA-6

EPA supports Lease Measure (LM) AQ-2, which would allow zero- and near-zero-emission trucks priority access to ECT. We are concerned about the timing of this measure, given that truck emissions are projected to be at their highest in earlier years of the project (Table 3.2-20).

Recommendations:

- Disclose the expected distribution of drayage truck traffic among the identified routes associated with the Proposed Action.
- Identify and evaluate any additional mitigation measures that could offset health impacts within communities that would experience high concentrations of project-related truck traffic, such as targeted air quality monitoring and adaptive management in highly affected areas, planting of shade trees along affected corridors, and the installation of air filtration systems in buildings that

USEPA-7

⁴ See EPA’s Exhaust Emission Standards for Locomotives. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA09.pdf>

⁵ San Pedro Bay Ports Clean Air Action Plan, 2017. Available at: <http://www.cleanairactionplan.org/wp-content/uploads/2016/11/CAAP-2017-Draft-Discussion-Document-FINAL.pdf>

⁶ Available at: <https://www.epa.gov/criteria-air-pollutants>

- house or serve sensitive receptors located near affected areas.
- Establish a more rigorous timeframe for implementing the priority access system described in LM AQ-2 and explore other incentives to promote earlier adoption of zero- and near-zero-emission truck technologies.

Maximizing the efficiency of freight movement is important to minimize the project’s air emissions. EPA understands that LAHD has been testing new technologies that could improve the number of “dual transaction” trips and yield additional efficiencies at the Port. For example, Yusen Terminal Inc. (YTI) participated in a pilot program for the Freight Advanced Traveler Information System (FRATIS) to improve drayage truck and container handling, which could lead to increases in dual transactions.⁷ It is unclear whether this technology has been expanded to ECT.

Recommendation: In the FEIS, discuss the results, if available, of YTI’s FRATIS pilot program and the potential for the FRATIS system to reduce single transactions associated with the Proposed Action. Consider incorporating FRATIS or other measures to increase the number of dual transactions at ECT into the project description.

The DEIS notes that USACE and LAHD made “considerable efforts to provide public outreach beyond what is minimally required by environmental or agency guidelines” (p. 5-38). EPA commends the lead agencies for this proactive community engagement. Information gained through such efforts can be useful in identifying appropriate project design and/or mitigation measures.

Chapter 7 of the DEIS provides a brief description of the Port Community Mitigation Trust Fund (PCMTF), a port-wide program that endeavors to “address the negative cumulative environmental and public health impacts created by the business operations at the Port” (p. 7-29). The DEIS does not disclose whether or how the project would contribute to the PCMTF, nor whether any activities undertaken with PCMTF funding would be relevant to any of the proposed project’s impacts.

Recommendations:

- In the FEIS, summarize the main concerns expressed by community members during public meetings, and explain how the proposed mitigation measures would address those concerns. Identify any measures that were developed in response to concerns raised by the public, and any additional measures that could offset residual air quality health impacts of the Proposed Action to low-income and minority communities. EPA is available to participate as a partner with the community and the lead agencies to assist in the identification of mitigation opportunities.
- Disclose whether and, if so, how the Proposed Action would contribute to the PCMTF, including: (1) the amount of money that would be contributed; (2) the activities the funds could potentially support; and (3) the monitoring and evaluation methods used to measure the PCMTF’s effectiveness.

Traffic

Traffic congestion can adversely affect local air quality and community health. Chapter 3, Section 6 of the DEIS notes that the Proposed Action would result in significant traffic impacts at the Ferry Street

⁷ See “Freight Advanced Traveler Information System (FRATIS),” U.S. Department of Transportation. Available at: https://www.its.dot.gov/research_archives/dma/bundle/fratis_plan.htm

and State Route 47 (SR-47) intersection in years 2026 and 2038. The DEIS states that, because this intersection is within Caltrans's right-of way and not owned by the City of Los Angeles, "no mitigation is within the Port's jurisdictional control that could reduce the intersection impact to a less than significant level" (p. 3.6-2). Please note that guidance issued by the Council on Environmental Quality states that an EIS should identify "all relevant, reasonable mitigation measures that could improve the project...even if they are outside the jurisdiction of the lead agency or the cooperating agencies."⁸

USEPA-11
cont.

Recommendations: Coordinate with Caltrans to identify transportation system improvements (e.g., intersection improvements, additional signaling) that could reduce traffic impacts at Ferry Street and SR-47 to a less-than-significant level during years 2026 and 2038. In the FEIS, disclose such measures and the potential process and funding mechanisms for their implementation.

Solar Electricity

The DEIS states that photovoltaic panels would be installed over the employee parking lot, pending a feasibility study, as a mitigation measure for the proposed project's significant greenhouse gas emissions (p. 3.5-33). EPA commends USACE and LAHD for this mitigation measure, as the project location appears to be conducive to solar energy generation, and shading parking areas can also reduce evaporative emissions of air pollutants from parked vehicles.

USEPA-12

Recommendation: Include a commitment to the installation of photovoltaic panels over the employee parking lot in the FEIS and ROD, assuming that such installation is feasible. Disclose the conditions that will be used to determine feasibility of this measure.

Dredged Material

The DEIS correctly states that the Dredged Material Management Team (DMMT), including EPA, found dredged sediment associated with the Proposed Action to be suitable for ocean placement. It should also be noted that final concurrence by EPA on disposal site use conditions is required prior to ocean disposal occurring. Under the Marine Protection, Research, and Sanctuaries Act (MPRSA), EPA must consider impacts to human health and the marine environment when evaluating the suitability of sediment placement options. Appendix F2 to the DEIS discusses only the human health effects of placing dredged sediment at the LA-2 Ocean Disposal Site (p. 6).

USEPA-13

Recommendations:

- Clarify, in the FEIS, that final concurrence must be obtained from EPA prior to use of the ocean disposal site.
- Revise Appendix F2 to demonstrate that disposing of dredged sediment at LA-2 would not significantly affect human health or the marine environment.

⁸ See the Council on Environmental Quality's (CEQ's) *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, Question 19b. Available at: <https://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>

2.3.2.3 U.S. Environmental Protection Agency, Region IX (USEPA)

Response to Comment USEPA-1

The comment is noted. Although the commenter applauds the LAHD for the significant long-term operational air quality improvements, an USEPA rating of EC-2 (Environmental Concerns – Insufficient Information) was given due to concerns about significant air quality impacts. It recommends that the USACE and LAHD explore additional mitigation measures (please see Master Response 1: Feasible Mitigation – Guidance and Applicability, for information on the feasibility of mitigation). The Draft EIS/EIR adequately and in great detail addressed the existing conditions, existing regulations, project impacts and feasible mitigation measures associated with the air quality impacts and to minority populations and/or low-income populations resulting from the proposed Project (refer to Section 3.2, Air Quality and Meteorology, and Chapter 5, Environmental Justice, of the Draft EIS/EIR). In addition, the LAHD has an extensive public outreach program associated with activities at the Port, particularly related to air quality and greenhouse gas emissions, and implementation of mitigation as recommended by the commenter. Please also see Master Response 3: Port-wide Emission Reduction Programs for a general review of the various measures and programs implemented at the Port by LAHD to reduce emissions for Port operations. The comment does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment USEPA-2

The comment is noted. A copy of the Final EIS/EIR will be provided as requested.

Response to Comment USEPA-3

The USEPA rating and comment is noted and will be before the decision-makers for their consideration prior to taking any action on the proposed Project.

Response to Comment USEPA-4

The commenter notes the project would have significant and unavoidable air quality impacts and that construction emissions exceed the federal *de minimis* levels in 2018. Note that the SCAQMD has indicated that the construction emissions from the project's Federal Action have been included in the General Conformity set-aside in the Final 2012 Air Quality Management Plan, which is the currently approved SIP. The SCAQMD also confirmed that "...the project will conform to the SIP and is not expected to result in any new or additional violations of the NAAQS or impede the projected attainment of the standards" (Letter from Dr. Philip M. Fine, SCAQMD to Mr. Chris Cannon, Port of Los Angeles, August 24, 2016). Therefore, these emissions do not cause or contribute to a new violation of an ambient air quality standard, nor do they increase the frequency or severity of any existing violation of any standard. The Draft General Conformity Determination, which contains the SCAQMD letter on Attachment C, was included in Appendix B4 of the Draft EIS/EIR.

The commenter suggests several mitigation measures to further reduce air emissions, and includes a footnote (fn 1) opining that exemptions should be allowed "only if: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available." This latter recommendation is already incorporated into the applicable mitigation measures as detailed in the Mitigation Monitoring and Report Program for the proposed Project. Several of the construction mitigation measures, for example, (MM AQ-1, MM AQ-2, and MM AQ-3) allow exemptions

1 if it can be demonstrated that the required equipment is unavailable, to the satisfaction of LAHD. As it
2 applies to implementing these measures, the exemption means that the equipment is not commercially
3 available in California, incentive funds for the equipment upgrades have been applied for but not yet
4 approved (or approved but not yet available), and/or the required equipment/control device is on order but
5 not yet completed by the dealer or manufacturer. The first recommendation made by the commenter in fn.
6 1 (to allow the exemption only if equipment is not available from within the entire U.S., rather than within
7 the state of California) is not feasible because a piece of specialized equipment, if geographically located far
8 from the Port, for example, would likely not be able to be acquired in a reasonable and timely manner and is
9 therefore too broad of a proposed requirement. Such a requirement could also require acquisition and use of
10 equipment that is not yet commercially available and, hypothetically, could be located far from Los Angeles
11 – such as on the east coast; thus, requiring long distance transport and the direct and indirect air emissions
12 associated with such transport. Under this scenario, a requirement to acquire as yet unidentified
13 “specialized equipment” would not necessarily result in avoiding or substantially lessening the significant
14 impacts of the Project. More importantly, California already has a large equipment pool and a progressive
15 regulatory framework targeting the reduction of air emissions and mandatory use of engines and/or
16 equipment that in many instances is more stringent than other states and the federal government. Therefore,
17 the Port believes that the existing exceptions within the applicable mitigation measures ensure the
18 feasibility of such measures, and represent an adequate and reasonable approach to mitigating impacts to air
19 quality while maintaining flexibility to address potential equipment availability shortcomings.
20

21 The commenter recommends requiring on-highway vehicles servicing the Everport Container Terminal to
22 meet or exceed USEPA 2010 heavy-duty on-highway compression-ignition engine standards. This
23 requirement is already incorporated into mitigation measure MM AQ-2 in the Draft EIS/EIR (page 3.2-32).
24 In addition, the Clean Truck Program has banned trucks that do not meet the USEPA 2007 engine
25 standards, with approximately 45 percent already meeting the 2010 standards. The reduced emissions
26 associated with the Clean Truck Program are incorporated into both unmitigated and mitigate Project
27 emissions. The Port continues to investigate updates to the Clean Air Action Plan (CAAP) that will reduce
28 truck emission, as stated in the Draft 2017 Clean Air Action Plan Update (LAHD, 2017;
29 https://www.portoflosangeles.org/pdf/CAAP_2017_Draft_Document-Final.pdf, accessed August 11, 2017).
30 The program outlined in the Draft CAAP update for drayage trucks provides an additional path to
31 substantially reduce truck emissions from Port operations over time. However, since the 2017 CAAP
32 Update has not been formally adopted and the 2017 CAAP Update is a Port-wide program, LAHD is not
33 taking any credit for the CAAP-estimated emission improvements in the proposed Project’s EIS/EIR nor
34 imposing on this Project a mitigation measure that cannot now be implemented Port-wide.
35

36 The commenter recommends that marine vessels, including all dredging equipment, to meet or exceed the
37 Tier 4 marine CI engine standards for Category 1 & 2 vessels, and Tier 3 standards for Category 3 vessels.
38 With regard to dredging equipment, LAHD has added to mitigation measure MM AQ-5 a requirement that,
39 subject to availability, all dredging equipment shall be electric (see Chapter 3 of this Final EIS/EIR).
40 LAHD requires the use of Tier 3 engines in harbor craft (usually Category 1 or 2 vessels) used in
41 construction (MM AQ-1) and in operations per the currently approved CAAP, as noted in the Draft
42 EIS/EIR, Section 3.2, Table 3.2-21 (pages 3.2-56 and 57). These requirements were incorporated into the
43 unmitigated and mitigated emission inventories developed in the Draft EIS/EIR. Any requirements for Tier
44 4 engines in harbor craft will coincide the federal or state regulations and availability of Tier 4 harbor craft,
45 and will be applied Port-wide. The incorporation of Category 3 Tier 3 vessels was included in both
46 mitigated and unmitigated scenarios, based on forecasts provided by LAHD (Starcrest, 2015). Also see
47 Chapter 3 of this Final EIS/EIR regarding changes to emissions tables in Section 3.2 of the Draft EIS/EIR.
48 As stated on page B1-3 of Appendix B1 of the Draft EIS/EIR, these emission standards are assumed to
49 apply to all harbor craft, but not oceangoing vessels, since it is likely that oceangoing vessels would be
50 manufactured overseas and, therefore, would not be subject to the rule.
51

1 The recommendation to require all locomotives servicing Evergreen Container Terminal to exceed the San
2 Pedro Bay Ports 2010 CAAP Update requirement of full compliance with USEPA Tier 4 locomotive
3 emissions is not feasible because LAHD is pre-empted by the federal Surface Transportation Board from
4 requiring/mandating certain types of locomotives operate at the Port.
5

6 With regard to requiring that all cargo handling equipment (CHE) be zero-emission equipment by 2030, see
7 Master Response 2: Zero-Emissions Technologies for details regarding zero- and near-zero- emissions
8 Cargo-Handling Equipment. As noted in the Draft 2017 CAAP Update, LAHD will work with CARB to
9 facilitate technology demonstrations. As noted above, any such requirements would be implemented Port-
10 wide and not as a mitigation measure for a single terminal project.
11

12 Regarding minimum performance requirements of mitigation measures MM AQ-2 and MM AQ-3, the
13 assumptions used to calculate emissions were conservative in that for MM AQ-2 it assumes that 50 percent
14 of on-road trucks used in construction will meet the USEPA 2010 on-road emission standards. The
15 remaining 50 percent were assumed to meet the default EMFAC2014 fleet average for the given year. See
16 Response to Comment SCAQMD-12 for revisions to MM AQ-2. For mitigation measure MM AQ-3, the
17 assumptions were that 50 percent of non-road construction equipment will meet the USEPA Tier 4 final
18 emission standards, 45 percent will meet USEPA Tier 3 standards, with additional control of particulate
19 matter using Level 3 CARB-verified VDECS, and 5 percent will meet USEPA Tier 2 standards, with
20 additional control of particulate matter using Level 3 CARB-verified VDECS. See Comment SCAQMD-12
21 for revisions to MM AQ-3.
22

23 LAHD has determined that all feasible mitigation measures have been incorporated at this time.
24 Compliance with the 2017 CAAP Update will be implemented on a Port-wide basis, not project by project
25 to avoid imposing a competitive disadvantage to one terminal over the others. In addition, please see Master
26 Response 3: Port-wide Emission Reduction Programs, for a general review of the various measures and
27 programs implemented at the Port by LAHD to reduce emissions from Port operations.
28

29 Table 3.2-1 in the Draft EIS/EIR (page 3.2-7) contains sufficient detail to inform readers of the potential
30 effects of exposure to the criteria air pollutants, per NEPA and CEQA standards (State CEQA Guidelines
31 Section 15151 and 40 CFR 1502.2, 1502.24).

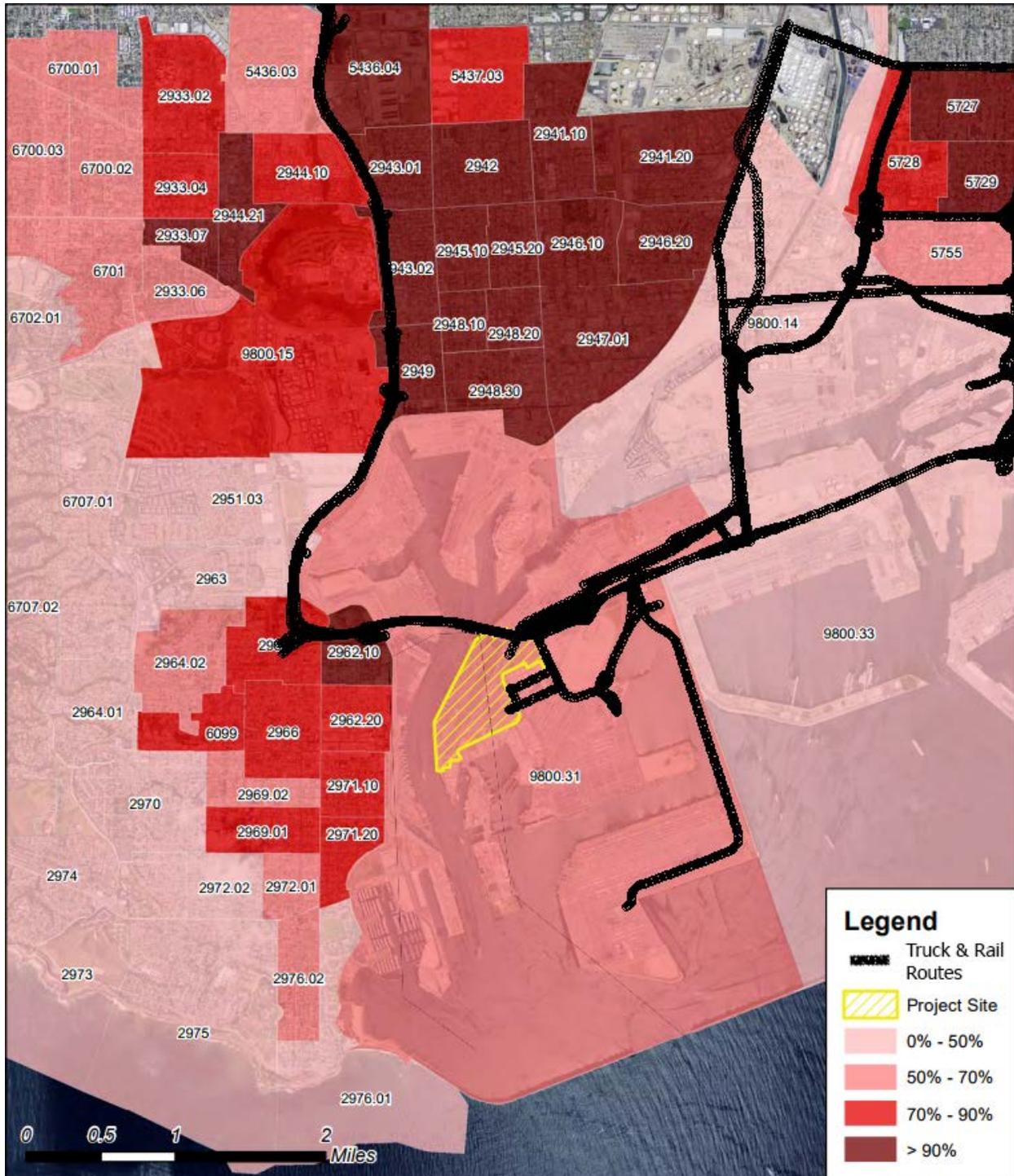
32 **Response to Comment USEPA-5**

33 The comment is noted. All feasible project-level mitigation measures have been applied to reduce any high
34 and adverse impact to adjacent communities. Although Chapter 5, Environmental Justice, specifically
35 addresses any disproportionate effects on minority and/or low-income populations associated with the
36 proposed Project and alternatives, Section 4.2.2 of Chapter 4, Cumulative Analysis of the Draft EIS/EIR,
37 details the cumulative impacts related to air quality and health risks associated with the proposed Project
38 along with current or reasonably foreseeable future projects (approved or proposed). Therefore, the
39 proposed Project/action was considered cumulatively with other proposed projects within the Ports of Los
40 Angeles and Long Beach. The comment does not identify any specific deficiencies or contest the adequacy
41 of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines
42 Section 15204(a); 40 CFR 1503.4 (a)(5)).

43 **Response to Comment USEPA-6**

44 The comment is noted. Communities develop over time around major highways. Truck travel associated
45 with Port activities uses the major highways wherever they are situated. Truck routes used during
46 construction are discussed in Section 3.6.4.3 (page 3.6-53) of the Draft EIS/EIR. For the commenter's
47 convenience, the following graphics overlay Figures 5-1 and 5-2 from the Draft EIS/EIR with potential,

1 assumed truck routes during project operation. While it is unknown the exact route any individual truck
2 may take, as can be seen truck routes likely would be situated in a manner that minimizes impacts to
3 communities, including minority and low-income housing, thus minimizing potential impacts associated
4 with operational truck trips.
5



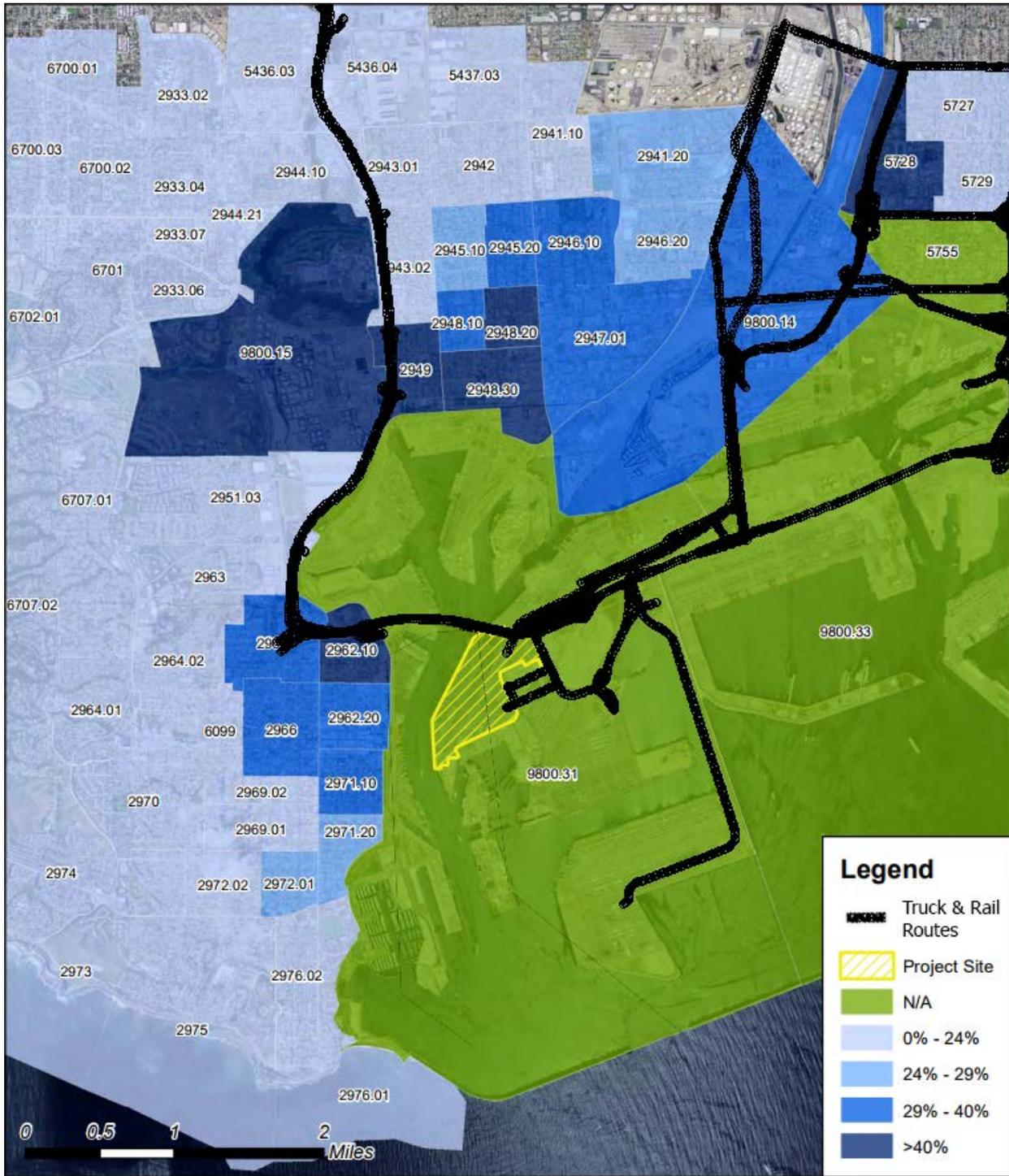
Source: U.S. Census Bureau, 2009-2013

Figure 5-1: Percent of Minority Population (by Census Tract)



6

1



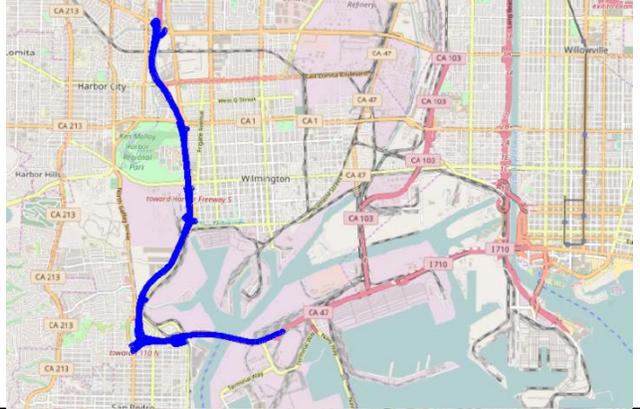
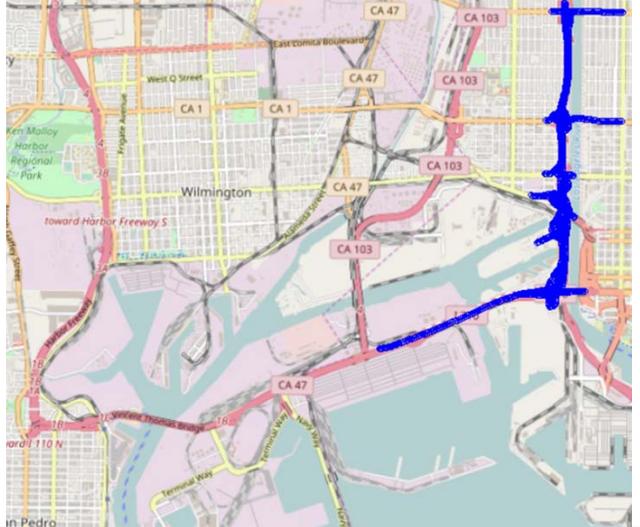
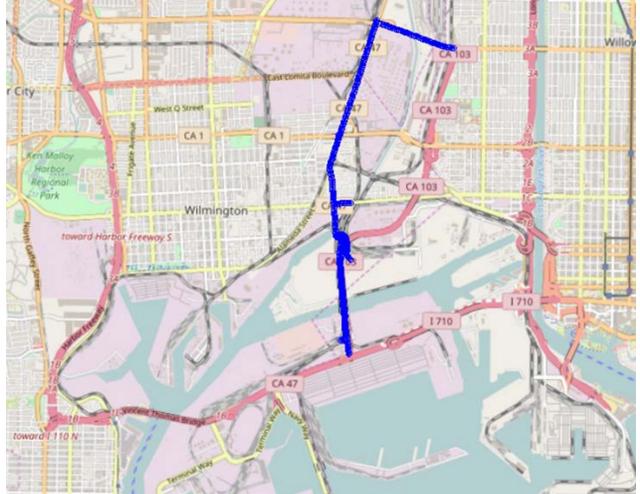
Source: U.S. Census Bureau, 2009-2013

Figure 5-2: Percent of Low-Income Population (by Census Tract)



2
3
4
5
6

Peak-daily truck trips are estimated by calculating the percent of truck-based traffic attributed to the Everport Container Terminal operations for year 2038 projected to use each of the routes shown below (see Appendix E1 of the Draft EIS/EIR).

<p>West Truck Route Estimated 20 percent of Peak-Day Truck Trips ~ 1,406 Trips</p>	
<p>East Truck Route Estimated 69 percent of Peak-Day Truck Trips ~ 4,849 Trips</p>	
<p>North Truck Route Estimated 11 percent of Peak-Day Truck Trips ~ 773 Trips</p>	

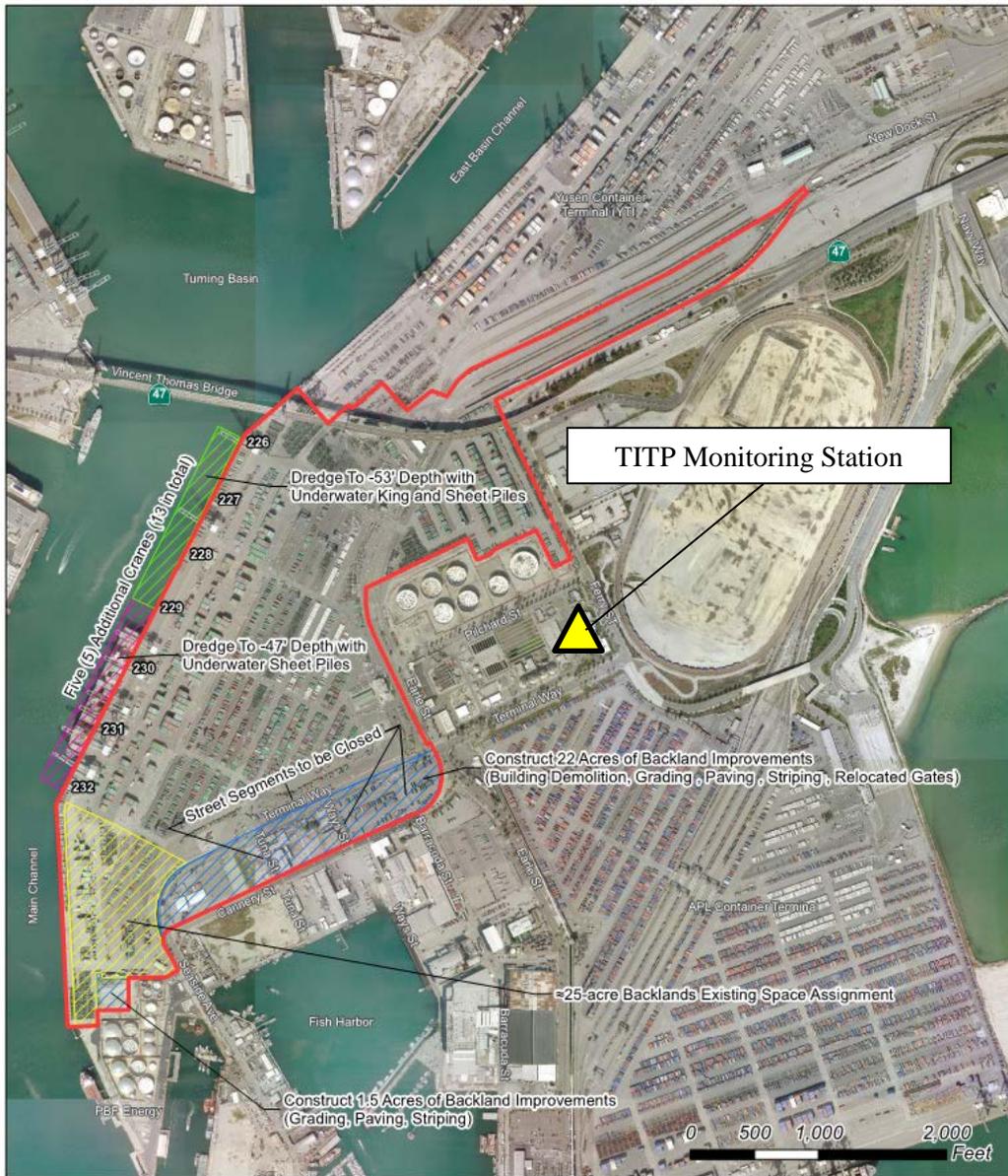
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5

Response to Comment USEPA-7

For information regarding estimated truck trip numbers by potential, assumed route, see Response to Comment USEPA-6.

1 Air quality monitoring is conducted at four locations in and around the Port of Los Angeles, including two
2 community monitoring stations, one in San Pedro and one in Wilmington (see Section 3.2.2.2, Criteria
3 Pollutants and Air Monitoring Criteria Pollutants, in the Draft EIS/EIR, page 3.2-9). The air quality
4 monitoring station at the Terminal Island Water Reclamation Plant (referred to as the ‘source dominated
5 site’) provides the best characterization of Port source impacts on air quality, including impacts from
6 container trucks traveling to and from the Everport, YTI and APL terminals because of its close proximity
7 to the Project site, as shown in Figure USEPA-7-1 below. Therefore, additional monitoring stations are not
8 likely to produce a better evaluation of Port impacts.
9
10
11

Figure USEPA-7-1 Location of TITP Monitoring Station Relative to Project Site



12
13

1 See Response to Comment USEPA-6 above, for a discussion on minimizing impacts on communities,
2 including minority and low-income housing, associated with truck trips. The planting of shade trees along
3 affected corridors, and installing air filtration systems in buildings that house or serve sensitive receptors
4 along route, are not appropriate or feasible because the transportation corridors used by the proposed
5 Project are regionally used and not specific to, or under the control of the Everport Container Terminal
6 and/or proposed Project, and because regional housing is largely privately owned. In addition, in the
7 absence of a Port-wide program requiring the proposed Project to add these types of mitigation measures, a
8 competitive disadvantage would be placed on Everport, which would not be appropriate for inclusion in, or
9 the ability to implement through, the Draft EIS/EIR (State CEQA Guidelines Section 15126.4(a)(1); 40
10 CFR 1502.14(f)). However, mitigation for potential air quality impacts can be found in Section 3.2.4 of the
11 Draft EIS/EIR, which includes seven mitigation measures and two lease measures to reduce impacts to air
12 quality during construction and operation from sources that operate on regional roadways, railways, and
13 shipping lanes, as well as on Port property.

14
15 The recommendation to establish a more rigorous timeframe for implementation of a zero- and near-zero-
16 emission preferential access system is infeasible because a successful preferential access system cannot be
17 appropriately evaluated until construction finishes in 2019 and port traffic analyses are updated; therefore, it
18 is not appropriate for inclusion in the Draft EIS/EIR (State CEQA Guidelines Section 15126.4(a)(1); 40
19 CFR 1502.14(f)). Also, please see Master Response 2: Zero-Emission Technologies.

20 **Response to Comment USEPA-8**

21 The U.S. Department of Transportation (USDOT) is currently testing the Freight Advanced Traveler
22 Information System (FRATIS) in the Ports of Los Angeles/Long Beach. FRATIS is currently only in
23 development and therefore not available for inclusion with the proposed Project. At the commenter's
24 request, information pertaining to FRATIS is included below.

25
26 FRATIS is designed to improve the efficiency of drayage and container handling by using several levels of
27 real-time information to guide adaptive and effective decision making for drayage companies and drivers.
28 The FRATIS demonstration project is focused on: (1) improving communications and sharing intermodal
29 logistics information between the drayage industry and port terminals to reduce congestion during peak
30 hours; and (2) improving traveler information so that drayage operators can more effectively plan around
31 traffic and port congestion. The FRATIS system is not currently designed to increase dual transactions in
32 container terminals. Some of the information provided via the system could potentially be used to
33 indirectly facilitate increased dual transactions.

34
35 The primary objectives of FRATIS are:

- 36
37 ▪ Reduce truck-miles traveled
- 38 ▪ Reduce truck-hours travelled via reduced truck-miles travelled, reduced roadway travel times, and
39 reduced container terminal visit times
- 40 ▪ Reduce emissions and fuel consumption as co-benefits

41
42 These objectives are achieved via the following functions of FRATIS:

- 43
44 ▪ Optimize routing and sequencing of truck missions (delivery or pick-up of containers) to/from the
45 Ports of Los Angeles and Long Beach, via pre-planning and real-time optimization during these
46 missions

- 1 - Using real-time traffic data from the Los Angeles County Metropolitan Transportation
- 2 Authority (LA Metro) for freeways and roadways throughout southern California
- 3 - Container terminal turn times
- 4
 - Automate messaging by truck dispatchers to terminals of estimated arrival times

5 The USDOT previously tested FRATIS with 50 trucks at one terminal in the Port (USDOT, 2016). The
6 current USDOT demonstration phase involves 200 trucks with several trucking companies. This current
7 phase has commenced and will end in early 2018, but does not include a terminal operator. Estimated time
8 of arrival of the trucks at the terminal is being disseminated via a website available to all terminal operators.
9 Hence, terminal operators can “pull” ETA if they so desire.

10
11 Additionally, the USDOT project, the Port and the California Energy Commission (CEC) will be
12 conducting a one-year pilot project that entails the expansion and enhancement of FRATIS. The Port of
13 Los Angeles-CEC project, termed Eco-FRATIS, entails demonstrating ITS technology with 100 drayage
14 trucks (in addition to 200 in the USDOT demonstration). The field-testing portion of the Port of Los
15 Angeles-CEC project will commence in late 2017. In addition to the technologies and functions listed
16 above, Eco-FRATIS will also include:

- 17
 - Enhanced real-time container terminal visit times (in-terminal turn and gate queue times) via an
 - 18 automated mobile smart device application (Harbor Trucking Association/InfoMagnus Geostamp)
 - 19
 - University of California Riverside’s ECO-Drive application, which entails using traffic signal
 - 20 timing information to optimize acceleration/deceleration of trucks (UCR, Center for Environmental
 - 21 Research and Technology, 2017)
 - 22

23 **Response to Comment USEPA-9**

24 The comment is noted. The comment does not identify any specific deficiencies or contest the adequacy of
25 the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines
26 Section 15204(a); 40 CFR 1503.4 (a)(5)).

27 **Response to Comment USEPA-10**

28 LAHD is committed to addressing the overall off-Port impacts created by Port operations on surrounding
29 communities and their residents. The Harbor Community Benefit Foundation (HCBF) is a nonprofit
30 organization that administers the Port Community Mitigation Trust Fund (PCMTF). The PCMTF was
31 established following a Memorandum of Understanding (MOU) between appellants and the City of Los
32 Angeles to settle appeals to the Board of Harbor Commissioner’s certification of the Berths 136–147
33 [TraPac] Container Terminal Project Final EIS/EIR. The TraPac MOU was executed on April 2, 2008.
34 Pursuant to Exhibit B of the TraPac MOU, a specific list of Port expansion projects was established for
35 which LAHD would contribute to the PCMTF if implementation of the project occurs within the coverage
36 dates of the MOU. Any EIR not certified by May 2016 falls outside of the effective coverage date of the
37 MOU and is not required under the MOU to make a contribution to the PCMTF. Because the MOU is no
38 longer in effect, there is no legal implementing mechanism for LAHD to make a contribution to this fund at
39 this time. Although LAHD will not be contributing to the HCBF as a result of this project, it is important to
40 note that LAHD contributes 10 percent of its operating income annually in local public infrastructure
41 improvement projects. This amount of money equates to approximately \$22-\$25 million per year. In
42 addition, LAHD contributes approximately \$20 million additionally on an annual basis to public programs
43 and public access projects. Further, the applicant will be contributing to the GHG Fund and this
44 contribution will be increasing to approximately \$300,000. The TraPac MOU does not allow the funding to
45 be used as mitigation for direct project effects. Rather, the HCBF awards grants to a variety of projects and

1 programs aimed at reducing health, environmental, and community impacts from overall Port operations in
2 the communities of San Pedro and Wilmington. Further information about the HCBF can be obtained from
3 <http://hcbf.org/>.

4
5 Appendix A, Notice of Intent/Notice of Preparation, of the Draft EIS/EIR contains comment letters received
6 in response to the NOI/NOP, which were considered throughout document preparation of the Draft
7 EIR/EIS. Table 1-4 in Chapter 1 of the Draft EIS/EIR contains a summary of the comments received in
8 response to the NOI/NOP. This Response to Comments chapter contains comment letters from community
9 members as well as a transcript of the public hearing conducted for the Draft EIS/EIR; all of which have
10 been responded to here per CEQA and NEPA requirements (PRC 21091(d); State CEQA Guidelines
11 Section 15088; 40 CFR 1503.4 (a)(5)). The HCBF is tasked with administering the PCMTF and organizes
12 “special events and ongoing community programs,” such as “educational boat tours, summer concerts,
13 parades, festivals, and outdoor movies” (Draft EIS/EIR, page 7-28). Refer to Chapters 5 and 7 of the Draft
14 EIS/EIR for discussions on environmental justice and socioeconomic conditions, respectively, within the
15 community and region.

16 **Response to Comment USEPA-11**

17 LAHD is currently working the Caltrans regarding the re-striping of this intersection to reduce the impacts
18 in the 2026 study year and beyond. However, since no formal agreement has been reached at this time, this
19 impact will remain significant and unavoidable. The Port has insufficient legal authority to enact
20 transportation system improvements that are not under its jurisdiction and, therefore, per 2011 CEQ
21 guidance on Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of
22 Mitigated Findings of No Significant Impact, cannot “commit to mitigation measures” that they cannot
23 perform or ensure the performance of (page 6). Also see State CEQA Guidelines Section 15126.4(a)(2) and
24 (5) for CEQA criteria regarding legally binding mitigation. Every attempt will be made to formalize this
25 agreement and there is no traffic impact triggered at this intersection until 2026 so it is LAHD’s hope that
26 this issue will be resolved by then and that this measure will be implemented.

27 **Response to Comment USEPA-12**

28 The comment is noted. The feasibility of the photovoltaic (solar) panels over the employee parking lot
29 would depend on the project’s approval and ultimate design. Feasibility cannot be determined at this time
30 as detailed layout and engineering plans associated with the modified gate complex, which is a component
31 of the proposed Project and Alternatives 1, 3 and 5, has not been completed. The detailed layout, which
32 may involve reconfiguring and/or relocating the parking lot, will influence the feasibility of installing solar
33 panels. As stated in mitigation measure MM GHG-2 on page 3.5-33 of the Draft EIS/EIR, if the feasibility
34 study finds the solar parking structure to be feasible, it will be installed.

35 **Response to Comment USEPA-13**

36 The comment is noted. Approval from USEPA is required for disposal of dredge material at LA-2.
37 Appendix F of the Draft EIS/EIR (on page 3) discusses the USEPA’s regulatory and permit authority for
38 ocean disposal actions pursuant to Sections 102 and 103 of the Marine Protection, Research, and
39 Sanctuaries Act (MPRSA) of 1972. Further, the USACE is aware of requirements to obtain USEPA
40 approval for disposal at LA-2 prior to issuing a DA permit.

41
42 Regarding impacts to human health and the marine environment associated with disposal of dredge material
43 at LA-2, the discussion in Section 3.3.4.3 (under Impact BIO-1) in the Draft EIS/EIR determined, based on
44 the sediment testing, that impacts to biological resources, including marine environment, would not be
45 significant. To clarify this in the Evaluation of Dredged Material Disposal Options document (Appendix F2

1 of the Draft EIS/EIR), the assessment under the heading “Impacts of Ocean Disposal” beginning on page 10
2 of Appendix F2 has been supplemented (see Chapter 3 of this Final EIS/EIR) to indicate that anticipated
3 impacts to the marine environment associated with disposal of dredge materials at LA-2 would not be
4 significant. Based on the revised Appendix F2 assessment, significant impacts to human health and the
5 marine environment are not anticipated. In addition, because there are no sensitive receptors near LA-2,
6 there are no adverse air-pollution related human health impacts associated with disposal at this site. It
7 should also be noted that as discussed in the Draft EIS/EIR, the environmental effects associated with
8 disposal of dredged sediments at LA-2 were evaluated during the site designation process (USEPA, 1988)
9 and subsequently evaluated in consideration of higher maximum annual disposal volume (USEPA and
10 USACE, 2005). By meeting the sediment testing and disposal parameters established for LA-2, the disposal
11 of project-related dredge material would have no additional direct, indirect, or cumulative adverse impact
12 on the human or aquatic environment.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-LA-17B0406-17I0904

June 5, 2017
Sent by Email

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

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

Subject: Informal Section 7 Consultation for the Berths 226-236 Everport Container Terminal Improvements Project, Port of Los Angeles, Los Angeles County, California

Dear Dr. Allen:

This letter is in response to your April 21, 2017, request for informal consultation pursuant to section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) for the proposed Berths 226-236 Everport Container Terminal Improvements Project in the Port of Los Angeles (Port), Los Angeles County, California. You have requested our concurrence that the proposed project is not likely to adversely affect the federally endangered California least tern [*Sterna antillarum browni* (*Sterna a. b.*); least tern]. This consultation is based on information provided with your request and the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the project dated April 2017.

The proposed project will improve the container-handling efficiency and capacity of the Port to accommodate larger container vessel needs projected through 2038. The project includes dredging a total of 38,000 cubic yards of sediment to increase the depth at Berths 226-229 to -55 feet mean lower low water (MLLW) and the depth at Berths 230-232 to -49 feet MLLW. Dredge materials will be disposed at an ocean disposal site (i.e., LA-2) and/or an upland disposal facility. Sheet piles and/or king piles will be installed below the mud line to stabilize the existing wharves over a total distance of approximately 2,800 feet. The number of operational cranes will be increased from 8 to 13, and up to 5 existing cranes will be modified to accommodate larger vessels. A total of 23.5 acres of new backlands and associated infrastructure will be developed, for a total terminal acreage of 229 acres. Vessel traffic is projected to increase by 42 ship calls annually by 2038. Construction will be initiated at the end of 2017 and will be completed in approximately 24 months. A detailed project description is included in the EIS/EIR.

USFWS-1

The proposed project is located about 2.5 miles from a least tern nesting site maintained by the Los Angeles Harbor Department (LAHD) on Pier 400. Potential effects to least terns from the proposed project include: (1) reduced foraging success as a result of construction-related disturbance and increased turbidity levels, (2) reduced foraging success due to increased vessel traffic and operation-related disturbances, and (3) increased potential for predation due to an increase in the number of high perches available for avian predators, such as peregrine falcons (*Falco peregrinus*).

Noise and disturbance associated with installation of the wharf stabilization structures and backland improvements could discourage least terns from foraging in the vicinity of the project site. According to the Draft EIS/EIR, sound pressure waves associated with pile driving could cause fish mortality (i.e., where noise levels are greater than 183 decibels) and are expected to cause fish to leave the project area. While foraging by least terns has been documented in the Inner Harbor where the project will occur, they prefer waters of the Outer Harbor that are closer to the nesting site. Turbidity from dredging is anticipated to be limited to about 1,000 feet from the project site (Draft EIS/EIR). Because impacts to foraging habitat will be limited to the Inner Harbor and several hundred acres of foraging habitat will be available for use by least terns in the Outer Harbor, we do not anticipate construction of the proposed project to impact least tern foraging success.

Operation of the proposed project will increase the number of cranes by 5 and associated vessel traffic by 42 ships per year by 2038. Information provided with your request suggests that the operation of 5 additional cranes will not measurably alter the environmental conditions at the Everport Container Terminal. We currently do not have sufficient information to evaluate the individual or cumulative effects of increased vessel traffic and associated activities within San Pedro Bay on least tern foraging. Presumably, Port activities have been steadily increasing over time and have not resulted in a commensurate reduction in the productivity of least terns at Pier 400 (Draft EIS/EIR); however, human disturbances associated with aircraft and personnel watercraft have been identified as potential factors leading to reduced nesting and foraging success in the Port (Langdon Biological 2017). The LAHD proposes to conduct a least tern foraging study in 2017 that will include observations of any disturbances that may affect foraging behavior. We anticipate this study will contribute to our knowledge of the types and extent of disturbances to least tern foraging that may occur within San Pedro Bay. In addition, we will continue to work directly with the LAHD to identify monitoring strategies that could assist in tracking the current and future extent of activities in the vicinity of least tern foraging and nesting habitat to help inform management of the Pier 400 nesting site over time.

Peregrine falcons are known predators on least terns at Pier 400 (e.g., Langdon Biological 2017). While the addition of 5 cranes to Everport Container Terminal could provide additional perching opportunities for avian predators, the terminal is over 2.5 miles from the least tern nest site and is not in a preferred foraging area for least terns. Therefore, the additional cranes are not anticipated to increase the risk of predation on least terns.

Based on the above analysis, we concur with your determination that the proposed project is not likely to adversely affect the least tern. With our concurrence, the interagency consultation

USFWS-1
cont.

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

USFWS-1
cont.

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

Sincerely,

JONATHAN
SNYDER

 Digitally signed by JONATHAN
SNYDER
Date: 2017.06.05 09:33:14 -07'00'

for Karen A. Goebel
Assistant Field Supervisor

cc:

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

LITERATURE CITED

[Langdon Biological] Langdon Biological Consulting. 2017. Monitoring report for the California least tern 2016 season, Pier 400 nesting site, Los Angeles Harbor, City of Los Angeles, Los Angeles County, California. Prepared for Los Angeles Harbor Department, San Pedro, California.

1 **2.3.2.4 U.S. Department of Interior, Fish and Wildlife Service,**
2 **Ecological Services (USFWS)**

3 **Response to Comment USFWS-1**

4 Thank you for your concurrence that the proposed Project is not likely to adversely affect the federally-
5 listed as endangered California least tern and that the interagency consultation requirements pursuant to
6 Section 7 of the Endangered Species Act of 1973 have been satisfied. The proposed Project will not affect
7 the availability of Outer Harbor foraging areas for least terns in San Pedro Bay during construction. No
8 further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4
9 (a)(5)).
10

11 **2.3.3 State Government Comments**
12



Department of Toxic Substances Control

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Secretary for
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May 19, 2017

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DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT
REPORT AND DRAFT GENERAL CONFORMITY DETERMINATION (EIS/EIR) FOR
THE BERTHS 226-236 [EVERPORT] CONTAINER TERMINAL IMPROVEMENTS
PROJECT (SCH# 2014101050)

Dear Dr. Stevens and Mr. Cannon:

The Department of Toxic Substances Control (DTSC) has reviewed the subject document. The following project description is stated in the draft EIS/EIR: "The existing terminal consists of two operating berths, Berths 226-229 and Berths 230-232, with eight operational 100-foot gauge wharf gantry cranes. Physical improvements proposed at the Everport Container Terminal include dredging and installing sheet piles¹ and king piles² at Berths 226-229, dredging and installing sheet piles at Berths 230-232, installation of spacers between the wharf and existing wharf fenders to provide better clearance between the berthed vessels and the new king and sheet piles, adding five new 100-foot gauge wharf gantry cranes, modifying the wharf to install five additional AMP vaults near the water's edge, expanding the backlands to a 1.5-acre parcel at the southern end and a 22-acre parcel between Terminal Way and Cannery Street. The 1.5-acre parcel is vacant. As part of the backland development, existing structures within the 22-acre parcel would be demolished, and the streets vacated."

DTSC-1

Based on the review of the EIS/EIR, DTSC has the following comments:

1. The EIS/EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.
2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. The EIS/EIR states, "As part of the backland development, existing structures within the 22-acre parcel would be demolished, and the streets vacated." If planned activities include building modifications/demolitions, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations. In addition, evaluate whether polychlorinated biphenyls (PCBs) containing materials is present in onsite buildings and address as necessary to protect human health and the environment.
5. The EIS/EIR further states, "All dredged material would be disposed of at an approved site, such as U.S. Environmental Protection Agency (EPA)-approved Ocean Disposal Site LA-2 (LA-25 2), an approved upland facility, or a combination of the two." If the project site is contaminated, wastes should be managed and disposed of in accordance with all relevant and applicable laws and regulations.
6. The EIS/EIR states, "The 180 acres includes approximately 20 acres for use as a railyard (the Everport Container Terminal portion of the TICTF). Railroad easements and rail yards are commonly impacted due to spillage of chemicals, fuels, and lubricants, and use of pesticides and herbicides along the tracks for weed control. DTSC recommends assessment/investigation and/or cleanup as necessary to confirm that no residual contamination associated with rail operation is present onsite if this area was used for railroad in the past.
7. The project includes, "Addition of five alternative maritime power (AMP) vaults (throughout wharf area adjacent to Berths 226 to 232) and associated infrastructure (e.g., electrical conduit and wires);¹" DTSC recommends evaluation, proper investigation and mitigation, if necessary, on onsite areas with current or historic PCB-containing transformers or electrical equipment.

DTSC-1
cont.

DTSC-2

DTSC-3

DTSC-4

DTSC-5

DTSC-6

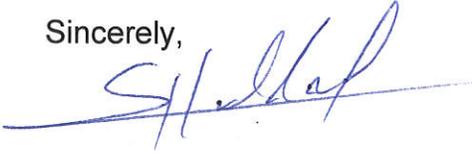
DTSC-7

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|---|---------|
| 8. Aerially deposited lead (ADL) is generally encountered in unpaved or formerly unpaved areas adjoining older roads, primarily as a result of deposition from historical vehicle emissions when gasoline contained lead. As the project site is located adjacent to Ocean Boulevard, Ferry Street, Terminal Way and Cannery Street, this issue should be addressed in accordance with all applicable and relevant laws and regulations. | DTSC-8 |
| 9. The EIS/EIR states that several areas at the project site were remediated or currently under remediation. The EIS/EIR should provide the following information:
<ul style="list-style-type: none">a. Identify the name(s) of the regulatory agency(ies) approved /currently overseeing the remediation of specific areas of contamination and the current status of investigation/remediation.b. Past operations at each area and the detected contaminants.c. Indicate whether the discharges resulted in groundwater or surface contamination.d. DTSC is unable to evaluate whether vapor sampling and/or potential vapor intrusion risk was adequately addressed due to lack of relevant detailed information in the EIS/EIR. | |
| 10. Human and ecological risks for the future users associated with the residual contaminants left in place at the site should be evaluated/remediated in accordance with all applicable and relevant laws and regulations. This information should be included in the EIS/EIR. | DTSC-10 |
| 11. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if the project proposes to import soil to backfill the excavated areas, proper evaluation and/or sampling should be conducted to make sure that the imported soil is free of contamination. | DTSC-11 |
| 12. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIS/EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight. | DTSC-12 |

Dr. Theresa Stevens, Ph.D.
Mr. Christopher Cannon, Director
May 19, 2017
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If you have any questions regarding this letter, please contact me at (714) 484-5380 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,



sw Johnson P. Abraham
Project Manager
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Brownfields and Environmental Restoration Program – Cypress

kl/sh/ja

cc; See next page.

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CEQA# 2014101050

2.3.3.1 California Department of Toxic Substances Control (DTSC)

Response to Comment DTSC-1

Thank you for your review of the Draft EIS/EIR. The comment is noted. Section 3.7.2, Groundwater and Soils of the Draft EIS/EIR, provides a detailed description of the existing groundwater and soil conditions associated with current and historic uses at the Project site, a summary of findings from previous soil and groundwater investigations, and a description of potential site contamination due to those current and prior uses. Figure 3.7-1 in Section 3.7 illustrates the areas of potential concern within the Project site. As detailed in Section 3.7.2, both backland expansion areas (22-acre and 1.5-acre sites) have been the subject of various investigations over the years; therefore, the condition and contents of the backlands expansion sites have been investigated and an additional Phase 1 investigation is not warranted. Further, as detailed in Section 3.7.2.5, an Environmental Data Resources (EDR) data base report was prepared for the proposed Project, which identified approximately 50 sites (multiple facility names at the same address are considered one site) in various environmental data bases within the search radius of 1/8 mile of the Project site.

Response to Comment DTSC-2

The comment is noted. As described in Section 3.7.4.1 of the Draft EIS/EIR, groundwater and surface soil impacts were evaluated with respect to several general parameters, including existing and potential groundwater quality and soil contaminants. These evaluations include the former Canner's Steam Company Plant site within the 22-acre backlands expansion area and the 1.5-acre backlands expansion area, which are subject to oversight by the Los Angeles Regional Water Quality Control Board (LARWQCB). The impact of the proposed Project and the alternatives on each of these parameters was evaluated assuming compliance with all regulatory controls. Specifically, the Draft EIS/EIR assumes that any contaminated soil and groundwater encountered during or prior to construction of the proposed Project would be characterized, handled, transported, remediated, and/or disposed of in accordance with the LAHD protocols and all applicable federal, state, and local regulations.

Response to Comment DTSC-3

The comment is noted. As described in Section 3.7.4.1 of the Draft EIS/EIR, an individual NPDES permit for stormwater discharges or coverage under the General Construction Activity Storm Water Permit would be obtained for the proposed Project or alternatives. Please refer to Section 3.11.3 (within Section 3.11, Water Quality, Sediments, and Oceanography) for information on the NPDES regulations.

Response to Comment DTSC-4

The comment is noted. Section 3.7.2.3 of the Draft EIS/EIR, provides a subsection (beginning on page 3.7-10) that details known asbestos, lead-based paint and other hazardous materials (such as PCB-containing light ballasts) associated with the former Cannery Steam Plant. Section 3.7.3 (beginning on page 3.7-11) also provides a description of the applicable laws, regulations governing the demolition of structures with regard to the potential encountering of PCBs and ACMs. These applicable regulations would address any known or unknown contamination discovered during construction and are in place to protect human health and the environment.

Response to Comment DTSC-5

The comment is noted. As detailed in Section 3.11.2.3 (in Section 3.11, Water Quality and Oceanography beginning on page 3.11-14) a sediment characterization study was performed at Berths 226-232 to determine the suitability of the dredged sediments for a range of potential dredged material management

1 options (Ramboll Environ, 2015). Results from this evaluation are presented in Section 3.11.2.3. To
2 summarize, the results indicated that the sediments were suitable for unconfined aquatic disposal. In
3 addition, on August 26, 2015, members of the Los Angeles Regional Contaminated Sediments Task Force
4 agreed with the results and determined that all sediments dredged during the proposed Project would be
5 suitable for ocean disposal at LA-2. However, if contamination is found on the landside of the Project site
6 during construction, as stated within Section 3.7.4.3 (beginning on page 3.7-21), under Impact GW-1, all
7 contaminated groundwater and/or soil encountered would be characterized, handled, transported,
8 remediated, or disposed of in accordance with all applicable federal, state, and local laws and regulations
9 and in accordance with the regulatory lead agencies' (e.g., USEPA, DTSC, LARWQCB, and LACFD)
10 requirements.

11 **Response to Comment DTSC-6**

12 The comment is noted. As analyzed in Section 3.7.4.3, under Impact GW-1 (beginning on page 3.7-40),
13 Alternative 5 would include the installation of a new rail line at the TICTF. The new rail line would be
14 installed between existing rails, and would involve pavement removal, excavation to approximately 3 feet
15 below ground surface (bgs), soil compaction, placement of base, installation of rail ties and track, and
16 repaving. Terminal Island has undergone extensive changes since the later 1800s, and a review of the
17 historic topographic maps referenced in Section 3.7 Groundwater and Soils (EDR, 2016b) shows early
18 development of rail lines on what is now the TICTF on Terminal Island. No contaminant spills or
19 discoveries of pesticide contamination have been documented at the TICTF in the 2016 EDR report;
20 however, some indications of potential contamination were identified near the periphery of the Everport
21 portion of the TICTF. As a consequence, there is a potential to encounter contaminated soil during
22 installation of the new rail line at the TICTF; however, groundwater will not be encountered due to the
23 depth of the excavation. As with the proposed Project, any contaminated soil encountered during
24 construction of Alternative 5 would be handled, transported, remediated, or disposed of in accordance with
25 all applicable federal, state, and local laws and regulations and in accordance with the regulatory lead
26 agencies' (e.g., USEPA, DTSC, LARWQCB, and LACFD) requirements. Further, any soil disturbance in
27 TICTF requires a soil management plan by the LARWQCB. Therefore, with adherence to existing laws and
28 regulations, exposure associated with prior uses, which would be deleterious to humans, based on
29 regulatory standards established by the lead agency for the site, would be less than significant.

30 **Response to Comment DTSC-7**

31 The comment is noted. The five additional AMP vaults and associated infrastructure is proposed for the
32 area within 100 feet of the wharf, and not within an area that would have historically used PCB-containing
33 transformers or electrical equipment. In addition, there is no removal of any PCB-containing transformers
34 or electrical equipment associated with the proposed Project.

35 **Response to Comment DTSC-8**

36 The comment is noted. The Project site is not located adjacent to Ocean Boulevard. The proposed Project
37 is located on Terminal Island along Terminal Way and Cannery Street. The existing terminal is paved, but
38 portions of the backland expansion areas are unpaved. However, because Terminal Island is isolated from
39 the mainland and the local streets in the project vicinity have historically had low traffic volumes relative to
40 the high-volume highways and freeways in the distant vicinity and mainland, aerially deposited lead is not
41 expected to be substantially above background levels on Terminal Island. In addition, the majority of Port
42 activities involve diesel fuels and not gasoline. Therefore, based on the relatively low traffic volumes in the
43 vicinity of the Project site and the limited use of gasoline in the area, it is not anticipated that aerially
44 deposited lead would be an issue during construction. However, soils that would require disposal may be
45 subject to representative sampling and analysis for contaminants prior to disposal, as a standard requirement

1 for Port construction contractors and included as a permit condition issued to the applicant prior to
2 construction and excavation. Any soil found to be contaminated would be managed and/or disposed of in
3 accordance with all applicable laws and regulations.

4 **Response to Comment DTSC-9**

5 The comment is noted. Section 3.7.2, Groundwater and Soils of the Draft EIS/EIR, provides a detailed
6 description of the existing groundwater and soil conditions associated with current and historic uses at the
7 Project site, as well as a summary of findings from previous soil and groundwater investigations, and a
8 description of potential site contamination due to those current and prior uses. As detailed in Section 3.7.2,
9 both backland expansion areas (22-acre and 1.5-acre sites) have been the subject of investigations and
10 reports, within which details on the contaminants found (soil and/or groundwater), agency(ies) involved,
11 and current circumstances with regulators, is provided. Soil remediation was completed at the former
12 Canner's Steam Company Plant site under oversight of LARWQCB and is currently undergoing
13 groundwater monitoring activities. Parcel H (1.5-acre site) is part of the former ExxonMobil (now PBF)
14 site under oversight of LARWQCB and is currently undergoing groundwater monitoring activities (Cleanup
15 and Abatement Order No. 0333, Site ID NO. 2040087). As for vapor information, on page 3.7-12 of the
16 Draft EIS/EIR, the ExxonMobil/PBF site includes a full-scale free hydrocarbon product recovery system
17 and vapor extraction system which has been in operation since 1996. The system continues to remove free
18 hydrocarbon product from the ExxonMobil/PBF site and nearby areas. Any further potential vapor intrusion
19 would be managed in accordance with all applicable laws and regulations.

20 **Response to Comment DTSC-10**

21 The comment is noted. The future uses of the Project site would continue to be General/Bulk Cargo (Non
22 Hazardous Industrial and Commercial) and zoned as [Q]M3-1 (which allows for heavy industrial uses). The
23 site will be paved and thus potential exposure pathways to the residual contamination in soil and
24 groundwater for future site usage would be incomplete and minimized. As noted in the Draft EIS/EIR, and
25 above in Response to Comments DTSC-5 and DTSC-6, all contaminated groundwater and/or soil
26 encountered during construction would be characterized, handled, transported, and disposed of in
27 accordance with all applicable federal, state, and local laws and regulations and in accordance with the
28 regulatory lead agencies' (e.g., USEPA, DTSC, LARWQCB, LACFD, and LAHD) requirements pertaining
29 to site investigation, testing, and treatment, and adherence to a contamination contingency plan. If further
30 evaluation or remediation is necessary during construction, the adherence to existing laws and regulations
31 would be followed (as described and evaluated in the Draft EIS/EIR), and would ensure that significant
32 human or ecological risks to future uses would not occur. Therefore, no additional information or analysis is
33 required in the EIS/EIR.

34 **Response to Comment DTSC-11**

35 The comment is noted. As noted in the Draft EIS/EIR, and above in Response to Comments DTSC-5,
36 DTSC-6, and DTSC-10, all contaminated groundwater and/or soil encountered during construction would
37 be characterized, handled, transported, and disposed of in accordance with all applicable federal, state, and
38 local laws and regulations and in accordance with the regulatory lead agencies' (e.g., USEPA, DTSC,
39 LARWQCB, LACFD, and LAHD) requirements. Any soil import will adhere to LAHD's Environmental
40 Guidance for Import Soil Requirements (June 2016). Therefore, no additional information or analysis is
41 required in the EIS/EIR.

42 **Response to Comment DTSC-12**

43 Refer to Response to Comments DTSC-5, DTSC-6, DTSC-10, and DTSC-11 above.

1 **2.3.3.2 California Department of Transportation, Caltrans District 7**
2 **(DOT)**

3 **Response to Comment DOT-1**

4 Thank you for your review of the Draft EIS/EIR. The comment is general and anticipates that the proposed
5 Project would not have any adverse impacts on the State Highway System. The comment does not identify
6 any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is
7 required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).
8



Air Resources Board



Matthew Rodriguez
Secretary for
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Dear Mr. Cannon and Dr. Stevens:

Thank you for providing the California Air Resources Board (CARB or Board) staff the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Los Angeles Harbor Department (LAHD) and U.S. Army Corps of Engineers Everport Container Terminal (ECT) Improvements for Berths 226-236 (Project). We understand that the proposed Project would improve container handling efficiency, increase container capacity, and accommodate larger vessels at ECT.

California's 2016 Sustainable Freight Action Plan (State Plan) supports projects that seek to improve system efficiencies and port competitiveness. But the State Plan also highlights the need to reduce or eliminate the health impacts on communities disproportionately affected by freight operations and to accelerate the transition to zero and near-zero emission equipment powered by renewable energy sources, including supportive infrastructure. The efficiency, competitiveness, and environmental objectives of the State Plan are echoed in the San Pedro Bay Ports 2017 Clean Air Action Plan Discussion Draft. For the proposed Project to achieve these objectives, we recommend that LAHD strengthen the proposed mitigation measures and include additional measures to directly address the increase in locomotive, vessels, and truck throughput projected to account for the increases in harmful diesel particulate and nitrogen oxides (NOx) emissions.

CARB-1

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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LAHD has been a worldwide leader in reducing harmful emissions from maritime and support operations, and would continue that role under the 2017 Clean Air Action Plan with strong support for zero and near-zero emission technologies. CARB commends LAHD for its collaborative efforts on Everport's Enhanced Cargo Demonstration Project. CARB is aware that ECT was awarded a grant from the California Energy Commission in late 2016 and recently took possession of a portion of the near-zero liquefied natural gas yard tractors and battery electric yard tractors.

CARB-1
cont.

Project Description

The proposed Project site is located within the Port of Los Angeles. The existing site is a 205-acre area that includes 20.5 acre area associated with the existing on-dock railyard (Terminal Island Transfer Facility) and 25 acres of a backland area. The proposed Project includes adding 23.5 acres for development, adding new backlands, relocating the main gate, adding parking and amending the lease to include the new parcels and extend Everport's lease through 2038. Construction of the proposed Project will take approximately 24 months and includes improvements, such as dredging, adding wharf piles and spacers, raising and adding cranes, installing additional shorepower and associated infrastructure which will allow the terminal to accommodate up to 16,000 ton equivalent units (TEU) vessels.

Cargo containers at ECT are moved off-terminal by both rail and trucks. Operations at ECT are projected to increase from the current maximum capacity of 1,818,000 TEUs to a maximum projected capacity of 2,379,525 by 2038 (peaking in 2033), resulting in an increase projected throughput of 561,525 TEUs.

CARB-2

Results of the DEIR

The DEIR shows that the largest sources of harmful PM2.5 and NOx emissions are ships and locomotives. However, the DEIR does not propose any new mitigation measures to minimize or eliminate the increases that directly affect nearby disadvantage communities. While ECT may have a lesser ability to effect change, the Evergreen Line and the Port can and must secure reductions in these ship and locomotive emissions. The operational and construction emission tables presented in Chapter 3, Section 3.2, include proposed Project emissions per day, with and without mitigation. In 2033, NOx emissions from the source category "ships: main propulsion engines" drop a surprising 53 percent "with mitigation". Given that LAHD has not proposed mitigation measures that would achieve reductions from ship main engines other than the existing Voluntary Speed Reduction Program (VSRP), LAHD should recalculate the emissions and revise the tables, accordingly. In addition, LAHD should

CARB-3

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revise all of the emission tables to include a break-down of the expected emission reductions attributable to each of the proposed mitigation measures and any additional mitigation measures.

CARB-3
cont.

Construction of the proposed Project will result in significant and unavoidable impacts for NOx in 2018 and 2019, volatile organic compounds (VOCs) in 2019, and overlapping construction and operations impacts for NOx in 2019. For operations, the proposed Project results in significant and unavoidable impacts for carbon monoxide (CO) and VOCs in 2033 and 2038. Furthermore, the mitigated proposed Project results in significant and unavoidable, cumulative air quality and health impacts in the region and to the nearby community. Even where impacts will remain significant and unavoidable after mitigation, CEQA nevertheless requires that all feasible¹ mitigation measures be incorporated. (See Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b).)

CARB-4

General Recommendations

CARB finds that the DEIR needs improvement in clarity and requires further development and consideration of our comments below. Furthermore, given the increased emissions from future terminal operations and cumulative impacts, LAHD should aggressively deploy the lowest emission technologies possible. This deployment should include those technologies that are “capable of being accomplished in a successful manner within a reasonable period of time” (Public Resources Code §21061.1; California Code of Regulations, title 14, section 15364), such as zero and near-zero emission technologies that are expected early in the life of the project. With these technologies, CARB staff believes that the proposed Project’s air quality, health, and greenhouse gas impacts can feasibly be further mitigated. To that end, CARB staff recommends that the Final EIR include the additional mitigation measures outlined below.

CARB-5

In addition, the 2017 Clean Air Action Plan Discussion Draft identifies that reductions in emissions can be achieved by shifting to on-dock rail, where possible. Projected truck trips per day is estimated to increase by nearly 60 percent, therefore CARB recommends that LAHD evaluate options to expand the on-dock rail capacity at ECT.

CARB-6

¹For the purposes of CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364.)

Mitigation Measures

- 1) LAHD should add a mitigation measure that requires accelerating the turnover of older line-haul locomotives servicing ECT to ones meeting Tier 4 emission standards. By the proposed Project's interim year (2026), LAHD should require that all line-haul locomotives servicing Everport meet Tier 4 emission standards. To monitor the progress of this acceleration, include the distribution of engine tiers used in determining the locomotive emissions for the baseline year (2013) and the opening year (2019). Furthermore, CARB recommends that LAHD incentivize or require the use of cleaner locomotive technologies, through lease agreements, as rail use increases. This would include, but is not limited to, a hybrid-electric locomotive with all electric capability. CARB's Technology Assessment: Freight Locomotives provides information on projected development of cleaner freight locomotives. This assessment can be found at https://www.arb.ca.gov/msprog/tech/techreport/freight_locomotives_tech_report.pdf.
- 2) Mitigation Measure (MM) AQ-7 requires an 85 percent shore power compliance rate by 2020 and 95 percent compliance by 2026. Recipients, such as the LAHD, of Proposition 1B funding for grid-based electric power at T227, must meet a 90 percent utilization rate by 2020. Furthermore, the proposed Project includes adding five alternative maritime power (AMP) terminal vaults. With these added AMP vaults and given the terminal operator owns the majority of the ships that will call at ECT's berths (specifically T227 and T230), it is reasonable that ten vaults are sufficient to achieve a 100 percent compliance rate. In March 2017, our Board directed staff to expand the at-berth regulation to achieve up to 100 percent compliance. In anticipation of CARB's regulatory amendments, LAHD should expand MM AQ-7 to require a 100 percent shore-power compliance rate from vessels equipped with shore power starting in 2020 and require alternative capture and control systems for all ships that are not equipped to use shore-based electricity. This includes all vessels subject to MM AQ-4. Currently, MM AQ-4 only requires ships and barges used to deliver construction-related materials to comply with the expanded Vessel Speed Reduction Program. All ocean-going vessels as part of the construction phase of the proposed Project should also be required to use alternative capture and control systems if they are not equipped to use shore-based electricity for the duration of their stay. Furthermore, LAHD should utilize mechanisms to incentivize or encourage the terminal operator to bring their cleanest ships to ECT.

CARB-7

CARB-8

3) Given the projected increase in throughput of cargo containers at ETC, LAHD should require the use of cargo handling equipment (CHE), including yard trucks, handlers, gantry cranes, fork lifts, that includes technologies beyond those required by the mobile CHE regulation, and includes use of zero and near-zero emission technology as it becomes commercially available. CARB's Technology Assessment: Mobile Cargo Handling Equipment, provides information on current and projected development of CHE. This assessment can be found at https://www.arb.ca.gov/msprog/tech/techreport/che_tech_report.pdf.

CARB-9

4) According to LAHD, the container throughput at ECT includes refrigerated shipping containers; however, the DEIR does not include information regarding this emission source or associated emissions. The LAHD should revise the DEIR to include refrigerated shipping containers as an emission source category, including their dwell times and mitigation that will eliminate or reduce these emissions. CARB recommends that the LAHD consider requirements that refrigerated shipping containers on rail cars be plugged in to a containerized hydrogen fuel cell generator carried on adjacent rail car or other available technology. ARB's Technology Assessment for Transport Refrigerators is available at https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

CARB-10

5) MM AQ-1 requires that the harbor craft used for construction must be equipped with engines meeting the U.S. Environmental Protection Agency Tier 3 emission standards or cleaner at all times during construction. LAHD should expand this measure to require the use of the cleanest available commercial harbor craft (CHC) (LPG/LNG, biodiesel, electric hybrid) during operations. CARB's Technology Assessment: Commercial Harbor Craft, provides information on current and projected development of CHC, including current and anticipated costs at widespread development. This assessment can be found at https://www.arb.ca.gov/msprog/tech/techreport/draft_chc_technology_assessment.pdf.

CARB-11

6) MM AQ-6 requires Evergreen vessels to comply with the expanded VSRP (12 knots at 40 nautical miles) by 95 percent. CARB recognizes that LAHD implements an incentive based, voluntary VSRP and based on the VSRP Operator Summary Report, Evergreen vessels met a 99 percent participation rate to 20 nautical miles and a 97 percent participation rate to 40 nautical miles in 2016. Since LAHD is already achieving projected emission reductions beyond what MM AQ-6 requires, there is no additional benefit. Therefore, LAHD should propose further mitigation to achieve reductions from vessels calling at ECT.

CARB-12

- 7) Lease Measure AQ-1 requires tenants to meet with LAHD when a tenant needs to replace or turnover equipment to determine the availability and feasibility of cleaner equipment. Furthermore, the tenant is required to assess any new technology for feasibility and report back to LAHD every five years. Given the changing market conditions and advances in technology, LAHD should reduce the tenant's reporting and technology review requirements to every two years. CARB-13
- 8) LAHD should describe the type of dredging (i.e. mechanical, hydraulic, hybrid, etc.) and the expected emissions from this activity, as well as adding mitigation that requires using the cleanest available technology. CARB-14
- 9) Starting in 2033, off-dock truck traffic is projected to increase by 18 percent from the 2013 baseline. According to Table 3.2-20, truck emissions account for 40 percent of the total PM10, 17 percent of total PM2.5, and approximately six percent of the total emissions for NOx and CO in 2033. As technology becomes available, LAHD should require that medium-heavy and heavy-heavy duty trucks traveling within 100 miles of the terminal use zero and near-zero technology. CARB's Technology and Fuels Assessments provide information on the current and projected development of mobile source technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at <http://www.arb.ca.gov/msprog/tech/tech.htm>. CARB-15

Recommendations to Improve the Health Risk Analysis Discussion

- 1) Appendix B3, Section 4.3, Page B3 13; "Exposure Scenarios for Individual Cancer Risk", indicates that Project emissions spanning construction and operation of the proposed Project were averaged and applied chronologically to each age bin identified in the OEHHA Air Toxics Hot Spots Program, Risk Assessment Guidelines (2015). This approach can mask any peak emissions and the associated potential health impacts that may occur over the lifetime of the project. Therefore, LAHD should revise the DEIR to include an evaluation of the potential cancer risk starting when peak emissions occur (e.g. PM10 and PM2.5 appear to increase in 2033 according to tables 3.2-11 and 3.2-20). The reason for starting the risk analysis at these point(s) is because pregnancy, and the age bin encompassing birth through age two, can occur concurrently with the emissions peaks over the course of the construction and operation of the proposed project. Presenting the potential health impacts beginning at these points throughout the project will provide the public with a more comprehensive understanding of the project and how the potential health risk estimates may change as the project is completed and the facility changes to full operation. CARB-16

2) Appendix B3, Table B3-5; "Maximum CEQA Health Impacts Estimated for Construction and Operation of the Proposed Project Without Mitigation": LAHD should revise this table, and any other table presenting similar information, to more clearly present the potential cancer and noncancer health impacts from the proposed Project. In this table, it is difficult to understand the potential health impacts and where they occur for each receptor type (i.e., residential, occupational, and sensitive) and what the column headers (e.g., Proposed Project, CEQA Baseline, CEQA Increment, Future CEQA Baseline, and Future CEQA Increment) actually represent. For example, it is not clear in the table that the potential health impacts for the receptors under the column headers may occur at different locations. To address this, please add additional receptor description information (e.g., receptor index) to clarify the table. Furthermore, to better provide transparency and clarity to the public, LAHD should revise the text associated with these tables to fully explain any necessary information.

CARB-17

Additional Comments

1) Appendix F2 provides an evaluation for the disposal of the dredged material, concluding that the only disposal option feasible and practical is 100 percent ocean disposal at LA-2 Facility, located 11 kilometers offshore from the entrance to LAHD. However, Tables 3.2-10A and Table 3.2-10B include both upland and ocean disposal and associated emissions. LAHD should revise these tables and include the emissions and assumptions associated with the ocean disposal option.

CARB-18

2) Air Quality Emissions, Appendix B1 includes sweepers as part of the CHE emission inventory. Sweepers are no longer part of CARB's CHE regulation and should be removed. Sweepers are regulated under either CARB's Off-Road Regulation or the Statewide Truck and Bus Regulation, depending on the sweeper engine. LAHD should revise these emission inventories, appropriately. To determine which regulation applies to sweepers, please reference CARB's Enforcement Advisory Number 401, which can be found at <https://www.arb.ca.gov/enf/advs/advs401.pdf>.

CARB-19

Closing

CARB recognizes the role the proposed Project can have in supporting a more efficient and economically competitive Port, but we urge you to augment the mitigation measures to ensure the community is not adversely impacted. We appreciate the opportunity to comment on the DEIR, and CARB is available to provide further assistance, as needed.

CARB-20

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Please include CARB on your State Clearinghouse list of selected State agencies that will receive the Final Environmental Impact Report as part of the comment period.

CARB-21

If you have questions, please contact me at (916) 322-8277, or Robbie Morris, Air Pollution Specialist, at (916) 327-0006 or robbie.morris@arb.ca.gov.

Sincerely,



for Elizabeth Yura, Chief
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Transportation and Toxics Division

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Continued next page.

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cc: (continued)

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1 **2.3.3.3 California Air Resources Board (CARB)**

2 **Response to Comment CARB-1**

3 Thank you for your review and comments on the Draft EIS/EIR. Please see Master Response 1: Feasible
 4 Mitigation – Guidance and Applicability, Master Response 2: Zero-Emission Technologies, Master
 5 Response 3: Port-wide Emission Reduction Programs, and the responses to specific comments below.

6 **Response to Comment CARB-2**

7 The comment is noted. The comment does not identify any specific deficiencies or contest the adequacy of
 8 the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines
 9 Section 15204(a); 40 CFR 1503.4 (a)(5)).

10 **Response to Comment CARB-3**

11 The comment is noted. The comment notes that in 2033, peak daily NOx emissions from the source
 12 category “ships: main propulsion engines” with mitigation drops 53 percent compared to without mitigation
 13 despite an apparent lack of mitigation measures affecting this category. This reduction is due to an
 14 assumption that the peak daily emissions without mitigation would not include Tier 3 vessels, while peak
 15 daily emissions with mitigation would include Tier 3 vessels. The assumption that Tier 3 vessels would
 16 arrive by 2033 is based on a market analysis developed by Starcrest Consulting Group (Starcrest, 2015).
 17 For disclosure purposes, applying the phase-in of Tier 3 vessels to the unmitigated scenarios in 2026, 2033
 18 and 2038 results in the Proposed Project peak daily operational emissions presented below. Additionally,
 19 the revised ship main propulsion engine NOx emissions in Alternatives 1 through 5 are summarized in
 20 Tables CARB-3-2 through CARB-3-5, below. Finally, the revisions summarized in the tables below have
 21 been incorporated into the Draft EIS/EIR, Tables 3.2-20, 3.2-35, 3.2-52, 3.2-69, and 3.2-86 as shown in
 22 Chapter 3 of this Final EIS/EIR. The results of these revisions are that incremental unmitigated operational
 23 emissions relative to the CEQA Baseline would be lower for NOx under the proposed Project and all
 24 alternatives and years, except for Alternative 1 in 2019.
 25

Table CARB-3-1: Revised Unmitigated Peak Daily Operational Emissions for the Proposed Project

Year – Category	Unmitigated NOx (Without Tier 3)	Unmitigated NOx (Tier 3 Included)
2026 - Ships: Main Propulsion Engines	7,148	<u>6,293</u>
2026 - Total Operational Year 2026	41,777	<u>10,922</u>
2026 - Project Minus CEQA Baseline	-982	<u>-1,837</u>
2026 - Project Minus NEPA Baseline	3,255	<u>2,400</u>
2033 - Ships: Main Propulsion Engines	40,544	<u>5,862</u>
2033 - Total Operational Year 2033	46,869	<u>12,187</u>
2033 - Project Minus CEQA Baseline	4,110	<u>-572</u>
2033 CEQA - Significant?	Yes	<u>No</u>
2033 - Project Minus NEPA Baseline	9,140	<u>4,458</u>
2038 - Ships: Main Propulsion Engines	40,544	<u>3,541</u>
2038 - Total Operational Year 2038	45,862	<u>8,859</u>
2038 - Project Minus CEQA Baseline	3,103	<u>-3,900</u>
2038 CEQA - Significant?	Yes	<u>No</u>
2038 - Project Minus NEPA Baseline	41,338	<u>4,335</u>

26

27

Table CARB-3-2: Revised Unmitigated Peak Daily Operational Emissions for Alternatives 1 & 2

Year – Category	Unmitigated NOx (Without Tier 3)	Unmitigated NOx (Tier 3 Included)
2026 - Ships: Main Propulsion Engines	7,508	6,326
2026 - Total Operational Year 2026	11,357	10,175
2026 - Project Minus CEQA Baseline	-4,402	-2,584
2033 - Ships: Main Propulsion Engines	10,812	5,139
2033 - Total Operational Year 2033	15,975	10,302
2033 - Project Minus CEQA Baseline	3,216	-2,457
2033 CEQA - Significant?	Yes	No
2038 - Ships: Main Propulsion Engines	10,812	2,302
2038 - Total Operational Year 2038	15,327	6,817
2038 - Project Minus CEQA Baseline	2,569	-5,941
2038 CEQA - Significant?	Yes	No

1

Table CARB-3-3: Revised Unmitigated Peak Daily Operational Emissions for Alternative 3

Year – Category	Unmitigated NOx (Without Tier 3)	Unmitigated NOx (Tier 3 Included)
2026 - Ships: Main Propulsion Engines	6,968	5,782
2026 - Total Operational Year 2026	11,186	10,000
2026 - Project Minus CEQA Baseline	-4,573	-2,759
2026 - Project Minus NEPA Baseline	2,664	1,478
2033 - Ships: Main Propulsion Engines	10,432	5,330
2033 - Total Operational Year 2033	16,448	11,346
2033 - Project Minus CEQA Baseline	3,689	-1,413
2033 CEQA - Significant?	Yes	No
2033 - Project Minus NEPA Baseline	8,719	3,617
2038 - Ships: Main Propulsion Engines	10,432	3,038
2038 - Total Operational Year 2038	15,530	8,136
2038 - Project Minus CEQA Baseline	2,772	-4,622
2038 CEQA - Significant?	Yes	No
2038 - Project Minus NEPA Baseline	11,006	3,612

2

Table CARB-3-4: Revised Unmitigated Peak Daily Operational Emissions for Alternative 4

Year – Category	Unmitigated NOx (Without Tier 3)	Unmitigated NOx (Tier 3 Included)
2026 - Ships: Main Propulsion Engines	7,382	6,192
2026 - Total Operational Year 2026	11,193	10,003
2026 - Project Minus CEQA Baseline	-1,565	-2,755
2026 - Project Minus NEPA Baseline	2,671	1,481
2033 - Ships: Main Propulsion Engines	7,467	3,842
2033 - Total Operational Year 2033	13,651	10,026
2033 - Project Minus CEQA Baseline	893	-2,732
2033 CEQA - Significant?	Yes	No
2033 - Project Minus NEPA Baseline	5,922	2,297
2038 - Ships: Main Propulsion Engines	7,467	2,406
2038 - Total Operational Year 2038	12,823	7,762
2038 - Project Minus CEQA Baseline	65	-4,996

Table CARB-3-4: Revised Unmitigated Peak Daily Operational Emissions for Alternative 4

Year – Category	Unmitigated NOx (Without Tier 3)	Unmitigated NOx (Tier 3 Included)
2038 CEQA - Significant?	Yes	<i>No</i>
2038 - Project Minus NEPA Baseline	8,299	<u>3,238</u>

1
Table CARB-3-5: Revised Unmitigated Peak Daily Operational Emissions for Alternative 5

Year – Category	Unmitigated NOx (Without Tier 3)	Unmitigated NOx (Tier 3 Included)
2026 - Ships: Main Propulsion Engines	7,148	<u>6,293</u>
2026 - Total Operational Year 2026	41,777	<u>10,922</u>
2026 - Project Minus CEQA Baseline	-982	<u>-1,837</u>
2026 - Project Minus NEPA Baseline	3,255	<u>2,400</u>
2033 - Ships: Main Propulsion Engines	40,544	<u>5,862</u>
2033 - Total Operational Year 2033	46,867	<u>12,185</u>
2033 - Project Minus CEQA Baseline	4,109	<u>-573</u>
2033 CEQA - Significant?	Yes	<i>No</i>
2033 - Project Minus NEPA Baseline	9,138	<u>4,456</u>
2038 - Ships: Main Propulsion Engines	40,544	<u>3,541</u>
2038 - Total Operational Year 2038	46,856	<u>8,853</u>
2038 - Project Minus CEQA Baseline	3,097	<u>-3,906</u>
2038 CEQA - Significant?	Yes	<i>No</i>
2038 - Project Minus NEPA Baseline	41,332	<u>4,329</u>

2
 3 A sensitivity analysis on the ship main propulsion engine contributions to the peak hourly NO₂
 4 concentrations indicated that the peak receptors were not substantially impacted by ship emissions (see
 5 Tables CARB 3-6 and CARB 3-7 for the results of this sensitivity analysis). The correction to the peak
 6 NO₂ concentration would be a reduction, if the peak concentration reported in the Draft EIS/EIR occurred
 7 in 2026 or later. No change in the peak NO₂ concentration would occur if the reported peak occurred in
 8 2019, since no Tier 3 vessels are assumed to call on the terminal in 2019. This methodology was applied to
 9 all alternatives, years and NO₂ averaging periods under CEQA and NEPA. This sensitivity analysis was
 10 applied to all alternatives and years 2026, 2033, and 2038. The results of these evaluations are summarized
 11 in Table CARB-3-6 for CEQA and Table CARB-3-7 for NEPA, which disclose the revised peak NO₂
 12 concentrations for unmitigated scenarios. No concentration related significance determinations presented in
 13 the Draft EIS/EIR were changed as a result of this analysis.
 14

Table CARB-3-6: Revised Unmitigated Peak Operational 1-hour NO₂ Ground-Level Concentrations (ppm) under CEQA

Scenario	Concentrations (Without Tier 3)	Reductions due to inclusion of Tier 3 OGV	Concentrations (Tier 3 Included)
Proposed Project. 1-hour NAAQS	0.119	N/A*	<i>Same as w/o Tier 3</i>
Proposed Project. 1-hour CAAQS	0.16	N/A*	<i>Same as w/o Tier 3</i>
Alternative 1. 1-hour NAAQS	0.117	N/A*	<i>Same as w/o Tier 3</i>
Alternative 1. 1-hour CAAQS	0.15	N/A*	<i>Same as w/o Tier 3</i>
No Project. 1-hour NAAQS	0.117	N/A*	<i>Same as w/o Tier 3</i>
No Project. 1-hour CAAQS	0.15	N/A*	<i>Same as w/o Tier 3</i>
Alternative 3. 1-hour NAAQS	0.117	N/A*	<i>Same as w/o Tier 3</i>

Table CARB-3-6: Revised Unmitigated Peak Operational 1-hour NO2 Ground-Level Concentrations (ppm) under CEQA

Scenario	Concentrations (Without Tier 3)	Reductions due to inclusion of Tier 3 OGV	Concentrations (Tier 3 Included)
Alternative 3. 1-hour CAAQS	0.15	N/A*	<i>Same as w/o Tier 3</i>
Alternative 4. 1-hour NAAQS	0.088	-0.0009	<u>0.087</u>
Alternative 4. 1-hour CAAQS	0.11	-0.0010	<u>0.11</u>
Alternative 5. 1-hour NAAQS	0.119	N/A*	<i>Same as w/o Tier 3</i>
Alternative 5. 1-hour CAAQS	0.16	N/A*	<i>Same as w/o Tier 3</i>

Notes.

N/A* - The year of peak operational concentrations is 2019, which does not include Tier 3 OGV assumptions.

1

Table CARB-3-7: Revised Unmitigated Peak Operational 1-hour NO2 Ground-Level Concentrations (ppm) under NEPA

Scenario	Concentrations (Without Tier 3)	Reductions due to inclusion of Tier 3 OGV	Concentrations (Tier 3 Included)
Proposed Project. 1-hour NAAQS	0.097	-0.0033	<u>0.094</u>
Proposed Project. 1-hour CAAQS	0.13	-0.0034	<u>0.13</u>
Alternative 3. 1-hour NAAQS	0.096	-0.0036	<u>0.092</u>
Alternative 3. 1-hour CAAQS	0.12	-0.0037	<u>0.12</u>
Alternative 4. 1-hour NAAQS	0.111	0.0006	<u>0.112</u>
Alternative 4. 1-hour CAAQS	0.14	N/A*	<i>Same as w/o Tier 3</i>
Alternative 5. 1-hour NAAQS	0.097	-0.0033	<u>0.094</u>
Alternative 5. 1-hour CAAQS	0.13	-0.0034	<u>0.13</u>

Notes.

N/A* - The year of peak operational concentrations is 2019, which does not include Tier 3 OGV assumptions.

2

3 The commenter also requested that all of the emissions tables be revised to include a breakdown of the
 4 expected emission reductions attributable to each proposed mitigation measure. Revisions to each impact
 5 table in the Draft EIS/EIR to include the breakdown of mitigated emissions for each source relative to each
 6 mitigation measure would cause the impact tables to be confusing due to the larger amount of information
 7 which would be presented. However, for the commenter’s convenience, we have provided Table CARB-3-
 8 detailing the modeled impact of each mitigation measure on each source group throughout the project.
 9

Table CARB-3-8: Effects of Mitigation Measures on Emissions Source Groups

Measure	Brief Description	Source Category	Peak Day Reduction	
			PM ₁₀	PM _{2.5}
MM AQ-1	Construction Harbor Craft must comply with USEPA Tier 3 engine standards or cleaner throughout construction.	Marine Source Exhaust	NO _x	19%
			SO _x	0%
			CO	0%
			VOC	14%
			PM ₁₀	50%
MM AQ-2	On-Road construction trucks must comply with USEPA 2010 on-road emission standards or cleaner throughout construction.	On-Road Construction Vehicles	PM ₁₀	0%
			PM _{2.5}	0%
			NO _x	0%
			SO _x	0%
			CO	0%

Table CARB-3-8: Effects of Mitigation Measures on Emissions Source Groups

Measure	Brief Description	Source Category	Peak Day Reduction	
MM AQ-3	Non-Road construction equipment greater than 50 horsepower must comply with USEPA Tier 4 emission standards or cleaner throughout construction.	Off-road Construction Equipment Exhaust	PM ₁₀	29%
			PM _{2.5}	29%
			NO _x	19%
			SO _x	0%
			CO	0%
MM AQ-4	Cargo Ships delivering primarily construction-related materials or cranes must comply with the expanded Vessel Speed Reduction Program (VSRP) or 12 knots between 40 nautical miles (nm) from Point Fermin and the Precautionary Area.	Marine Source Exhaust	PM ₁₀	0%
			PM _{2.5}	0%
			NO _x	0%
			SO _x	0%
			CO	0%
MM AQ-5	For all previous mitigation measures, if better technology becomes available and approved by CARB and LAHD, it could be used to replace existing mitigation.	ALL	N/A – Not Quantified	
MM AQ-6	Starting January 1, 2019, 95% of ships calling at Everport Container Terminal (ECT) shall be required to comply with the expanded VSRP.	Ships: Main Propulsion Engines	PM ₁₀	13 – 18% varying each year
			PM _{2.5}	12 – 18% varying each year
			NO _x	11 – 15% varying each year
			SO _x	19 – 28% varying each year
			CO	07 – 10% varying each year
			VOC	04 – 06% varying each year
MM AQ-7	Starting 2020 or upon substantial completion of construction, 85% of ships calling at ECT shall be required to utilize Alternative Maritime Power (AMP). By 2026, 95% of ships shall be required to use AMP.	Ships: Aux Engines and Boilers	PM ₁₀	07 – 17% varying each year
			PM _{2.5}	05 – 18% varying each year
			NO _x	21 – 60% varying each year
			SO _x	02 – 11% varying each year
			CO	08 – 20% varying each year
			VOC	07 – 20% varying each year
		AMP Electricity Use	PM ₁₀	100% increase
			PM _{2.5}	100% increase
			NO _x	70 – 42% increase varying each year
			SO _x	75 – 40% increase varying each year

Table CARB-3-8: Effects of Mitigation Measures on Emissions Source Groups

Measure	Brief Description	Source Category	Peak Day Reduction	
			CO	60 – 33% increase varying each year
			VOC	0%
LM AQ-1	Every five years, LAHD and the tenant shall meet to determine if newly available technology for reduction of emissions is feasible for use at ECT. Any new technology could replace the requirements of other mitigation measures pending approval by LAHD.	ALL	N/A – Not Quantified	
LM AQ-2	A priority access system shall be evaluated to identify one or more ways to provide preferential access for zero- and near-zero- emission trucks.	Trucks	N/A – Not Quantified	
MM GHG-1	All high mast pole fixtures at ECT shall be replaced with LED fixtures or a technology with similar energy-saving capabilities.	N/A – No Dispersion Source Applicable	20 – 28% reduction in carbon dioxide equivalents (CO ₂ e) decreasing each year	
MM GHG-2	Photovoltaic panels shall be installed over the employee parking lot as part of the backland development pending a feasibility study.	N/A – No Dispersion Source Applicable	N/A – Not Quantified	

Notes:

All reductions mentioned in this table are for the Proposed Project. While not identical, reductions are similar for Alternatives 1-5. All construction emission reductions are based on the ocean disposal scenario.

Emission reductions are based on peak day emissions. Emission reductions for average day emissions are usually greater and never less.

1 Response to Comment CARB-4

2 The comment is noted. The comment is general and does not identify any specific deficiencies or contest
3 the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA
4 Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

5 Response to Comment CARB-5

6 The comment is noted. Please see Master Response 2: Zero-Emission Technologies, and Master Response
7 3: Port-wide Emission Reduction Programs.

8 Response to Comment CARB-6

9 The comment is noted. Alternative 5 in the Draft EIS/EIR presents LAHD's analysis of an expanded on-
10 dock rail alternative. The air quality impacts associated with Alternative 5 can be found starting on page
11 3.2-205 of the Draft EIS/EIR.

12 Response to Comment CARB-7

13 The comment is noted. Thank you for the reference to the 2016 Draft Technology Assessment: Freight
14 Locomotives. Although CARB is recommending that the Port require Tier 4 locomotives as mitigation,

1 neither the Port nor the Everport Container Terminal has any jurisdiction or an implementation mechanism
2 for such a requirement. LAHD is pre-empted by the federal Surface Transportation Board from
3 requiring/mandating certain types of locomotives be operated at the Port. Because of this limited
4 jurisdiction and the much broader state-wide jurisdiction and mission of CARB, achieving accelerated
5 conversion of the locomotive fleet that serves California might be better served through initiation by CARB
6 or the USEPA.

7 **Response to Comment CARB-8**

8 The comment is noted. LAHD will require at least 90 percent utilization of shore-based power by 2020 for
9 vessels equipped with shore power capabilities as mandated in Proposition 1B. The text of mitigation
10 measure MM AQ-7 has been revised to reflect this in the Final EIS/EIR. The calculations in the Draft
11 EIS/EIR represent a conservative analysis with 85 percent shore-based power utilization because shore-
12 based power is lower emitting than power from ship engines. Therefore, the analysis provided in the Draft
13 EIS/EIR is conservative and does not require revisions.

14
15 LAHD encourages all tenants to strive for 100 percent utilization of shore power but recognizes that 100
16 percent utilization is not obtainable due to real world market conditions discussed below. The Everport
17 Container Terminal does occasionally service non-Evergreen ships and may continue to do so in the future.
18 These other vessels may or may not be equipped to utilize shore power; therefore, the air quality impact
19 analysis reasonably assumes 90 percent utilization by 2020 and 95 percent utilization with MM AQ-7 by
20 2026. Please also see Master Response 1: Feasible Mitigation – Guidance and Applicability for a
21 description of mitigation feasibility, and Master Response 3: Port-wide Emission Reduction Programs.

22
23 The requirement to utilize shore power or an alternative capture and control system is not applied to
24 construction-related ocean-going vessels because only one to two such vessels are expected to be utilized
25 during construction. These cargo vessels, intended to deliver cranes to the Project site, may or may not be
26 able to use shore power. These vessels would only be hoteling for a maximum of two weeks total (one
27 week each vessel). Therefore, it is not anticipated that the ocean-going vessels required for construction
28 would generate substantial emissions. Annual emissions for the crane deliveries is presented in the Draft
29 EIS/EIR, Appendix B1, Table 37 and indicate emissions of all criteria pollutants except NOx would be less
30 than 1 ton per year, and NOx emissions would be less than 9 tons per year. The cargo ships used for crane
31 delivery would be subject to the vessel speed reduction mitigation measure (MM AQ-6). Also, please see
32 Master Response 1: Feasible Mitigation – Guidance and Applicability for a description of mitigation
33 feasibility and Master Response 2: Zero Emission Technologies and Master Response 3: Port-wide
34 Emission Reduction Programs for a discussion and links to on-going LAHD efforts to reduce emissions
35 from Port operations. Finally, both of the Bay Area Ports are considering, as part of the 2017 CAAP
36 Update, implementation of a differentiated rate structure on ships according to engine tier level to
37 encourage calls by cleaner ships and to discourage older ships. However, this potential rate structure, if
38 adopted, would be implemented Port-wide and not on a project-by-project basis.

39 **Response to Comment CARB-9**

40 Please see Master Response 2: Zero-Emission Technologies and Master Response 3: Port-wide Emission
41 Reduction Programs. As noted in that response, LAHD and Everport are in the process of testing several
42 zero-emission yard tractors. Other cargo handling equipment zero-emission technologies are not yet ready
43 for commercialization.

44

1 **Response to Comment CARB-10**

2 The comment is noted. The proposed Project would not result in a reasonably foreseeable change or
3 increase the number of refrigerated containers (reefer) plugs at the ECT, and thus, additional reefers and
4 their potential effects are not included in the proposed Project. Reefers are included in total TEU numbers,
5 and although the number of refrigerated units does shift over time, each reefer is plugged into the terminal's
6 power supply, eliminating the need to power the reefers using fossil-fuel generators. Because the proposed
7 Project would not increase the number of reefer plugs at the terminal, the maximum capacity of the terminal
8 to process refrigerated containers is therefore expected to remain constant throughout each alternative, year,
9 and mitigation scenario. The electrical demand of keeping a container refrigerated while at the terminal is
10 not calculated because it is a constant throughout each scenario. Once the reefers leave the terminal, a
11 secondary power supply is necessary, however, the recommendation that refrigerated containers transported
12 by rail be required to be plugged in to hydrogen fuel cells (or other available technology) on adjacent rail
13 cars is not within the Port's control, as it has no jurisdiction over railroad operations, which are governed at
14 the Federal level and preempt Port oversight. Therefore, the modeled results presented in the Draft EIS/EIR
15 are conservative and no changes to the model or impact analysis is required.

16 **Response to Comment CARB-11**

17 The comment that the LAHD should expand MM AQ-1 to require use of the cleanest available commercial
18 harbor craft (CHC) (LPG/LNG, biodiesel, electric hybrid) during operations is noted. While LAHD will
19 continue to identify methods to reduce emissions from all harbor craft including assist tugs, a one-size fits
20 all strategy is not likely to be successful given the variety of engine sizes and types used on harbor craft.
21 Therefore, the strategy to address harbor craft emissions has been outlined in the Draft 2017 CAAP Update,
22 which will be implemented Port-wide, not on a project-by-project basis. Please also see Master Response
23 1: Feasible Mitigation for a description of what is generally feasible under CEQA.

24
25 In addition, note that the future scenarios for the proposed Project and all alternatives assumes that the assist
26 tugs associated with terminal operations will meet Tier 3 standards, given the estimated propulsion engine
27 model years. The Draft EIS/EIR, Appendix B1, Table 84 (beginning on page 290 of the Appendix B1 pdf
28 file) indicates that assist tug average propulsion engine model year is estimated to be 2016 for operations in
29 2019, 2026, and 2033, and the engine model year is estimated to be 2037 in 2038, using a 21-year useful
30 life. Therefore, the assist tugs assumed for operational emission calculations would already meet Tier 3
31 standards given the CARB implementation schedule for harbor craft engine standards.

32 **Response to Comment CARB-12**

33 The comment is noted. When the project construction is completed, it is projected that the terminal will
34 grow in TEUs handled per year. Although the vessels calling at the Everport Container Terminal already
35 have high compliance rates with the VSRP, the additional ship calls associated with the proposed Project
36 will also be required to comply with the expanded VSRP (12 knots at 40 nautical miles). In addition, please
37 see Master Response 1: Feasible Mitigation – Guidance and Applicability, and Master Response 3: Port-
38 wide Emission Reduction Programs. LAHD continues to support the development of emission reduction
39 technologies and procedures, including those for OGVs using Port of Los Angeles facilities. However, as
40 these technologies become available they will be implemented Port-wide, using lease measure LM AQ-1.

41 **Response to Comment CARB-13**

42 The comment is noted. The commenter has recommended that the tenant equipment and technology
43 feasibility review occur every two years rather than a five-year period required in lease measure LM AQ-1.
44 The development of zero-emission technology equipment from concept and prototyping, through capability

1 and longevity demonstration, and then to commercial production (assuming technical and economic
 2 feasibility has been demonstrated) is a relatively slow and methodical process, especially for container
 3 terminals that pose challenging operating conditions. Some zero-emission technologies are also dependent
 4 on the concurrent development of alternative fuel infrastructure and/or energy storage technology
 5 advancements. Because of the long development lifecycle of zero-emission technology equipment, the
 6 recommendation of a two-year review period is not warranted. Further, a two-year review period would not
 7 allow for the amortization of new equipment, which typically have life-cycles that exceed two years. It
 8 should be noted that the proposed new lease would be for a period of 30 years. Per LM AQ-1, any time the
 9 tenant needs to replace or turnover equipment in its fleet, the tenant shall meet with LAHD to determine if
 10 something cleaner is feasible or technologically available. Also per LM AQ-1, when no new purchase or
 11 equipment turnover occurs, a five-year period is appropriate over the course of the lease to incorporate the
 12 potential emergent of new emission reduction technologies and time for the applicant/tenant to incorporate
 13 these new technologies into their operations. Please also refer to Master Response 1: Feasible Mitigation –
 14 Guidance and Applicability.

15 Response to Comment CARB-14

16 The comment is noted. The specific type of dredge used will depend on the dredge(s) that the successful
 17 bidder has in its fleet. However, a clam shell-type dredge was assumed for the analysis. The engine
 18 assumptions used in the air quality impact analysis for dredging and pile driving were provided in Table 10
 19 of Appendix B1 of the Draft EIS/EIR and schedule assumptions were provided in Table 9 of Appendix B1.
 20 Finally, the construction harbor craft (tugs and dive boats) assumptions were included in Table 24 of
 21 Appendix B1. The general information and assumptions regarding the dredge barge equipment and
 22 engines, and associated harbor craft are now provided in Table CARB-14-1 below for further clarification.
 23

Table CARB-14-1: Construction Dredge Barge and Piling Barge Equipment Information

Equipment	No. of equip.	HP (per piece of equipment)	LF (per piece of equipment)	hours/day	Total days
Dredge Barge:	1			22	28
Barge Crane	1	300	0.29	22	28
Deck Door Eng	1	86	0.89	22	28
Dredge (Clam Shell)	1	527	0.51	22	28
Generator	1	464	0.75	22	28
Hoist Swing Winch	1	379	0.31	22	28
Hoist Swing Pump	1	517	0.71	22	28
Tug Boat (derrick barge)	1	680x2	0.31	5	28
Dump Scows	2			8	28
Generators	2			1	28
Tug Boats (scows)	2	680x2	0.31	22	28
Derrick Barge (Piling):	1			8	170
Compressor	1	353	0.54	4	170
Barge Crane	1	300	0.29	8	170
Deck Door Eng	1	86	0.89	8	170
Generator	1	464	0.75	8	170
Hoist Swing Winch	1	379	0.31	8	170
Hoist Swing Pump	1	517	0.71	8	170
Vibratory Hammer	1	439	0.62	4.8	170
Pile Hammer	1	439	0.62	0.8	170
Jet Pump	1	113	0.74	8	170
Supply Barge (no equip)	1			8	170
Tug Boat (supply barge)	1	680x2	0.31	2	170

Table CARB-14-1: Construction Dredge Barge and Piling Barge Equipment Information

Equipment	No. of equip.	HP (per piece of equipment)	LF (per piece of equipment)	hours/day	Total days
Dive Boat	1	528x2	0.38	3	170

Notes:

HP = engine horsepower

LF = load factor

1
2 Regarding mitigation, LAHD has verified that electric dredge equipment has been demonstrated to be
3 technologically feasible, and is commercially available. Mitigation measure MM AQ-5 has been revised to
4 require, subject to availability at the time of construction, electric dredge equipment for construction of the
5 proposed Project. See Chapter 3 of this Final EIS/EIR for the addition of this requirement to MM AQ-5.
6 Note that the mitigated construction results are not being revised based on this addition to the mitigation
7 measures. Therefore, the mitigated construction emissions within the EIS/EIR are considered conservative.

8 **Response to Comment CARB-15**

9 The comment is noted. Please see Master Response 2: Zero-Emission Technologies, and Master Response
10 3: Port-wide Emission Reduction Programs. As noted in Master Response 2, zero- and near-zero- emission
11 technologies are not commercially feasible. When these technologies become commercially available,
12 lease measure LM AQ-1 will be used to incorporate them into terminals Port-wide. Note that the
13 commenter suggests that "...LAHD should require medium-duty and heavy-duty trucks traveling within
14 100 miles of the terminal use zero and near-zero technology." Since neither LAHD nor the Everport
15 Container Terminal operator control every truck traveling within 100 miles of the Port; therefore, this is not
16 an appropriate mitigation measure for the proposed Project's EIS/EIR (see Master Response 1: Feasible
17 Mitigation – Guidance and Applicability).

18 **Response to Comment CARB-16**

19 The comment is noted. As described in Section 7.0 of Appendix B3, this risk assessment used health-
20 protective assumptions to provide a margin of safety with respect to human health. The Port elected to start
21 the cancer risk exposure period in 2018 for all receptor types for several reasons. First, 2018 is the first
22 planned year of proposed Project construction, when construction emissions would combine with
23 operational emissions to produce a temporary spike in emissions that would coincide with the highest-
24 weighted age range (3rd trimester to 2 years) for residential risk. Second, this exposure period represents
25 immediate impacts to the surrounding community. By contrast, starting the exposure period in 2033 would
26 mean the cancer risk impact would not even begin for another 16 years. Third, the Port would have low
27 confidence in the estimated cancer risks for an exposure period starting in 2033 because (a) all but the first
28 five years of the exposure period would take place after the proposed Project's lease expires in 2038; and
29 (b) the exposure period would extend well beyond the current forecast horizons for air quality emissions
30 models (they currently forecast to about 2045 or 2050).

31
32 Nevertheless, for informational purposes, the Port conducted a sensitivity analysis for two HRA receptors to
33 see how the predicted cancer risks would change if the exposure period was to start in 2033 instead of 2018.
34 The sensitivity analysis is provided as an additional appendix in Chapter 3 of this Final EIS/EIR and
35 summarized herein. The two selected receptors were the maximally impacted residential and sensitive
36 receptors for the NEPA increment, as shown in Table 3.2-27 of the Draft EIS/EIR. For lack of better data,
37 proposed Project emissions were assumed to continue until the end of the exposure period (even beyond the
38 proposed lease period) at the same rate as their latest projected year in the Draft EIS/EIR. The sensitivity
39 analysis showed that the unmitigated cancer risks for the proposed Project before subtracting baseline
40 would be about 3 to 4 percent (about 2 per million) higher for both receptor types if the exposure period

1 were to start in 2033 instead of 2018. The mitigated cancer risks would be about 1 percent (0.6 per million)
2 lower for the residential receptor and 0.6 percent (0.2 per million) higher for the sensitive receptor. Both the
3 mitigated and unmitigated results would be below the threshold of significance. The chronic and acute
4 hazard indices would not be affected because they were analyzed in the Draft EIS/EIR with their maximum
5 emissions from all analysis years. Therefore, no finding would have changed as a result of the conducting
6 the HRA in the manner suggested by the commenter.

7 **Response to Comment CARB-17**

8 The comment is noted. The Draft EIR/EIS included text and table footnotes in Appendix B3 to describe the
9 meaning of the tabular results. For example, the “Proposed Project” column in Table B3-5 represents the
10 maximum predicted health values associated with construction and operation of the proposed Project,
11 before subtracting the baseline health values. This is indicated in Footnote (a). The “CEQA Baseline”
12 column represents the maximum predicted health values associated with operation of the CEQA baseline.
13 The emissions assumed for the CEQA baseline are described in Section 2.1 of Appendix B3. The “CEQA
14 Increment” column represents the maximum difference of the Proposed Project minus the CEQA Baseline,
15 determined by subtracting the results at each receptor and selecting the maximum receptor. This is
16 indicated in Footnote (b) as well as the text on Page B3-18. The “Future CEQA Baseline” column
17 represents the maximum predicted health values associated with operation of the future CEQA baseline.
18 The emissions assumed for the future CEQA baseline are described in Section 2.1 of Appendix B3. The
19 “Future CEQA Increment” column represents the maximum difference of the Proposed Project minus the
20 future CEQA baseline, determined by subtracting the results at each receptor and selecting the maximum
21 receptor. This is indicated in Footnote (c) as well as the text on Page B3-18. Furthermore, Footnote (d)
22 explains that the maximum health values for the Proposed Project, CEQA Baseline, and CEQA Increment
23 may not all occur at the same receptor location; likewise, the maximum health values for the Proposed
24 Project, Future CEQA Baseline, and Future CEQA Increment may not all occur at the same receptor
25 location.

26
27 The locations of the maximum increment receptors (i.e., corresponding to the maximum health values for
28 the “CEQA Increment” and “Future CEQA Increment” in Table B3-5) are shown in Figure B3-3.

29 **Response to Comment CARB-18**

30 The comment is noted. As detailed in Response to Comment USEPA-12, before a project is authorized to
31 utilize ocean disposal site, approval from the USEPA is required, which cannot be guaranteed at this time.
32 Therefore, both 100 percent upland disposal and 100 percent ocean disposal options for dredged material
33 were analyzed for air quality impacts, as presented in Section 3.2.4.5 of the Draft EIS/EIR, disclosing the
34 impacts for whichever option is finally selected. Although Appendix F2 determined that ocean disposal of
35 dredged material is the only practicable disposal option, should USEPA not grant approval of ocean
36 disposal at LA-2, an upland disposal option will become necessary. Therefore, the Draft EIS/EIR
37 intentionally evaluated both dredge material disposal options. In essence, the upland disposal scenario is
38 analyzed to disclose the potential impacts in the case that USEPA approval for dredge material disposal at
39 LA-2 is not granted. Regarding the comment that the referenced table should include the assumptions for
40 ocean disposal, the key assumptions associated with ocean disposal are contained in Appendix B.

41 **Response to Comment CARB-19**

42 The comment is noted. Sweeper emission rates under former CARB CHE regulations would be higher
43 across all criteria pollutants than sweeper emission rates as reflected in the CARB OFFROAD inventory.
44 Therefore, the analysis presented in the Draft EIS/EIR is conservative and no changes to the model or
45 impact analysis is needed. For the commenter’s convenience, provided below are the CARB CHE sweeper

1 emission rates and the CARB OFFROAD sweeper emission rates, both in units of grams per hour. The
 2 CHE emission rates are presented in Appendix B1. The OFFROAD rates are from CARB's
 3 OFFROAD2007 emissions model. The rates below are for calendar year 2018.

Sweepers	CO	HC	TOG	NOx	PM	PM10	PM2.5	Sox	CO2	CH4	N2O
CHE	338.9	38.7	89.6	1074.9	41.7	41.4	39.6	1.7	165529	9.1	0.0
Offroad'07	145.9	-	40.5	275.2	9.2	9.2	9.1	0.8	73424	3.7	0.0

5
 6 The text in the Draft EIS/EIR will be revised to show that sweepers are classified and regulated as
 7 OFFROAD equipment, not CHE, under CARB.

8 **Response to Comment CARB-20**

9 The comment is noted. The comment is general and does not identify any specific deficiencies or contest
 10 the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA
 11 Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

12 **Response to Comment CARB-21**

13 The comment is noted. A copy of the Final EIS/EIR will be provided as requested.
 14

15 **2.3.4 Regional and Local Government Comments**

16

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE



DATE: May 1, 2017

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

FROM: Ali Poosti, Division Manager
Wastewater Engineering Services Division
LA Sanitation

SUBJECT: BERTHS 226-236 [EVERPORT] CONTAINER TERMINAL IMPROVEMENTS PROJECT – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT

This is in response to your April 18, 2017 letter requesting a review of your proposed improvement project located at 389 Terminal Way, Terminal Island. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) has reviewed the request and found the project to be related to physical improvements of facilities.

Based on the project description, we have determined the project is unrelated to sewer capacity availability, but may require sewer line relocation. We therefore do not have sufficient detail to offer an analysis for sewer capacity at this time. Should the project description change, please continue to send us information so that we may determine if a sewer assessment is required in the future. If sewer relocation is required for this project, the relocation must be coordinated with the Bureau of Sanitation.

BOS-1

If you have any questions, please call Eduardo Perez of my staff at (323) 342-6207.

STORMWATER REQUIREMENTS

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

POST-CONSTRUCTION MITIGATION REQUIREMENTS

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

BOS-2

GREEN STREETS

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

**BOS-2
cont.**

CONSTRUCTION REQUIREMENTS

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

BOS-3

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

SOLID RESOURCE REQUIREMENTS

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

BOS-4

EP/AP:as

c: Kosta Kaporis, LASAN
Daniel Hackney, LASAN
Eduardo Perez, LASAN

2.3.4.1 City of Los Angeles, Bureau of Sanitation, Wastewater Engineering Services Division (BOS)

Response to Comment BOS-1

Thank you for your comment. The comment indicates that the proposed Project is unrelated to sewer capacity availability, but may require sewer line relocation. Should sewer relocation be required, the relocation will be coordinated with the Bureau of Sanitation. The proposed Project does not require the relocation of any sewer line but LAHD will coordinate with BOS if such a need arises.

Response to Comment BOS-2

The comment is noted. The comment provides standard requirements related to the implementation of stormwater mitigation measures. Section 3.11.3.10 of the Draft EIS/EIR discussed the applicable regulations related to the Los Angeles Municipal Separate Storm Sewer System (MS4) permit, including the LID requirements, as they relate to the proposed Project. Additionally, Section 3.11.4.1 of the Draft EIS/EIR identifies LAHD's commitments during construction and long-term operation for the reduction of impacts on water quality, which includes LAHD incorporating MS4/LID measures into the proposed Project design for review and approval. The impact analysis (Section 3.11.4.3 under Impact WQ-1) in the Draft EIS/EIR assumes runoff at the Project site will be collected by the on-site storm drain system and is managed in compliance with applicable permits and ordinances (including MS4/LID requirements).

The comment provides background on the City's Green Street Initiative. It should be noted that the proposed Project includes closure of portions of Terminal Way, Barracuda Street, Tuna Street, and Ways Street within the Project site and rerouting of Terminal Way traffic to Cannery Street. The Project site is at the downstream end of the watershed and in a location (within Harbor waters) where groundwater recharge does not provide a water supply benefit; therefore, the proposed Project does not have the opportunity to implement Green Street elements.

Response to Comment BOS-3

The comment is noted. Section 3.11.3.9 of the Draft EIS/EIR discusses the State Water Resources Control Board Stormwater Permits that are applicable for construction activities. Additionally, Section 3.11.4.1 of the Draft EIS/EIR identifies the assumptions that will be adhered to during construction for the reduction of impacts to water quality.

Response to Comment BOS-4

The comment is noted. The proposed Project does not involve residential development or the addition of building floor area. All improvements would occur within the existing limits of the terminal, and do not include any new building areas. Therefore, the recycling requirements discussed by the commenter are not applicable.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL & USPS:

June 2, 2017

theresa.stevens@usace.army.mil

U. S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: Ms. Theresa Stevens, Ph.D.
2151 Alessandro Drive, Suite 110
Ventura, California 93001

ceqacomment@portla.org

City of Los Angeles Harbor Department
Environmental Management Division
ATTN: Mr. Christopher Cannon, Director
P.O. Box 151
San Pedro, CA 90731

**Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for
the Proposed Berths 226-236 [Everport] Container Terminal Improvements Project
("Proposed Project") (SCH No.: 2014101050)**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIS/EIR.

SCAQMD staff understands that the fundamental purpose of the proposed project is to increase the container-handling efficiency and capacity of the existing Everport Container Terminal ("Terminal") at the Port of Los Angeles ("Port") in order to accommodate larger container vessels of up to 16,000 twenty-foot equivalent units [TEUs] that are anticipated to call at the Terminal through year 2038. This proposed project supports the long-term development and growth of the Port.

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board of Directors on March 23rd. The 2016 AQMP¹ is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and lays out the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

SCAQMD-1

¹ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Available at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

SCAQMD staff supports the Port's commitment to improve air quality while the Port continues to be economically competitive, efficient, and environmentally sustainable. This commitment was recently reaffirmed in the San Pedro Bay Ports Clean Air Action Plan 2017 Discussion Draft². As described above, achieving NOx emission reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attaining the ozone NAAQS as expeditiously as practicable, and we believe that the Port plays an important role in supporting SCAQMD's commitment.

Project Description

The Lead Agency proposes to dredge and dispose of approximately 38,000 cubic yards of sediment, provide structural improvements to stabilize the wharf, raise the existing eight cranes, install five new cranes, build vessel servicing infrastructure with five maritime power vaults, and develop 23.5 acres as new terminal backlands on 229 acres. The Lead Agency also proposes to extend the Terminal lease by 10 years from 2028 through 2038.

Construction is expected to take approximately 24 months and would begin in late 2017³. The Terminal would continue to operate during construction with vessels using Berths 226-229 while Berths 230-232 are under construction, and vice versa⁴. By year 2038, approximately 2.38 million TEUs (an increase of 1.14 million TEUs from 1.24 million TEUs in year 2013) and 208 annual vessel calls (an increase of 42 from the 166 vessel calls in 2013)⁵ are expected at the Terminal. The number of trains would increase to approximately six trains per day from the two in year 2013. Daily truck trips would also increase by 2,523 to 7,028 daily truck trips in the peak month⁶. The net increase in employment attributable to the proposed project (direct) would be 4,230 jobs in year 2038⁷.

Air Quality and Health Risk Assessment (HRA) Analyses

The Lead Agency found that the proposed project's regional air quality impacts from construction for NOx in 2018 and 2019⁸ and for VOC in 2019 will be significant and unavoidable after mitigation⁹. Overlapping construction and operational emissions will remain significant after mitigation for NOx in 2019.¹⁰ The Lead Agency also found that maximum off-site ambient air pollutant concentrations during construction would be significant and unavoidable for NO₂ (federal 1-hour average), and overlapping construction and operations would be significant and

SCAQMD-1
cont.

² San Pedro Bay Ports. November 2016. *Clean Air Action Plan 2017: Draft Discussion Document*. Available at: <http://www.cleanairactionplan.org/wp-content/uploads/2016/11/CAAP-2017-Draft-Discussion-Document-FINAL.pdf>.

³ Draft EIS/EIR. Executive Summary. Page ES-11.

⁴ Draft EIS/EIR. Project Description. Page 2-36. Table 2-3: *Construction Schedule*, Page 2-37.

⁵ Draft EIS/EIR. Project Description. Table 2-1: *Existing and Projected Berths 226-236 [Everport] Container Terminal Throughput*. Page 2-4.

⁶ Draft EIS/EIR. Project Description. Page 2-39.

⁷ Draft EIS/EIR. Executive Summary. Page ES-68.

⁸ Draft EIS/EIR. Executive Summary. Table ES-3: *Summary of Potential Significant Impacts and Mitigation for the Proposed Project and Alternatives*. Page ES-27.

⁹ *Ibid.*

¹⁰ *Ibid.*

unavoidable for NO₂ (federal 1-hour average) and PM₁₀ (24-hour and annual average)¹¹. The proposed project's regional operational impacts after incorporating mitigation measures will remain significant and unavoidable for CO and VOC in year 2033 and year 2038.¹² The proposed project's mitigated maximum cancer risk (MICR) for residential, occupational, and sensitive receptors was found to be 1.3 in a million, 5.8 in a million, and 0.8 in a million, respectively¹³.

SCAQMD-1
cont.

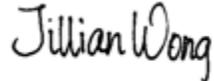
After a review of the air quality and health risk analyses and supporting technical documents, SCAQMD staff has concerns about the analyses in the Draft EIS/EIR, which have likely led to an under-estimation of the project's impacts. First, the analyses improperly credit the proposed project with emission reductions that will occur independent of the proposed project due to adopted state and federal rules and regulations. Second, the modeling performed for the proposed project used improper parameters and outdated meteorological data. Additional details are included in the attachment. The attachment also includes a discussion of recommended changes to the existing mitigation measures for air quality which the Lead Agency should implement.

SCAQMD-2

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIS/EIR. Further, SCAQMD staff is available to work with the Lead Agency to address the comments raised herein and any other questions that may arise. If you have any questions regarding this letter, please contact me at jwong1@aqmd.gov or Lijin Sun, Program Supervisor, CEQA IGR, at lsun@aqmd.gov.

SCAQMD-3

Sincerely,



Jillian Wong, Ph.D.
Planning and Rules Manager
Planning, Rule Development & Area Sources

Attachment
JW:LS/JC/MS/GM
LAC170421-03
Control Number

¹¹ *Ibid.*

¹² *Ibid.* Page ES-28.

¹³ Draft EIS/EIR. Section 3.2, Air Quality and Meteorology. Table 3.2-26: *Maximum CEQA Health Impacts Estimated for Construction and Operation of Proposed Project.* Page 3.2-68.

ATTACHMENT

CEQA Baseline

1. The Draft EIS/EIR should include a realistic baseline which accurately reflects the improvements in air quality that will occur, independent of the proposed project. The CEQA baseline year for determining the air quality impacts from criteria pollutants was 2013¹⁴. This baseline is held constant (i.e. using emission rates from 2013) and compared to future interim years under the proposed project (i.e. using emission rates from future years). This approach using a comparison between the proposed project's impacts in future years (using emission rates from those years) and a 2013 baseline (using emission rates from 2013) improperly credits the proposed project with emission reductions that will occur independent of the proposed project due to adopted state and federal rules and regulations, since these rules and regulations are expected to improve air quality, even in the absence of the proposed project. Therefore, SCAQMD staff believes that the proposed project may have underestimated the true impacts attributable to the proposed project's activities. In *Neighbors for Smart Rail v. Exposition Metro Line Construction (2013) 57 Cal.4th 439*, the California Supreme Court held that using a future baseline is proper in some cases. The purpose of CEQA is to disclose environmental impacts from the proposed project to the public and decision makers in order to provide the public and decision makers with the actual changes to the environment from the activities involved in the proposed project. By taking credit for future emission reductions from existing air quality rules and regulations, the proposed project's air quality impacts are underestimated. Therefore, SCAQMD staff recommends that the Lead Agency revise the air quality analysis to include a comparison between the emissions in year 2019, year 2026, year 2033, and year 2038 with the proposed project and the emissions in the same respective years without the proposed project, and use this analysis to determine the level of significance. By using a consistent emission rate for the analysis, the air quality and health risk impacts of the project will be accurately disclosed (i.e. impacts based on the change in activity due to the proposed project).

SCAQMD-4

SCAQMD's Air Quality CEQA Thresholds of Significance

2. Based on the proposed project's construction schedule¹⁵, construction and operation activities are expected to overlap in 2018 and 2019. In the case of overlapping construction and operation activities, SCAQMD staff recommends adding the construction and operational emissions and comparing those emissions to the SCAQMD's air quality CEQA significance thresholds for operation¹⁶.

SCAQMD-5

Methodology for Determining the Significance of Air Quality Impacts

3. As described in Comment No. 1, SCAQMD staff found that the proposed project's operational air quality emissions from criteria pollutants, with and without mitigation, were first subtracted

SCAQMD-6

¹⁴ Draft EIS/EIR. Executive Summary. Page ES-5.

¹⁵ Draft EIS/EIR. Project Description. Table 2-2: *Construction Schedule*. Page 2-37.

¹⁶ South Coast Air Quality Management District. *SCAQMD Air Quality Significance Thresholds*. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>.

from the 2013 CEQA baseline air emissions, and the resulting differences were compared to the SCAQMD's regional air quality CEQA significance thresholds to determine the level of significance in year 2019, year 2026, year 2033 and year 2038. However, based on a review Appendix B3, *Health Risk Assessment*¹⁷, SCAQMD staff found that the methodology for the HRA analysis included a comparison between potential health risks in year 2038 with and without the proposed project to determine the level of significance without subtracting the 2013 CEQA baseline. As such, SCAQMD staff found that the methodology for determining the significance of air quality impacts is not consistent with the methodology for determining the significance of health risks. It is recommended that the Lead Agency use consistent methodologies when determining both air quality and health risk impacts in the Final EIS/EIR.

SCAQMD-6
cont.

Air Dispersion Modeling Parameters

4. Some of the receptors were placed within the volume source exclusion zone, and the results at these locations might not be accurate. Therefore, SCAQMD staff recommends that the Lead Agency revise the HRA by using a greater number of smaller volume sources to avoid placing receptors within the volume source exclusion zone.

SCAQMD-7

5. The Lead Agency used differing Locomotives transit – Day and Night release heights in their source parameters (Day – 5.6 meters and Night – 14.6 meters). Appendix B2, Section 3.1.2 Operational Emission Sources, stated that the “locomotives in transit were set to different heights for daytime conditions compared to nighttime conditions.” Changes in atmospheric conditions are already accounted for within AERMOD. By using higher nighttime release heights, the Lead Agency has likely underestimated health risks. The Lead Agency should revise the HRA to use the same release heights for daytime and nighttime locomotive emissions and re-evaluate the health risks.

SCAQMD-8

6. Page B2-8 of Appendix B2 of the Draft EIS/EIR indicated that 2006-2007 meteorological data from the Terminal Island Water Reclamation Plant (TITP) was used for dispersion modeling for both criteria pollutants and toxic air contaminants (TACs). The meteorological data is outdated, and the Lead Agency used an outdated version of AERMOD to process the meteorological data. SCAQMD staff has prepared AERMOD-ready meteorological data which could be used by the Lead Agency in the air quality analysis¹⁸. The Lead Agency could use the SCAQMD meteorological data collected at the Long Beach station¹⁹. Additionally, the U.S. EPA recommends that for on-site meteorological data, the most recent five-year data be used for the purposes of air dispersion modeling²⁰. Therefore, SCAQMD staff recommends that the Lead Agency update HRA using the latest five years of available meteorological data

SCAQMD-9

¹⁷ Draft EIS/EIR. Appendix B3-Health Risk Assessment. Table B3-5: *Maximum CEQA Health Impacts Estimated for Construction and Operation of the Proposed Project Without Mitigation*. Page B3-17.

¹⁸ South Coast Air Quality Management District. Meteorological Data for AERMOD. Available at: <http://www.aqmd.gov/home/library/air-quality-data-studies/meteorological-data/data-for-aermod>.

¹⁹ *Ibid*.

²⁰ United States Environmental Protection Agency. February 2000. *Meteorological Monitoring Guidance for Regulatory Modeling Applications*. Page 6-30. Available at: <https://www3.epa.gov/scram001/guidance/met/mmgrma.pdf>. See also 40 CFR Ch. I (7-1-11 Edition). *Appendix W to Part 51 – Guideline on Air Quality Models*. Available at: <https://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol2/pdf/CFR-2011-title40-vol2-part51-appW.pdf>.

and use AERMET version 16216 (or the most recent version available at the time of analysis) to process the data. Updates and improvements to AERMET may also affect the air dispersion modeling results. SCAQMD-9 cont.

Methodology for Determining Morbidity and Mortality Impacts

7. Mortality is a measure of the number of deaths in a population, scaled to the size of that population, per unit time. Morbidity refers to the number of individuals who have contracted a disease during a given time period (the incidence rate) or the number who currently have that disease (the prevalence rate), scaled to the size of the population. On Page 3.2-76 of the Draft EIS/EIR, the Lead Agency found that the proposed project would not exceed the Los Angeles Harbor Department's (LAHD) criterion for calculating morbidity and mortality impacts attributable to PM, and that mortality and morbidity significance would be identified by exceedance of SCAQMD's PM2.5 localized significance criterion of 2.5 $\mu\text{g}/\text{m}^3$.

SCAQMD-10

First, SCAQMD staff does not agree with using SCAQMD's localized PM2.5 threshold as a screening threshold for determining the significance of morbidity and mortality impacts. The SCAQMD's PM2.5 significance threshold of 2.5 $\mu\text{g}/\text{m}^3$ is designed to determine the significance of localized impacts on nearby receptors, and it was made to be consistent with existing permitting requirements under SCAQMD Rule 1303. The PM2.5 significance threshold of 2.5 $\mu\text{g}/\text{m}^3$ was not intended to be used as a screening tool to determine if mortality and morbidity impacts analysis would be warranted. As such, SCAQMD staff recommends that the Lead Agency revise the PM mortality analysis and use the methods described in California Air Resources Board's 2010 guidance document²¹. Second, the analysis did not include a reference to the LAHD's criterion that was used for determining if calculating morbidity and mortality impacts attributable to PM would be warranted. As such, SCAQMD staff recommends providing a reference to the LAHD's criterion in the Final EIS/EIR.

Recommended Changes to Existing Mitigation Measures

Technology Review

8. The Draft EIS/EIR includes a mitigation measure under lease management (LM) AQ-1, which requires a review of new emissions reduction technologies for feasibility every five years beginning five years after the lease agreement. SCAQMD staff believes that the Lead Agency should take this opportunity to deploy the lowest emission technologies possible. This is consistent with Port's air quality commitment, as well as in support of SCAQMD's commitment to achieve NOx emission reductions. The deployment should include those technologies that are "capable of being accomplished in a successful manner within a reasonable period of time" (Public Resources Code Section 21061.1), such as zero and near-zero emission technologies that are expected to be available in the life of the proposed project. As such, SCAQMD staff recommends that the Lead Agency assess equipment availability,

SCAQMD-11

²¹ California Air Resources Board. August 31, 2010. *Estimate Premature Deaths Associated with Long-term Exposure to Fine Particle Pollution (PM2.5) in California Using a U.S. Environmental Protection Agency Methodology*. Available at: https://www.arb.ca.gov/research/health/pm-mort/pm-report_2010.pdf.

equipment fleet mixtures, and best available emissions control devices every two years beginning two years after lease agreement is entered. When a new emission control technology is found feasible and would substantially reduce air emissions, but the Lead Agency declines to implement such technology, a subsequent EIR shall be prepared (CEQA Guidelines Section 15162(a)(3)(C)). SCAQMD staff's recommended revisions to LM AQ-1 are below:

LM AQ-1: Replacement of Equipment and Review of New Technology

“[...] LAHD shall require the tenant to review any new emissions-reduction technology for feasibility and report back to LAHD every ~~five~~ two years beginning ~~five~~ two years after lease agreement if no new purchase or equipment turnover occurs sooner as noted in the aforementioned paragraph. If LAHD and tenant determine the technology is feasible in terms of cost and operations, subject to the requirements as set forth in the CEQA Guidelines Section 15162(a)(3)(C), the tenant shall work with LAHD to implement such technology.”

SCAQMD-11
cont.

Enforceability

9. Mitigation Measure (MM) AQ-2 and MM AQ-3 provide circumstances under which the EPA 2010 on-road haul truck and Tier 4 off-road construction equipment requirements would not apply. CEQA requires that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (Public Resources Code Section 21081.6 (b) and CEQA Guidelines Section 15126.4 (a)(2)). To ensure that the requirements set forth in MM AQ-2 and MM AQ-3 are enforceable, and to further reduce emissions during construction and operation, SCAQMD staff recommends the following revisions:

MM AQ-2: On-Road Trucks Used During Construction. On-road trucks shall comply with EPA 2010 on-road emission standards or better, unless the contractor can reasonably demonstrate provides a written finding consistent with project contract or lease management requirements and obtains written approval from the Lead Agency that such equipment is unavailable to the satisfaction of LAHD.

MM AQ-3: Non-road Construction Equipment (except vessels, harbor craft, on-road trucks, and dredging equipment). All non-road construction equipment greater than 50 hp must meet EPA Tier 4 emission standards, unless the contractor can reasonably demonstrate provides a written finding consistent with project contract or lease management requirements and obtains written approval from the Lead Agency that such equipment is unavailable to the satisfaction of LAHD.

SCAQMD-12

General Conformity Determination

10. On May 17, 2017, SCAQMD staff received a letter from the Port requesting confirmation that the previously allocated emissions for construction in 2018 were still valid.²² Based on a review of Appendix B4, *Draft General Conformity Determination*, SCAQMD staff found that

SCAQMD-13

²² E-mail correspondence and attachment on May 17, 2017 from the Port of Los Angeles Harbor Department (Ms. Yolanda Mativa) to SCAQMD (Dr. Phillip Fine).

construction emissions for year 2019 were not analyzed because “very little [construction] is expected to occur in 2019 [...]”²³. SCAQMD staff recommends that the Lead Agency provide an estimate of the proposed project’s construction emissions in 2019 and compare those emissions to the de minimis thresholds in the Final EIS/EIR in order to provide substantial evidence that construction emissions in 2019 are below the de minimis thresholds. In the event that a general conformity determination for 2019 is required from SCAQMD, the estimation of the proposed project’s construction emissions in 2019 will assist SCAQMD staff in reviewing and determining if the NOx emissions from 2019 can be accommodated within the General Conformity Budgets established in the Final 2012 AQMP.

SCAQMD-13
cont.

²³ Draft EIS/EIR. Appendix B4, Draft General Conformity Determination. Table 4-1, *Emission Scenario Years for General Conformity Evaluation Based on 2012 AQMP*. Page 4-2. Footnote 2 to Table 4-1.

2.3.4.2 South Coast Air Quality Management District (SCAQMD)

Response to Comment SCAQMD-1

The comment is noted. The comment summarizes the conclusions of the Draft EIS/EIR with respect to air quality impacts and does not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

Response to Comment SCAQMD-2

The comment is noted. LAHD does not agree that there was any underestimation of emissions associated with the proposed Project. Please refer to responses to SCAQMD-4 through SCAQMD-10 for discussions of the specific technical issues to which this comment generally refers.

Response to Comment SCAQMD-3

The comment is noted. Responses to SCAQMD's comments are provided in this Final EIS/EIR. As required by law, LAHD will be providing all commenter's with written responses prior to the certification of the Final EIS/EIR.

Response to Comment SCAQMD-4

The comment is noted. The commenter contends that a comparison between the proposed Project's impacts in future years (using emission rates from those years) and a 2013 baseline (using emission rates from 2013) improperly credits the proposed Project with emission reductions that will occur independent of the proposed Project due to adopted state and federal rules and regulations, since these rules and regulations are expected to improve air quality, even in the absence of the proposed Project.

Draft EIS/EIR Section 3.2.4.2 discusses the legal basis for the selection of a 2013 CEQA baseline. The CEQA analysis of air quality impacts is based on a comparison of the proposed Project emissions to the baseline existing conditions. This is consistent with CEQA Guidelines §15125(a), which states that the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. Section 15125(a) also provides that the existing conditions are normally described as they exist at the time the notice of preparation (NOP) is published, which, in the case of the proposed Project, was 2014. Other courts have also recognized the discretion of lead agency's to determine the baseline. (See *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320-322 [also reasoning that "the baseline for an agency's primary environmental analysis under CEQA must ordinarily be the actually existing physical conditions"].) For purposes of this Draft EIS/EIR, the CEQA baseline takes into account the throughput for the 12-month calendar year preceding NOP publication (January through December 2013) in order to provide a representative characterization of activity levels throughout the complete calendar year preceding release of the NOP.

Using existing conditions as the baseline is appropriate for the proposed Project air quality analysis because, in part, the analysis is based on comparison of the baseline with construction emissions and with operational emissions at several discrete points in time for specific analysis years. This approach is consistent with *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. In that case, the Court held that the lead agency erred because there was not sufficient justification in the administrative record to justify its decision to use *only* a baseline of conditions projected to exist in the year 2030. In so holding, the Supreme Court endorsed the rule enunciated in *Sunnyvale West*

1 *Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351¹: “[A] project’s effects
2 on future conditions are appropriately considered in an EIR’s discussion of cumulative effects and in
3 discussion of the no project alternative. (*Sunnyvale West, supra*, 190 Cal.App.4th at pp. 1381–1382.)”
4 (*Neighbors for Smart Rail*, at p. 454.)
5

6 Here, the Draft EIS/EIR includes a comparison of the future Project emissions to an appropriate future
7 baseline under the NEPA impact analysis discussion.² The NEPA Baseline operational emissions, by year,
8 are presented in the Draft EIS/EIR, Section 3.2.4.3, Table 3.2-5, on pages 3.2-18 and 19. Comparison of
9 the proposed Project emissions, by year, against the NEPA Baseline (same emissions as the No Project
10 Alternative) Study Year scenarios are presented in the Draft EIS/EIR, Section 3.2.4.5, Table 3.2-20, on
11 pages 3.2-46 through 48 (under the NEPA Impacts rows for each Study Year). Therefore, the comparison
12 between the proposed Project and a future baseline (the NEPA Baseline/No Project scenario) in a manner
13 that applies the same emission factors and regulations to each scenario has already been presented in the
14 Draft EIS/EIR, as requested. The significance threshold used for NEPA impact analysis is identical to the
15 threshold used for the CEQA impact analysis, thus disclosing the significance of the project’s impacts as
16 compared to a future baseline. Mitigation measures will be implemented for both CEQA and NEPA
17 significant impacts.
18

19 The approach used in the Draft EIS/EIR (i.e., the use of existing conditions as a CEQA baseline to
20 determine CEQA impacts, while at the same time disclosing impacts against a future baseline as part of the
21 No Project/No Action analysis), was upheld in the matter of *Fast Lane Transportation, Inc. v. City of Los*
22 *Angeles, et al. (2016) Case No. CIV. MSN-14-0300, the full decision of which is incorporated herein by*
23 *reference.*

24 **Response to Comment SCAQMD-5**

25 The comment is noted. The Port used the construction thresholds when assessing overlapping construction
26 and operation activities because the impacts would occur during the construction period, prior to operation
27 of the Project in its proposed configuration as described in the EIS/EIR.

28 **Response to Comment SCAQMD-6**

29 The comment is noted. To the extent the commenter is asserting that the HRA only evaluated year 2038,
30 improperly did not subtract the 2013 CEQA baseline, and was required to use the same assumptions and
31 methodologies as those used in the analysis of air quality, the commenter is incorrect. As explained in
32 Sections 2.1 and 2.2 of Appendix B3, the HRA analysis and the methodologies used to prepare the HRA are
33 supported by substantial evidence and did not evaluate only the year 2038. For example, residential cancer
34 risks for the proposed Project were determined by modeling emissions over a 30-year period, 2018-2047.
35 Non-cancer risks were determined by modeling maximum emissions from years 2018, 2019, 2026, 2033,
36 and 2038. The HRA used industry standard models (AERMOD and HARP2) and exposure assumptions
37 built into the models and consistent with current guidance (OEHHA, 2015. *Air Toxics Hot Spots Program*
38 *Risk Assessment Guidelines. Guidance Manual for Preparation of Health Risk Assessments.* February).
39

¹ The Court disapproved *Sunnyvale West* “insofar as [it holds] an agency may never employ predicted conditions as the sole baseline for analysis of a project’s environmental impacts.” (*Neighbors for Smart Rail*, 57 Cal.4th at p. 457.)

² Note the operational emissions for the NEPA Baseline (Alternative 1) are identical to operational emissions for the CEQA No Project scenario (Alternative 2), as noted in the Draft EIS/EIR, Section 3.2.4.5, Alternative 2, Impact AQ-3, on page 3.2-110

1 Regarding the methodology for determining the significance of impacts under CEQA, the HRA is
2 consistent with the other portions of the air quality analysis because it compares the future proposed Project
3 risk to the 2013 CEQA baseline risk. This risk increment is shown in the 5th column of Table B3-5
4 (“CEQA Increment”). However, as explained in Section 2.1 of Appendix B3, the extremely long exposure
5 periods assumed in the HRA for cancer risk (30 years for residential exposure and 25 years for occupational
6 exposure) make cancer risk unique among all other air quality indicators in the DEIS/EIR. Therefore, to
7 resolve the complexity of evaluating a fixed point in time (the 2013 baseline condition) over decades-long
8 exposure periods, the Port elected to evaluate the CEQA baseline cancer risk using a second approach. In
9 this second approach, the “future CEQA baseline” is evaluated by assuming constant 2013 terminal activity
10 levels for each year of the exposure period, but the emission factors vary year-by-year, starting with 2013
11 and continuing for the entire exposure period. The “Future CEQA Increment”, which is the future proposed
12 Project risk minus the future CEQA baseline risk, is shown in the 7th column of Table B3-5. The purpose of
13 the Future CEQA Increment is not to compare the project to a without-project scenario, as asserted by the
14 commenter, but rather to compare the proposed Project to an alternate, less conservative version of the 2013
15 CEQA baseline (the subtraction of which yields a more conservative project increment).

16
17 The need to compare the proposed Project to two versions of the CEQA baseline does not exist for any
18 other air quality indicators (such as regional criteria pollutant emissions, local criteria pollutant
19 concentrations, or the chronic and acute hazard indices) because the other indicators are based on emissions
20 or modeled concentrations over the period of one year or less, which fit entirely within the 2013 baseline
21 period. Therefore, evaluation of a future baseline is not applicable to any air quality indicator except cancer
22 risk.

23
24 Please see the Response to Comment SCAQMD-4 for the legal justification for the selection of the CEQA
25 baseline in the HRA and air quality impacts analysis.

26 **Response to Comment SCAQMD-7**

27 The commenter recommends that the HRA be revised to use a greater number of smaller volume sources to
28 avoid placing receptors within the volume source exclusion zone. The comment is noted. The HRA,
29 however, is supported by substantial evidence and was expansive in scope. The air dispersion modeling for
30 example, using AERMOD, predicts the reasonably foreseeable project-related impacts to ambient air
31 quality from the operation of ships, harbor craft, cargo handling equipment, rail locomotives, and container
32 trucks at the Everport Container Terminal, as well as from construction equipment used to build the project
33 elements. The vessels, equipment, and vehicles are modeled in AERMOD as either area sources or volume
34 sources. Ships and the assist tugs, rail locomotives, and trucks travel on set paths (shipping lanes, rail lines,
35 or roadways), and are modeled as line sources in AERMOD. These line sources are analyzed by creating a
36 series of volume sources along the ship or equipment path. Cargo handling and project construction
37 equipment generally operate within the confines of the terminal boundary, and are modeled as areas sources
38 with an extent and shape that matches the terminal area, or the specific construction area where the
39 equipment would operate. Each model run included in the Draft EIS/EIR analyzed up to 9,500 individual
40 area and volume sources.

41
42 Receptors were also incorporated into the AERMOD models. These receptors are the geographic locations
43 where air pollutant concentrations are calculated, and typically represent residents, school children, offsite
44 workers, or other potentially impacted populations. Each model run typically analyzed concentrations at
45 1,300 receptors. The AERMOD algorithms make no restrictions on the distances between area sources and
46 receptors. However, the AERMOD algorithms do check distances between receptors and volume sources
47 because the equations used to calculate concentrations from volume sources are not appropriate at distances
48 very close to the source. This distance is referred to as the exclusion zone, and if a receptor is located
49 within a volume source exclusion zone AERMOD does not perform the concentrations calculation for that

1 specific source and receptor pair. Of the 1,300 receptors in the model runs, approximately 150 fell within
2 exclusion zones for one or more volume sources.

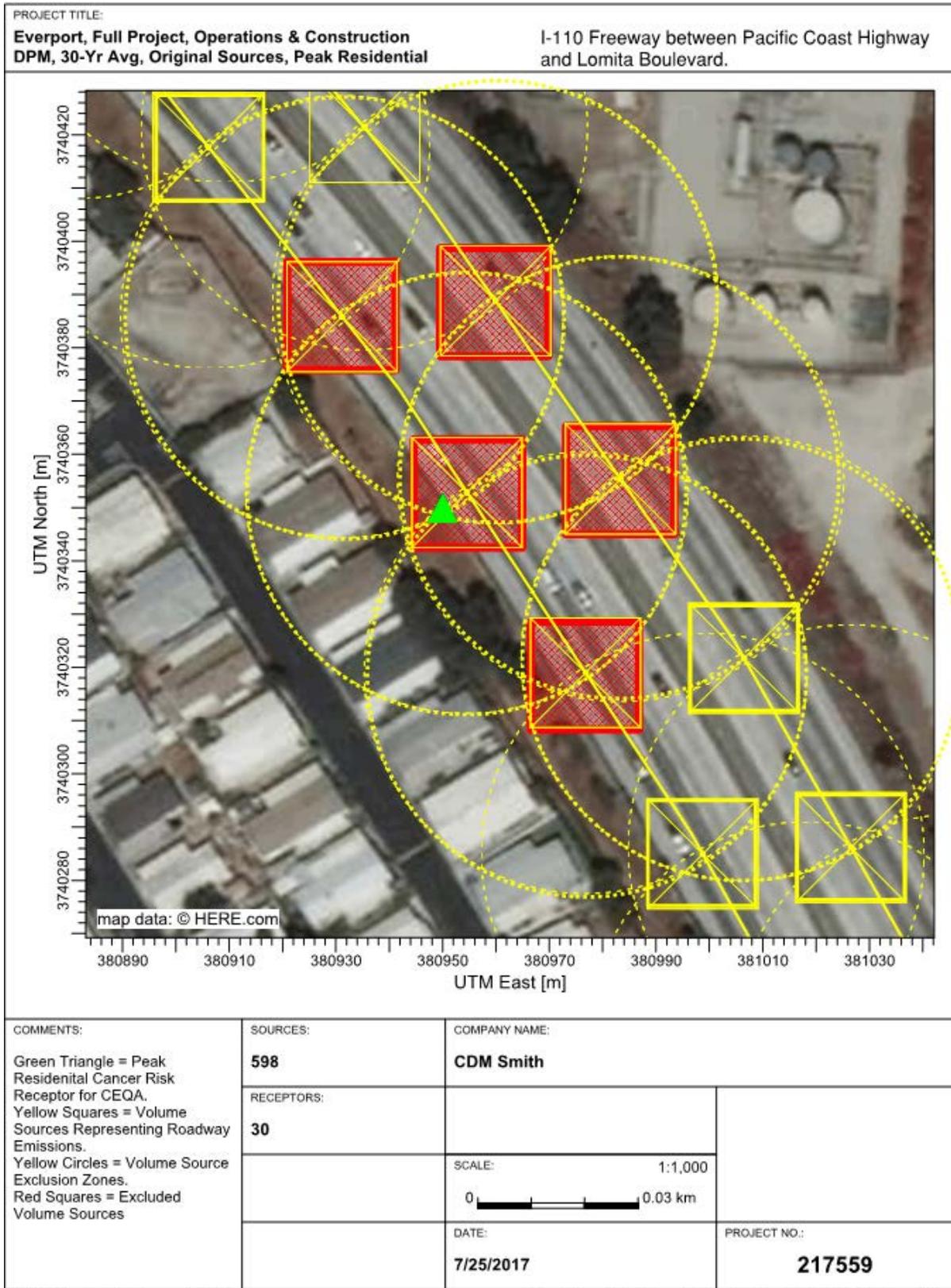
3
4 Sensitivity analysis (modeling) was performed to address the excluded sources for these receptors and
5 determine if any increase in concentrations for the peak receptor would have occurred as a result of
6 including those sources. It should be noted that, for a particular modeled receptor, excluded sources were
7 one to three specific volume sources among a series of volume sources used to represent a roadway or rail
8 line). Consequently, the excluded sources would have a very isolated/localized contribution to receptor
9 concentrations. Notwithstanding, sensitivity analyses were conducted at several key receptor points to
10 determine the potential effects that the excluded sources may have had on the HRA results. These receptor
11 points included the maximum Residential and Occupational Cancer Risk locations for the CEQA impact
12 analysis, as well as the maximum Residential and Occupational Cancer Risk locations for the NEPA impact
13 analysis.

14
15 Beginning with the CEQA impact analysis, it was confirmed by reviewing the graphical displays of source
16 and receptor locations that the maximum Occupational Cancer Risk receptor along the southern boundary
17 of the Everport Container Terminal (Figure B3-3, page B3-20 in Appendix B3 of the Draft EIS/EIR) was
18 outside of any source exclusion zones. Therefore, the maximum Occupational Cancer Risk value reported
19 in Table 3.2-26 (page 3.2-68) of the Draft EIS/EIR remains unchanged.

20
21 Continuing with the CEQA impact analysis, it was confirmed that the maximum Residential Cancer Risk
22 receptor next to the southbound lanes of the I-110 Freeway between Lomita Boulevard and Pacific Coast
23 Highway, was within the exclusion zones for several volumes that were part of the I-110 freeway source.
24 This location was the only residential site with excluded sources, and was found to have four (4) operational
25 truck source volumes, 4 operational worker vehicle volumes, and 5 construction truck volumes excluded
26 from the Proposed Project calculations. In addition, this location was found to have 5 operational truck
27 source volumes and 5 operational worker vehicle volumes excluded from the CEQA Baseline calculations.
28 (See Figure SCAQMD-7-1) As a note, this receptor is located at the sound wall next to the freeway, yet the
29 residential homes are actually 35 to 40 feet back from the freeway. Therefore, the results from the revised
30 analysis discussed below are very conservative and would have been lower than presented at the actual
31 residences.

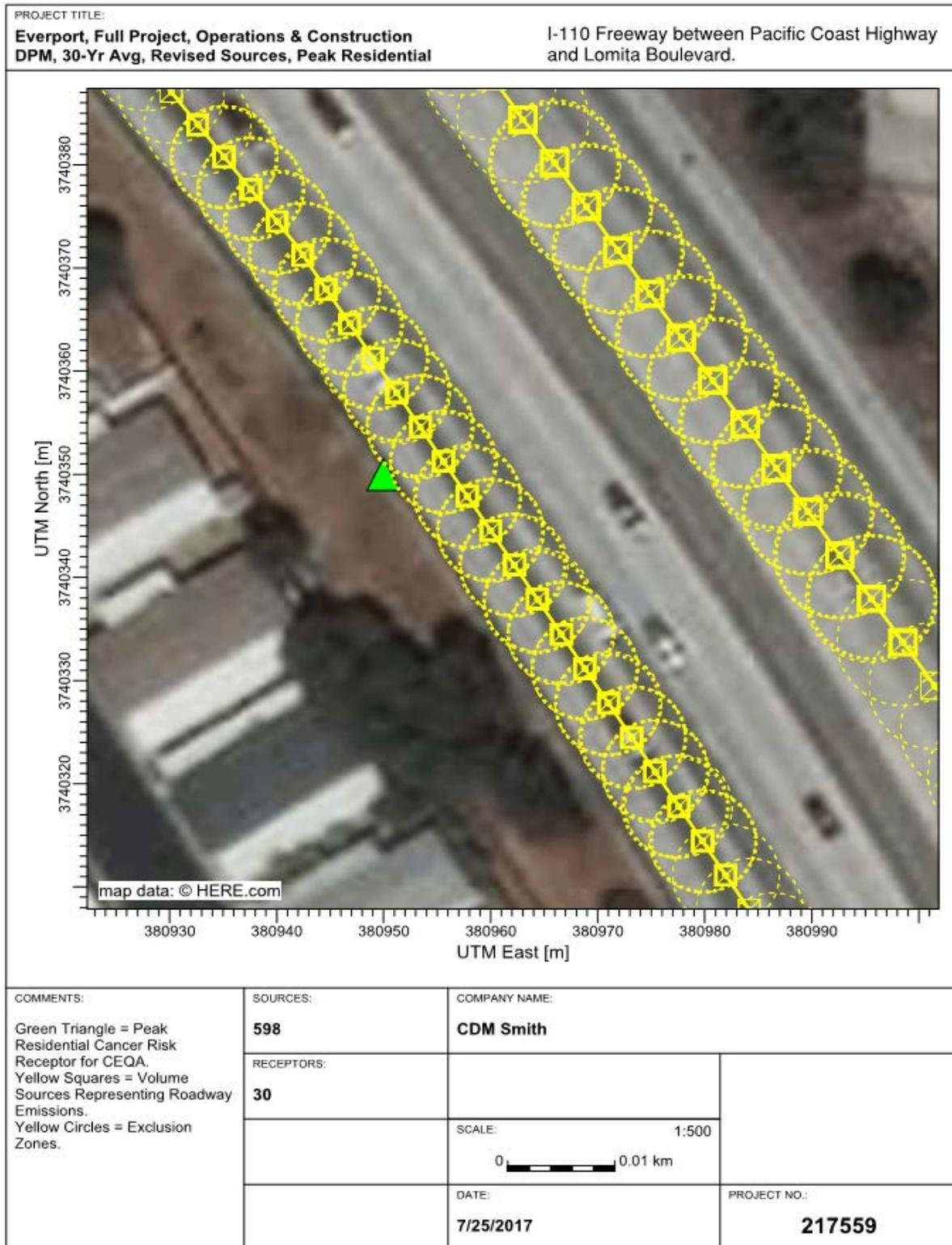
32
33 To estimate the potential effect of excluded sources on the incremental residential cancer risk, both the
34 Proposed Project and Future CEQA Baseline scenarios were rerun for the peak receptor using a 30-year
35 average diesel particulate matter (DPM) emission rate for all sources. The Proposed Project and Future
36 Baseline scenarios were both run once with no changes in source locations to determine the 30-year average
37 DPM concentration when the nearfield sources were excluded; and once with the I-110 roadway sources
38 modified to prevent the receptor from being within the exclusion zones (see Figure SCAQMD-7-2). The 30-
39 year average DPM concentration was used as a surrogate for residential cancer risk.

1 **Figure SCAQMD-7-1 Excluded Sources from CEQA Residential Cancer Risk Receptor**



1
2

Figure SCAQMD-7-2. CEQA Peak Residential Cancer Risk Receptor with Sources Modified to Remove Exclusions



AERMOD View - Lakes Environmental Software

C:\Lakes\Projects\POLA-Everport\30Yr_CEQABase_DPM_RevisedScrs\30Yr_CEQABase_DPM_RevisedScrs.isc

3

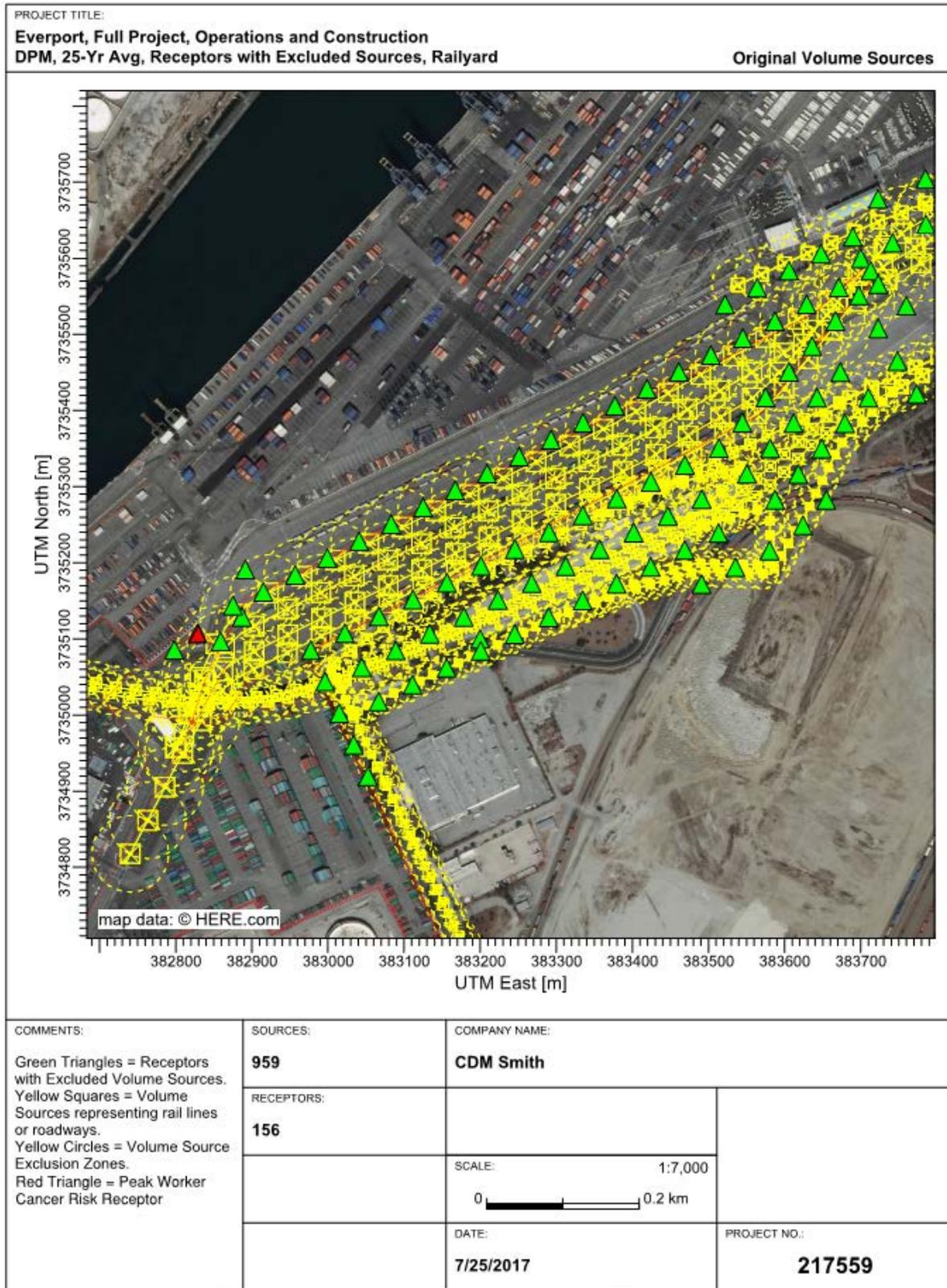
1 The Proposed Project 30-year average DPM concentration without the excluded source emissions was
2 0.01977 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), and the Future CEQA Baseline 30-year average DPM
3 concentrations without excluded source emissions was 0.01495 $\mu\text{g}/\text{m}^3$, resulting in an incremental 30-year
4 average DPM concentration of 0.00482 $\mu\text{g}/\text{m}^3$ without the excluded source emissions. After rerunning to
5 include the previously excluded sources, the resulting 30-year average DPM concentration was 0.02743
6 $\mu\text{g}/\text{m}^3$ for the Proposed Project and 0.02244 $\mu\text{g}/\text{m}^3$ for the Future CEQA Baseline. The resulting
7 incremental concentration for the maximum Residential Cancer Risk receptor was 0.00498 $\mu\text{g}/\text{m}^3$ which is
8 only 4 percent higher than the increment before the source adjustment. Therefore, the peak Residential
9 Cancer Risk value would be essentially the same as the value reported in the Draft EIS/EIR for the
10 Unmitigated Future CEQA Increment in Table 3.2-26 (page 3.2-68). The Residential Cancer Risk would
11 remain less than significant and the conclusions found in the Draft EIR/EIS do not change.
12

13 The maximum residential cancer risk under NEPA was located in Fish Harbor south of the Everport
14 terminal (Figure B3-5, page B3-25 in Appendix B3 of the Draft EIS/EIR). This location was outside all of
15 the source exclusion zones, therefore, the maximum Residential Cancer Risk value reported in Table 3.2-27
16 (page 3.2-71) of the Draft EIS/EIR remains unchanged.
17

18 The location of the maximum Occupational Cancer Risk receptor under NEPA was on the north side of the
19 Everport Container Terminal, next to the on-dock railyard. This location was found to have several
20 operational rail locomotive volume sources excluded from both the proposed Project and Future CEQA
21 Baseline calculations. Therefore, all of the rail line sources within the Everport Container Terminal
22 boundary were remodeled as area sources. Figure SCAQMD-7-3 presents a graphical representation of the
23 original on-dock rail sources relative to the receptor locations along the northeast terminal boundary, north
24 of the railyard. In addition, many of the roadway sources in the area of the railyard were also modified to
25 prevent the receptors from being within the roadway source exclusion zones. Figure SCAQMD-7-4
26 presents a graphical representation of the revised area sources in the on-dock railyard and revised roadway
27 sources nearby. Using the 25-year average DPM concentration as a surrogate for occupational cancer risk,
28 both the proposed Project and Future NEPA Baseline concentrations were calculated in AERMOD with the
29 original source configurations and again with the revised source configurations.
30

31 The proposed Project 25-year average DPM concentration without the excluded source emissions was 0.797
32 $\mu\text{g}/\text{m}^3$, and the Future NEPA Baseline 25-year average DPM concentrations without excluded source
33 emissions was 0.649 $\mu\text{g}/\text{m}^3$. This resulted in an incremental 25-year average DPM concentration of 0.148
34 $\mu\text{g}/\text{m}^3$. The location of this peak receptor is shown on Figure SCAQMD-7-3 as a red triangle. After
35 rerunning with area sources for the on-dock railyard, and modified volume sources for nearby roadways, the
36 resulting peak location moved slightly east, but is still located on the north side of the Everport portion of
37 the on-dock railyard (Figure SCAQMD-7-4). The revised 25-year average DPM concentrations at this
38 location were 1.25 $\mu\text{g}/\text{m}^3$ for the proposed Project and 1.02 $\mu\text{g}/\text{m}^3$ for the Future NEPA Baseline. The
39 resulting incremental concentration for the maximum Occupational Cancer Risk receptor was 0.223 $\mu\text{g}/\text{m}^3$.
40 The Draft EIS/EIR reported the peak Occupational Cancer Risk as 4.6 per million; therefore, the revised
41 peak Occupational Cancer Risk value would be approximately 7 per million for the Unmitigated Future
42 NEPA Increment, which is still less than the significance threshold. Please note that any activity at this
43 location is sporadic and involves many different individuals coming in for short-term periods of time rather
44 than full-time staff working for 25 years and being exposed to DPM. As a result, this revised maximum
45 occupational receptor location is very conservative and not realistic relative to the activity actually
46 occurring at the site.
47

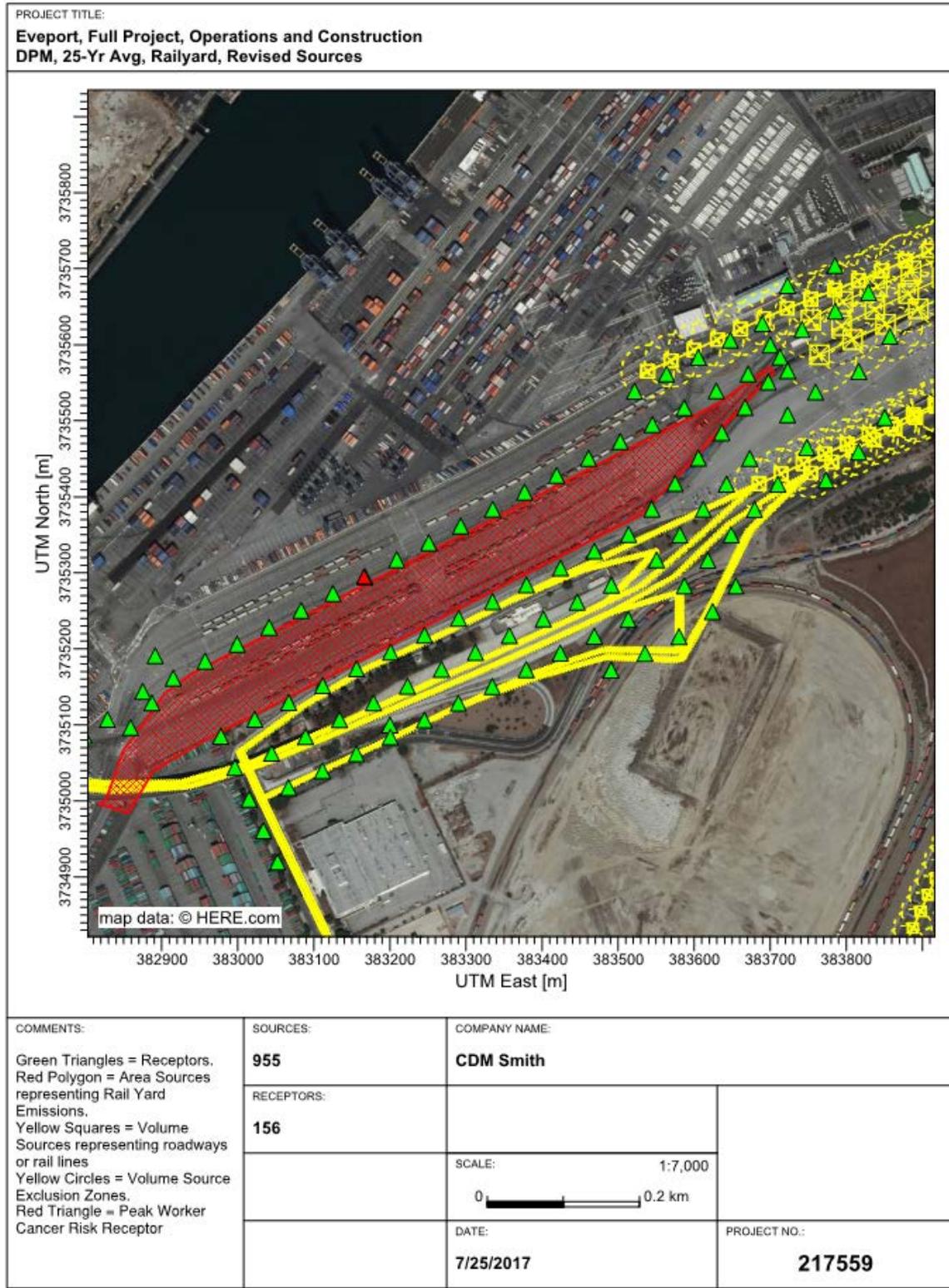
1 **Figure SCAQMD-7-3. NEPA Occupational Cancer Risk Receptor and Sources Near Railyard**



2

1
2

Figure SCAQMD-7-4. NEPA Peak Occupational Cancer Risk Receptors with Sources Modified to Remove Exclusions



3

1 Reviewing the Chronic Non-cancer and Acute hazard index results under both CEQA and NEPA (Draft
2 EIS/EIR, Tables 3.2-26 and 3.2-27) indicates that the change in incremental concentrations would have to
3 be more than twice, and often more than 5 to 10 times higher than the modeled increments before a
4 significance threshold would be exceeded. This change would be extremely unlikely; therefore, CEQA and
5 NEPA hazard index results reported in the Draft EIS/EIR represent reasonable estimates of the Proposed
6 Project impacts to non-cancer risks. Note that no sensitive receptors (schools, daycares, hospitals, elderly
7 care facilities) were located within any volume sources exclusion zones.

8 **Response to Comment SCAQMD-8**

9 The comment is noted. The volume source heights for locomotives in transit were set based on the
10 methodology in CARB's Roseville Rail Yard Study (2004). Because volume sources do not have a plume
11 rise algorithm in AERMOD, it was necessary to set the volume source heights equal to the plume heights
12 instead of the locomotive exhaust stack heights. Locomotive exhaust plumes rise to a height above the
13 locomotive stack height because of upward momentum and thermal buoyancy. Differences in atmospheric
14 conditions (specifically, stability) between daytime and nighttime lead to different daytime and nighttime
15 locomotive final plume heights. As a result, different volume source heights were needed for daytime
16 versus nighttime. AERMOD then accounts for atmospheric conditions after the plume is released from the
17 volume source and travels downwind, with no further adjustment to plume rise.

18 **Response to Comment SCAQMD-9**

19 The comment is noted. The meteorological data used in the air dispersion modeling analyses were recorded
20 from September 2006 through August 2007, the first complete 12-month period recorded at all six of the
21 site-specific monitoring stations operated by the Ports of Los Angeles and Long Beach. As discussed in
22 Section 3.1.3 of Appendix B2, a comparison of this time period with the 2009 to 2012 data period showed
23 that the 2006-2007 data period represents typical conditions in the project region and therefore requires no
24 updating to a newer period of record. Furthermore, the use of one year of meteorological data is consistent
25 with USEPA guidelines, which state that "at least one year of site-specific" data are required (USEPA,
26 2017).

27
28 The project air dispersion modeling analyses in the Draft EIS/EIR were performed with the most recent
29 version of AERMOD at the time of the analysis (version 15181, released June 30, 2015), but the
30 meteorological data used in the analyses were processed with AERMET version 12345 (released December
31 11, 2012). At the time of the analysis, the USEPA had updated AERMET four times since version 12345:
32 (1) version 13350 (released December 16, 2013); (2) version 14134 (released May 14, 2014); (3) version
33 15181 (released June 30, 2015); and version 16216 (the current version, released August 3, 2016).
34 As part of its ongoing documentation of AERMOD and AERMET, the USEPA performs sensitivity
35 analyses that compare model updates to past model versions to enable users to understand the effects of new
36 model updates. Sensitivity analyses that directly compare AERMET versions 12345 and 16216 are not
37 available. However, analyses are available showing that there are no significant differences between
38 consecutive versions of AERMET. For example, the use of AERMOD version 13350 to simulate the same
39 source types as those in the project analyses (volume or point sources in flat terrain) with AERMET
40 versions 12345 and 13350 resulted in differences in impacts of no greater than 0.5 percent and in some
41 cases none at all between these two versions of AERMET (USEPA Support Center for Regulatory
42 Atmospheric Modeling [SCRAM] website http://www.epa.gov/ttn/scram/dispersion_prefrec.htm#aermod).
43

44 Additional analyses from the USEPA SCRAM site also show that use of AERMOD version 14134 to
45 simulate the same source types with AERMET versions 13350 and 14134 resulted in no differences in
46 impacts. The use of AERMOD version 15181 to simulate the same source types with AERMET versions
47 14134 and 15181 resulted in no differences in impacts. The use of AERMOD version 16216r (the current

1 version, released January 17, 2017, after the start of the modeling analysis for Everport) to simulate the
2 same source types with AERMET versions 15181 and 16216 resulted in no differences in impacts.

3
4 These analyses show that since impacts from (1) AERMET version 12345 are nearly equal to version
5 13350, (2) AERMET version 13350 are equal to version 14134, (3) AERMET version 14134 are equal to
6 version 15181, and (4) AERMET version 15181 are equal to 16216, then (5) AERMET version 12345 are
7 nearly equal to 16216. Therefore, use of AERMET version 16216 instead of version 12345 in the project
8 dispersion modeling analyses would not produce a substantial difference in impacts compared to those
9 presented in the Draft EIS/EIR.

10
11 The Terminal Island Treatment Plant (TITP) monitoring station was the preferred site for meteorological
12 data for this Draft EIS/EIR because it is part of the Port's site-specific monitoring network and is located
13 just east of the Everport Container Terminal, less than 0.5 miles from the center of the terminal. The Port
14 appreciates the offer to use AERMOD-ready meteorological data processed by the SCAQMD. However,
15 since these data were collected several miles from the Port area, they are not as representative of conditions
16 within the project region as the Port's data.

17 **Response to Comment SCAQMD-10**

18 The comment is noted. Neither CARB nor AQMD have established a methodology or significance
19 threshold for evaluating PM_{2.5} mortality and morbidity in a CEQA document. In its response to the Notice
20 of Preparation of the Draft EIS/EIR, SCAQMD did not reference any requirement for conducting a
21 mortality and morbidity analysis for the proposed Project nor provide any suggestion as to how such an
22 analysis would be undertaken (CARB did not respond to the NOP). Moreover, CARB's latest 2010
23 document, which estimates premature deaths associated with PM_{2.5}, does not provide any guidance as to
24 whether such an analysis should be prepared for a project level CEQA assessment, nor does it explain how
25 such an analysis would be conducted. In the absence of any guidance, the Port followed the methodology
26 described in Section 3.2.4.1 and Impact AQ-7 of the Draft EIS/EIR.

27
28 Mortality and morbidity studies examining health effects of exposure to fine particulate matter have been
29 used by the USEPA and CARB to set the NAAQS and CAAQS, respectively, and by SCAQMD to set the
30 CEQA significant concentration thresholds for particulate matter. For this reason, a comparison of the
31 Project's modeled PM_{2.5} concentrations to the SCAQMD's CEQA significance threshold for PM_{2.5}, which
32 is more stringent than the NAAQS and CAAQS, implicitly accounts for mortality and morbidity effects on
33 sensitive receptors. Therefore, if project impacts were found to be greater than the SCAQMD's CEQA
34 significance threshold for PM_{2.5} concentrations at residential receptors, the estimate of mortality and
35 morbidity in the areas above the threshold would be conducted to better describe the effect of the significant
36 impact.

37
38 To determine whether a detailed mortality and morbidity analysis was necessary for the proposed Project,
39 the Port compared the ambient PM_{2.5} impacts predicted for proposed Project operation to the 2.5 ug/m³
40 24-hour threshold set by SCAQMD. While peak impacts on Port property adjacent to the Everport vehicle
41 entrance gate exceeded the PM_{2.5} threshold, no residential receptors (including sensitive receptors) were
42 found that exceeded the threshold.

43 **Response to Comment SCAQMD-11**

44 The comment is noted. Please see Response to Comment CARB-13 regarding the suggestion to review the
45 tenant equipment and technology feasibility every two years rather than five years. It should be noted;
46 however, that the applicant/tenant has agreed to working with LAHD any time a piece of on-site equipment
47 needs to be replaced regardless of how much time as gone by since the previous CHE was turned over. This

1 indicates the facility’s willingness to work with LAHD to ensure that the cleanest technology is employed
 2 at the terminal wherever possible. Please also refer to Master Response 2: Zero Emission Technologies.

3 **Response to Comment SCAQMD-12**

4 Mitigation measures MM AQ-2 and MM AQ-3 will be revised for the Final EIS/EIR as suggested in the
 5 comment. Please refer to Chapter 3, Modifications to the Draft EIS/EIR of the Final EIS/EIR. Regarding
 6 lease measure LM AQ-1, please refer to Response to Comment CARB-13, Master Response 1: Feasible
 7 Mitigation – Guidance and Applicability, and Master Response 2: Zero-Emission Technologies.

8 **Response to Comment SCAQMD-13**

9 The comment is noted. General conformity determinations for both 2018 and 2019 were calculated and are
 10 available in Appendix B1 of the Draft EIS/EIR toward the bottom of Table 9 (pages 74 and 89 of the
 11 Appendix B1 pdf). For the readers’ convenience, the results for 2019 are repeated below and do not exceed
 12 general conformity *de minimis* threshold for any criteria pollutant.
 13

2019 Construction Emissions (tons per year) Compared to General Conformity <i>de minimis</i> Thresholds						
Year	VOC	NOx	CO	SO ₂	PM10	PM2.5
Construction Year 2019	0.35	9.01	0.93	0.3	0.19	0.17
General Conformity <i>de minimis</i> level	10	10	100	--	100	100
Exceeds <i>de minimis</i> level?	No	No	No	NA	No	No

Notes:

VOC – volatile organic compounds, NOx – nitrogen oxides, CO – carbon monoxide, SO₂ – sulfur dioxide, and
 PM10/2.5 – particulate matter

14 **2.3.5 Organization Comments**
 15

From: Johntommy Rosas
To: [Stevens, Theresa CIV USARMY CESPL \(US\)](#); [McDonald, A Meg CIV USARMY CESPL \(US\)](#); [JOHNTOMMY ROSAS](#)
Subject: [Non-DoD Source] Re: Notice of Availability of a Draft EIS/EIR for Berths 226-236 [Everport] Container Terminal Improvements Project
Date: Thursday, April 20, 2017 5:28:45 PM

Thanks -
I will request sec 106 NHPA tribal consultation process as a consulting party,
especially on our tribal resources affected by this proposed project.
thanks jt

JTR-1

1 **2.3.5.1 Tongva Ancestral Territorial Tribal Nation – John Tommy**
2 **Rosas (JTR)**

3 **Response to Comment JTR-1**

4 The comment is noted. As described on page 3.4-54 of the Draft EIS/EIR, Assembly Bill (AB) 52, which
5 establishes a formal consultation process for California tribes as part of CEQA, became law on January 1,
6 2015. The Notice of Intent/Notice of Preparation of the Draft EIS/EIR associated with the proposed Project
7 was prior to the law being in effect (October 2014). However, as detailed beginning on page 3.4-48 of the
8 Draft EIS/EIR, both the LAHD and USACE have initiated, and the USACE has completed, Native
9 American consultation for the Project in compliance with Section 106 of the National Historic Preservation
10 Act.
11

Tisopulos, Tara

From: Tom Williams <ctwilliams2012@yahoo.com>
Sent: Monday, June 05, 2017 1:19 PM
To: theresa.stevens@usace.army.mil; Ceqacomments
Cc: christopher.cannon@lacity.org; christopher.cannon@lporta.org; Jim Stewart; Steve Wicke; Paul Ferrazzi
Subject: Berths 226-236 [Everport] Container Terminal Improvements Project Comments

DATE: June 5, 2017

TO: **US Army Corps of Engineers**, LA District, Reg.Div., Ventura Field Office

ATTN: Theresa Stevens, Ph.D. 2151 Alessandro Drive, Suite 110 Ventura CA 93001

theresa.stevens@usace.army.mil

Port of Los Angeles Christopher Cannon Dir. of Envir. Mngmt.
P.O. Box 151 San Pedro, CA 90733-0151

ceqacomments@portla.org

christopher.cannon@lacity.org - christopher.cannon@lporta.org

CC:

FROM: Dr. Tom Williams, Senior Technical Advisor
Citizens Coalition for A Safe Community 4117 Barrett Rd, LA, CA

90032-1712

323-528-9682 ctwilliams2012@yahoo.com

SUBJECT/ PROJECT: Berths 226-236 [Everport] Container Terminal Improvements Project
Draft EIS/EIR SCH #2014101050 April 2017

RE: Comments on Draft EIS/EIR SCH #2014101050 and CEQA/NEPA Considerations

After lengthy review of the various documents related and referenced in the circulated DEIR/DEIS, I request that the Harbor Department/Port of Los Angeles withdraw all current documents, review comments, revise/quantify, and prepare a complete and adequate Environmental Impact Report and Statement with a fuller range of maritime and transportation alternatives and a draft mitigation monitoring and report program. This request is based on the many inadequacies and incompleteness of the DEIR/S. Continuation with the current documents will lead to prolonged reviews and further actions.

CCSC-1

I have reviewed and find the DEIR/S incomplete and inadequate based on summary remarks below.

Current documents are totally unsuitable, incomplete, and inadequate for public review and meaningful comments due to lack of clarity in assignment of "impacts".

General Comments:

Lack of use of historic/1923-1928 and later aerial photos and lack of public access to referenced later photos and their value to description/assessment of subsurface historic resources and hazards/haz.matsl.;	CCSC-2
Lack of consideration for Pleistocene archaeological and paleontological resources during deepening and excavation of Pleistocene deposits;	CCSC-3
Reassignment of typical hazardous materials to groundwater and soils;	CCSC-4
Inclusion of "terrorist acts" as part of "Hazards..." without setting and assessment in objective and numerical presentation and assessment;	CCSC-5
Although available records locate >200 earthquakes within two miles of the site geology and seismicity were eliminated from DEIR/S as long as project complies with undefined and "future" consideration without public review of compliance with engineering requirements;	CCSC-6
Container forecasts: Lack of use or even reference to "Mercator and Oxford, 2016" forecasts for the San Pedro Ports voids all presentations, assessment, and mitigation regarding projected maritime traffic and the project's participation and related air quality. This is also related to the railroad alternatives as the Alameda Corridor Transportation Authority.	CCSC-7

2.3.5.2 Citizens Coalition for a Safe Community (CCSC)

Response to Comment CCSC-1

The comment is noted. The LAHD and USACE respectfully disagree that the Draft EIS/EIR is incomplete and inadequate, should be withdrawn, and revised with a fuller range of maritime and transportation alternatives. The Draft EIS/EIR included a detailed/co-equal analysis of five alternatives (the no project and four build alternatives, see Section 2.9 in Chapter 2 of the Draft EIS/EIR) to the proposed Project, with various maritime and transportation elements. As with other LAHD EIR's, the Final EIS/EIR for the proposed Project will include the mitigation monitoring and reporting program (MMRP), which includes mitigation measures to reduce the potential environmental effects of the proposed Project. The MMRP will be provided and adopted per CEQA Guidelines Section 15091(d) and Section 15097(a).

The Draft EIS/EIR includes several features that provide clarity regarding the potential impacts associated with the proposed Project. Chapters and each resource section begin with a summary of the analysis, and each resource section concludes with a table that summarizes the impacts, mitigation measures and residual impacts associated with the proposed Project and each alternative. In addition, the Executive Summary also includes an extensive table (Table ES-3) which summarizes the potential significant impacts and mitigation for the proposed Project and alternatives for all resource areas.

The comments do not identify any specific deficiencies in the Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). The Draft EIS/EIR contains the sufficient detail required by NEPA and CEQA (State CEQA Guidelines Section 15151 and 40 CFR 1502.2, 1502.24).

Response to Comment CCSC-2

The comment is noted. The Draft EIS/EIR included a figure (Figure 3.4-2 in the Cultural Resources, Section 3.4) that shows the development of the Project site over time. The historical topographical maps used in Figure 3.4-2 include maps from 1898, 1925, 1964, 1981, and 2012; therefore, historic maps from earlier and later than 1923-1928 were included within the Draft EIS/EIR. These maps were used in determining hazardous materials and cultural resource impacts associated with the Project site development over time. Further, historic photos of the project site and area, some pre-dating 1923, are included in Appendix D, Cultural Resources Evaluation, of the Draft EIS/EIR.

Response to Comment CCSC-3

The comment is noted. Section 3.4, Cultural Resources of the Draft EIS/EIR, includes an analysis of archaeological and paleontological resources in addition to the historic/built environment (architectural resources). The Project site has been subjected to major soil disturbance over the years (Figure 3.4-2). As detailed throughout Section 3.4, although the Port area is underlain with potential fossil-bearing geologic units, sediments that immediately underlie the Project area consist of imported or modern fill material placed in the early twentieth century. As shown on Figure 3.4-3, Geologic Map, no Pleistocene deposits are associated with the Project site.

Response to Comment CCSC-4

The comment is noted. Section 3.7, Groundwater and Soils, of the Draft EIS/EIR evaluates groundwater and soil conditions in the proposed Project area and assesses how the construction and operation of the proposed Project or one of its alternatives would affect or be affected by the potential to encounter existing soil and groundwater contamination. As described in Section 3.7, the NOI/NOP (Appendix A of this Draft EIS/EIR) determined that potential impacts related to routine transport, use, or disposal of hazardous materials and hazardous emissions would be less than significant. As such, those impacts were not

1 discussed in the Draft EIS/EIR. The commenter did not identify any specific deficiencies in the Draft
2 EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section
3 15204(a); 40 CFR 1503.4 (a)(5)).

4 **Response to Comment CCSC-5**

5 The comment is noted. Section 3.8, Hazards and Hazardous Materials, of the Draft EIS/EIR analyzes the
6 effects of the proposed Project and alternatives on increasing the risk probability and criticality of
7 hazardous spills or releases and risk of upset due to terrorism. Three are no known numerical data
8 associated with potential terrorist attacks and container terminals. As detailed in Section 3.8, there are
9 limited data available to indicate the likelihood of a terrorist attack aimed at the Port or the Project site;
10 therefore, the probability component of the analysis contains a considerable amount of uncertainty. The
11 likelihood of such an attack would be based on the desire to cause harm to the Port and/or the desire to use a
12 container as a vehicle to hide a device for use at a different location. The probability of an attack would
13 have no relationship to a specific terminal or project-related throughput.

14 **Response to Comment CCSC-6**

15 The comment is noted. The commenter is correct that the NOI/NOP (Appendix A of the Draft EIS/EIR),
16 which was released for public review in October 2014, determined that potential impacts related to geology
17 would be less than significant. As such, those impacts were not discussed in the Draft EIS/EIR. As
18 detailed in Checklist Item VI.a.(i) in Appendix A of the Draft EIS/EIR, the proposed Project features would
19 not cause or accelerate geologic hazards. Wharf and terminal improvements would be conducted in
20 accordance with LAHD and City of Los Angeles seismic design and engineering criteria, which includes
21 recommendations in a geotechnical report prepared as part of the design process, to minimize potential risks
22 in the event of seismically-induced geologic hazards. The design would incorporate measures pertaining to
23 temporary construction conditions, such as maximum temporary slope gradient. Therefore, through
24 compliance with appropriate engineering standards and building codes, the impacts were considered less
25 than significant. As the commenter did not provide comments on the NOI/NOP, and did not identify any
26 specific deficiencies in the Draft EIS/EIR, no further response is required (PRC 21091(d); State CEQA
27 Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

28 **Response to Comment CCSC-7**

29 The comment is noted. At the time of the NOI/NOP (2014), which represents the CEQA baseline, the 2009
30 forecast was the information available on long-term containerized cargo growth at the Ports of Los Angeles
31 and Long Beach.

32
33 Section 1.2.3.1 (Cargo Demand Forecast) of the Draft EIS/EIR summarizes the unconstrained cargo
34 forecast in the 2009 Cargo Forecast for the Port through 2030 (Tioga and HIS Global, 2009), and extends
35 the horizon to 2035. When considering future throughput, the Port considers both the unconstrained
36 projection (future cargo demand if physical capacity does not constrain throughput) and the projected future
37 physical capacity of the Port terminals. An unconstrained forecast merely represents the estimated upper
38 bounds of future throughput without consideration of physical limitations. As discussed in the Draft
39 EIS/EIR, the 2009 forecast projected unconstrained throughput to be 34,600,000 TEUs in 2030, which was
40 extended to 2035. The 2016 cargo forecast (Mercator, 2016) predicts that unconstrained cargo demand will
41 reach 34.3 million TEUs in 2035 (which is less than but very similar to the 2009 forecast for 2030). When
42 evaluating impacts of container terminal projects, the Port uses the maximum physical capacities of the
43 terminals based on the terminals' berth and backland capacities. As described in Section 1.2.3.2 (Container
44 Terminal Capacity) of the Draft EIS/EIR, future throughput at the San Pedro Bay Ports will be constrained
45 at 37,367,000 TEUs, which is greater than both the 2009 and 2016 unconstrained cargo forecasts. The

1 throughput projections for the proposed Project and for the San Pedro Bay Ports as a whole, are based on
2 the Ports' physical throughput capacity, rather than the lower unconstrained cargo forecasts, in order to
3 evaluate reasonable worst-case conditions. Thus, because the Draft EIS/EIR evaluate a reasonable worst
4 case future throughput that is somewhat greater than either the 2009 or the 2016 unconstrained forecasts,
5 the impact evaluations in the Draft EIS/EIR and applicable mitigation measures are valid.
6

7



Coalition For A Safe Environment

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June 5, 2017

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Re: Berths 226-236 [Everport] Container Terminal Improvements Project April 2017
Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS)
SCH No. 2014101050, APP No. 131015-136, SPL-2013-00756-TS

Su: Submission of Public Comments Regarding The Berths 226-236 Everport Draft EIR/Draft EIS

The Coalition For A Safe Environment (CFASE) and et all undersigned organizations and individuals wish to submit the following public comments on the Berths 226-236 [Everport] Container Terminal Improvements Project Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS).

1. USACE Purpose & Need/CEQA Project Objectives Are Not Accurate

It is stated that the Purpose, Need and Objectives are to accommodate the project throughput and fleet mix of larger container ships (up to 16,000 TEU's) which may not be entirely accurate and true. Evergreen has no orders pending for 16,000 TEU ships. The current Evergreen ship orders are for 14,000 TEU and 18,000 TEU ships. There are currently 5 cranes which can accommodate 18,000 TEU ships and the 5 new cranes to be purchased can accommodate 18,000 TEU's.

CFSE-1

We do not believe that POLA will refuse to allow future 18,000 TEU ships to arrive in the future. The additional negative impacts of larger 18,000 TEU ships need to be identified, assessed and mitigated. See Public Comments Table of Contents and Attachments:

A. Evergreen Ship Information

- a. List of EVERGREEN Ships
- b. Evergreen Line To Charter Ten 14,000 TEU Vessels
- c. Evergreen to Charter Eleven 18,000 TEU Vessels
- d. Reference Table ES-1 Everport Container Terminal Crane Specifications
- e. Freight Efficiency Strategies

B. CFASE Requests

- a. We request that a restriction be placed into all new and future leases that will prohibit 18,000 TEU ships from docking at the Port of Los Angeles.
- b. We request that the a new Draft EIR be prepared and re-circulated that will include all Identified Negative Impacts, an Increased Negative Impacts Assessment and Mitigation Measures for addressing larger 18,000 TEU ships negative impacts to less than significant.
- c. We request that the a new Draft EIR be prepared and re-circulated that will include a plan and annual schedule for contracting/purchasing additional trucks, contracting/purchasing additional chassis, acquisition of additional truck storage/staging areas and container storage yards to prevent Truck and Facility Shortages or Unavailability.
- d. We request that the a new Draft EIR be prepared and re-circulated that will include a plan and annual schedule for recruitment of drivers and training of drivers to prevent Driver Shortages.

2. Ground Traffic Transportation Unavoidable Significant Impacts Determination

We disagree with your determination because there are Alternatives and Feasible Mitigation Measures that can reduce significant impacts that you are not including in the project or as proposed Mitigation Measures. In addition, your DEIR identified impacts are under-identified and under-estimated. Your inclusion, identification and use of the term Peel-Off Yards is not acceptable.

- a. The term Peel-Off Yards is unacceptable because it is not a standard industry term and from our Environmental Justice perspective is an attempt to hide the real truth that is actually an "off-Port Truck/Container Staging Area" in the bordering harbor communities. Most likely to be in Wilmington. There will be additional truck traffic to these locations, causing additional increased traffic congestion, increased air pollution, increased greenhouse gasses, increased noise, increased ground and street contamination, diversion of city services when there are truck accidents, increased public infrastructure damage, increased public health and safety impacts. The DEIR failed to disclose the locations of the Peel-Off Yards and how many trucks trips and containers will go to each.
- b. The DEIR fails to include a Mitigation Measure to mandate the increased use of the Alameda Corridor to reduce ground traffic congestion.

CFSE-1
cont.

CFSE-2

CFSE-3

CFSE-4

- c. The DEIR fails to include an assessment of Alternative Rail Transportation Technologies as a Mitigation Measure which are faster, more efficient and can significantly increase throughput such as a Maglev Train. American MagLev Technologies, Inc. has proposed to the Port of Los Angeles, Port of Long Beach, South Coast AQMD and the Southern California Association of Governments a feasible container transport Maglev Train System.

CFSE-5

EMMI Logistics Solutions and American MagLev Technology have designed a state-of-the-art goods movement transportation system that can transport up to 8,000 containers a day and more than 3 times the speed of a traditional diesel locomotives. This technology does not require having to accumulate 250-300 train cars before it can travel to its destinations.

- d. The increased velocity and through-put would therefore not require the construction of additional backlands, since the traditional long queue times would be eliminated. This high speed transportation logistics system would decrease the need for 1,000's of additional diesel air polluting trucks trips a day to carry cargo since higher volumes could be transported by the Maglev System. CFASE has requested numerous times that POLA sponsor a Pilot Study and again requests a Maglev Train Pilot Study and is supported by the public and Environmental Justice Communities.

CFSE-6

- e. The DEIR fails to identify, assess and mitigate all truck, container and chassis negative impacts from Truck Points of Origin to all Port and Tenant destinations. The number of 7,028 average daily truck trips is significantly underestimated because they do not include all truck points of origin locations, port and tenant travel destinations. These negative impacts include but are not limited to: increased traffic congestion, increased air pollution, increased greenhouse gasses, increased noise, increased ground and street contamination, diversion of city services when there are truck accidents, increased public infrastructure damage, increased public health and safety impacts. These origins and destinations include as a minimum:

- Truck Point of Origin. Throughout Los Angeles and Orange Counties.
- On/Off Tidelands Property Truck Container/Flat Bed Inspection Facilities.
- On/Off Tidelands Property Container Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Container/Flat Bed Chassis Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Chassis 40' to 53' Modification, Cutting, Welding & Painting Facilities
- On/Off Tidelands Property TRU/Genset Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Truck Storage Yards, Staging, Maintenance & Repair Facilities.
- On/Off Tidelands Property Yard Tractor Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Container Fumigation Facilities.
- On/Off Tidelands Property Container Transloading Facilities.
- On/Off Tidelands Property Truck Fueling Facilities: Diesel, Natural CNG, LNG, Hydrogen.
- On/Off Tidelands Property Truck Yard Tractor Fueling Facilities: Diesel, Natural CNG, LNG, Hydrogen.
- On/Off Tidelands Property Truck Electrical Charging Stations.
- On/Off Tidelands Property Truck Yard Tractor Fueling Facilities.
- On/Off Tidelands Property Peel-Off Yards.

CFSE-7

CFASE has conducted a survey of Container Storage Yards in Wilmington and has identified 117 locations. See Public Comments Table of Contents and Attachments:

CFSE-7
cont.

- f. The DEIR fails to include dedicated freeway and highway truck lanes are also an Alternative Mitigation Measure of which the Port has not considered, assessed, proposed or sponsored and is supported by the public and Environmental Justice Communities.
- g. The DEIR fails to include the building of a dedicated underground truck tunnel from the Ports to various rail transportation yards is also an Alternative Mitigation Measure of which the Port has not considered, assessed, proposed or sponsored and is supported by the public and Environmental Justice Communities.
- h. The DEIR fails to include the use of multi-story parking structures On-Port Property to maximize space such as in Import Car Parking Lots and in Industrial Zones Areas which is an Alternative Mitigation Measure of which the Port has not considered, assessed, proposed or sponsored and is supported by the public and Environmental Justice Communities.

CFSE-8

CFSE-9

CFSE-10

3. Air Quality & Meteorology Unavoidable Significant Impacts Determination

We disagree with your determination because there are numerous feasible technologies that can reduce air quality significant impacts that you are not including in the project or as proposed Mitigation Measures. These include Zero Emission Technologies, Near Zero Emission Technologies, Best Available Control Technologies (BACT) and Emission Capture Technologies. All referenced technologies are commercially available today and can be ordered with delivery within one year depending on the quantity ordered.

CFSE-11

The DEIR does not identify, assess or mitigate all Greenhouse Gas Impacts on Climate Change and Public Health as identified in these public comments and referenced CFASE Bibliographies. See Public Comments Table of Contents and Attachments.

CFSE-12

LM AQ-1 and LM AQ-2 are unacceptable because the technologies identified in these public comments are commercially available today. The FEIR should include an implementation, purchase and delivery schedule.

CFSE-13

The number of 7,028 average daily truck trips and air emissions during the peak month and all other non-peak months is significantly underestimated because they do not include all truck points of origin locations, port and tenant travel destinations as identified in 2.e.

CFSE-14

A. Zero Emission Class 8 Electric Trucks

There are currently six (6) Zero Emission Class 8 Electric Trucks available. See Public Comments Table of Contents and Attachments:

- a. TransPower - Electric Class 8 Truck - ElecTruck
- b. BYD - Electric Class 8 Truck - 8TT/T9
- c. US Hybrid - Electric Class 8 Truck - eTruck
- d. US Hybrid - Electric Class 8 Truck - H2Truck
- e. Toyota - Electric Class 8 Truck - Hydrogen Fuel Cell
- f. Nikola - Nikola One - Electric Class 8 Truck

CFSE-15

B. Zero Emission Class 8 Electric Tractors

There are currently four (4) Zero Emission Class 8 Electric Tractors available. See Public Comments Table of Contents and Attachments:

- a. TransPower - Electric Class 8 Electric Yard Tractor
- b. Orange EV - Electric Class 8 Electric Yard Tractor - T-Series
- c. BYD - Electric Class 8 Tractor - 8Y
- d. Terberg - Electric Class 8 Yard Tractor - Terberg YT202-EV

C. Near Zero Emission Class 8 Electric Trucks

There are currently fourteen (14) Near Zero Emission Class 8 Electric Tractors available. See Public Comments Table of Contents and Attachments:

- a. TransPower - Class 8 Truck - Natural Gas Plug-In Hybrid Drive System
- b. Peterbilt - Class 8 Truck - Model 579 ISX 12 G – LNG
- c. Peterbilt - Class 8 Truck - Model 567 ISX 12 G – LNG
- d. Freightliner - Class 8 Truck - Cascadia 113 Natural Gas - CNG Fuel Tank
- e. Freightliner - Class 8 Truck - Cascadia 113 Natural Gas - LNG Fuel Tank
- f. Freightliner - Class 8 Truck - M2 112 Natural Gas – CNG
- g. Freightliner - Class 8 Truck - M2 112 Natural Gas – LNG
- h. Volvo - Class 8 Truck - Model VNM 200 ISL G - Natural Gas
- i. Volvo - Class 8 Truck - Models VNL 300 ISX12 G - Natural Gas
- j. Volvo - Class 8 Truck - Models VNL 670 ISX12 G - Natural Gas
- k. TranStar - Class 8 Truck - ISL G - CNG
- l. Mack - Class 8 Truck - Pinnacle ISX12 G – CNG
- m. Mack - Class 8 Truck - Pinnacle ISX12 G – LNG
- n. Mack - Class 8 Truck - Pinnacle ISX12 G - RNG

D. Near Zero Emission Class 8 Electric Tractors

There are currently eleven (11) Near Zero Emission Class 8 Electric Tractors available. See Public Comments Table of Contents and Attachments:

- a. Kenworth - Class 8 Tractor - T680 ISL G
- b. Kenworth - Class 8 Tractor - T880 ISL G NZ - Near Zero – CNG
- c. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - CNG
- d. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - LNG
- e. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - RNG
- f. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - CNG
- g. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - LNG
- h. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - RNG
- i. Autocar - ACTT - 4x2 DOT/EPA Terminal Tractor ISL G - CNG
- j. Autocar - ACTT - 4x2 DOT/EPA Terminal Tractor ISL G - LNG
- k. Capacity - Sabre 4x2 DOT Terminal Tractor ISL G - CNG

E. Ship Emission Capture Technologies

There is currently only one (1) ship emissions capture technology company that can service the Everport shipping line. See Public Comments Table of Contents and Attachments:

- a. Advanced Environmental Group(AEG)/ACTI- Advanced Maritime Emissions Control Systems (AMECS) Fact Sheet
- b. Introduction to AMECS
- c. AMECS / Shore Power Cost Comparison
- d. California Air Resources Board - Letter

CFSE-15
cont.

4. Green House Gas Emissions Unavoidable Significant Impacts Determination

We disagree with your determination because there are numerous feasible technologies that can reduce Greenhouse Gases significant impacts that you are not including in the project or as proposed Mitigation Measures. These include Zero Emission Technologies, Near Zero Emission Technologies, Best Available Control Technologies (BACT) and Emission Capture Technologies. All referenced technologies are commercially available today and can be ordered with delivery within one year depending on the quantity ordered.

CFSE-16

The DEIR does not identify, assess or mitigate all Greenhouse Gas Impacts on Climate Change and Public Health as identified in these public comments and referenced CFASE Bibliographies. See Public Comments Table of Contents and Attachments.

CFSE-17

LM AQ-1 and LM AQ-2 are unacceptable because the technologies identified in these public comments are commercially available today. The FEIR should include an implementation, purchase and delivery schedule.

CFSE-18

LM GHG-1 is unacceptable because the identified Greenhouse Gas amounts are significantly underestimated as identified in these public comments. We object that any GHG funds be used to purchase credits from an approved GHG offset registry, we demand that all funds be used to support mitigation projects on-port property and off-port property which impact bordering port Environmental Justice Communities, transportation corridor and warehouse/distribution communities. We do not support any Carbon Offset Fund MOU Agreements especially with the California Air Resources Board who has historically cut back-room deals which negatively and significantly impact Environmental justice Community's. We do not approve of the Port arbitrarily setting a cap for the Carbon Offset Fund to \$ 250,000 when the cost of credits or environmental impacts mitigation may be significantly larger. If the Tenant disagrees to fund GHG mitigation then the Everport Project and EIR are cancelled.

CFSE-19

The number of 7,028 average daily truck trips and greenhouse gas emissions during the peak month and all other non-peak months is significantly underestimated because they do not include all truck points of origin locations, port and tenant travel destinations as identified in 2.e.

CFSE-20

A. Zero Emission Class 8 Electric Trucks

There are currently six (6) Zero Emission Class 8 Electric Trucks available. See Public Comments Table of Contents and Attachments:

- g. TransPower - Electric Class 8 Truck - ElecTruck
- h. BYD - Electric Class 8 Truck - 8TT/T9
- i. US Hybrid - Electric Class 8 Truck - eTruck
- j. US Hybrid - Electric Class 8 Truck – H2Truck

CFSE-21

k. Toyota - Electric Class 8 Truck - Hydrogen Fuel Cell

l. Nikola - Nikola One - Electric Class 8 Truck

B. Zero Emission Class 8 Electric Tractors

There are currently four (4) Zero Emission Class 8 Electric Tractors available. See Public Comments Table of Contents and Attachments:

e. TransPower - Electric Class 8 Electric Yard Tractor

f. Orange EV - Electric Class 8 Electric Yard Tractor - T-Series

g. BYD - Electric Class 8 Tractor - 8Y

h. Terberg - Electric Class 8 Yard Tractor - Terberg YT202-EV

C. Near Zero Emission Class 8 Electric Trucks

There are currently fourteen (14) Near Zero Emission Class 8 Electric Tractors available. See Public Comments Table of Contents and Attachments:

o. TransPower - Class 8 Truck - Natural Gas Plug-In Hybrid Drive System

p. Peterbilt - Class 8 Truck - Model 579 ISX 12 G – LNG

q. Peterbilt - Class 8 Truck - Model 567 ISX 12 G – LNG

r. Freightliner - Class 8 Truck - Cascadia 113 Natural Gas - CNG Fuel Tank

s. Freightliner - Class 8 Truck - Cascadia 113 Natural Gas - LNG Fuel Tank

t. Freightliner - Class 8 Truck - M2 112 Natural Gas – CNG

u. Freightliner - Class 8 Truck - M2 112 Natural Gas – LNG

v. Volvo - Class 8 Truck - Model VNM 200 ISL G - Natural Gas

w. Volvo - Class 8 Truck - Models VNL 300 ISX12 G - Natural Gas

x. Volvo - Class 8 Truck - Models VNL 670 ISX12 G - Natural Gas

y. TranStar - Class 8 Truck - ISL G - CNG

z. Mack - Class 8 Truck - Pinnacle ISX12 G – CNG

aa. Mack - Class 8 Truck - Pinnacle ISX12 G – LNG

bb. Mack - Class 8 Truck - Pinnacle ISX12 G - RNG

D. Near Zero Emission Class 8 Electric Tractors

There are currently eleven (11) Near Zero Emission Class 8 Electric Tractors available. See Public Comments Table of Contents and Attachments:

l. Kenworth - Class 8 Tractor - T680 ISL G

m. Kenworth - Class 8 Tractor - T880 ISL G NZ - Near Zero – CNG

n. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - CNG

o. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - LNG

p. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - RNG

q. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - CNG

r. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - LNG

s. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - RNG

t. Autocar - ACTT - 4x2 DOT/EPA Terminal Tractor ISL G - CNG

u. Autocar - ACTT - 4x2 DOT/EPA Terminal Tractor ISL G - LNG

v. Capacity - Sabre 4x2 DOT Terminal Tractor ISL G - CNG

5. Zero, Near Zero & Best Available Control Technologies For Construction & Dredging Equipment

We request that the EIR include the identification and assessment of Zero, Near Zero & Best Available Control Technologies (BACT) for all categories of Construction & Dredging Equipment that can be included as Project Mitigation Measures. Such as what we researched for Zero and Near Zero Class 8 Trucks in these public comments but did not have sufficient time to do for all areas of project concern.

CFSE-22

6. Cumulative Impacts

The Cumulative Impacts Assessments are significantly underestimated due to the underestimation of Air Emissions and Greenhouse Gas Emissions, Noise, Traffic Impacts as described in 2, 3 and 4. Any proposed Port Mitigation Measures are unacceptable. The identified Alternative Technologies in these public comments are currently feasible to reduce all Project Cumulative Impacts to less than significant. Increasing ship calls is also depriving residents and boat owners of their boat recreational use as they have to limit their decreasing boating areas and time have to wait for ship passage. The CFASE Cumulative Impact Bibliography and other referenced CFSASE Bibliographies also provide detailed scientific and medical research studies that validate our public comments and need for mitigation. See Public Comments Table of Contents and Attachments:

CFSE-23

7. Project & Tenant Business Operations Noise

The DEIR assessment of noise impacts is inadequate because it fails to acknowledge that pile driving noise can be heard for more than 1-mile away. The DEIR assessment fails to include noise from the 7,028 average daily truck trips (peak Month), 5.5 Average Daily Train Trips (peak Month) and non-peak months is significantly underestimated because they do not include all truck points of origin locations, port and tenant travel destinations in adjacent Port Environmental Justice Communities, transportation corridor and warehouse/distribution communities. The CFASE Public Health Bibliography, Port & Goods Movement, Railroad Industry Public Health Bibliography and others also provide detailed scientific and medical research studies that validate our public comments and need for mitigation. See Public Comments Table of Contents and Attachments:

CFSE-24

The DEIR does not contain the noise information and noise data from the sources identified in these public comments in 2. Ground Traffic Transportation Unavoidable Significant Impacts Determination section.

The DEIR failed to consider information and Mitigation Measures contained in the Harbor Community Benefit Foundation Four Wilmington Noise Reports. See Public Comments Table of Contents and Attachments.

8. Environmental Justice

The Draft EIR failed to include a comprehensive identification and assessment of Environmental Justice Community Impacts and as a result fails to include appropriate Mitigation Measures.

CFSE-25

We claim that the following as a minimum are not all identified, not all assessed and are underestimated:

- a. Truck & Train Air Emissions
- b. Truck & Train Greenhouse Gas Emissions
- c. Truck & Train Noise & Vibration
- d. Truck & Train Traffic Congestion
- e. Socio-Economic Impacts
- f. Ship, Truck, Train, Construction, Terminal Operations Public Health Impacts
- g. Ship, Truck, Train, Construction, Terminal Operations Cumulative Impacts

CFSE-25
cont.

Public Comments #'s 2, 3, 4, 5, 6, 7 provide detail information on what was not identified, assessed and mitigated. The CFASE Environmental Justice Bibliography and other referenced CFSASE Bibliographies also provide detailed scientific and medical research studies that validate our public comments and need for mitigation. They additionally provide EJ Community identified feasible Alternative Technologies and Mitigation Measures. See Public Comments Table of Contents and Attachments.

9. Whale Strikes

The DEIR Biological Resources fails to identify, assess and mitigate potential ship Whale Strikes from the 208 Annual Ship Calls. Whale strikes have already occurred in the San Pedro Bay outer harbor as evidenced by a dead whale carcass photographed on the bow of a ship. The Port failed to research potential Whale Strike Prevention Mitigation Measures from marine biologist experts. Reference Whale Ship Strikes Bibliography. See Public Comments Table of Contents and Attachments:

CFSE-26

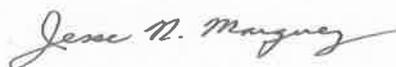
10. Container Tariff To Support Harbor Community Benefit Foundation Mitigate Off-Port Community Impacts

We request an annual \$ 5.00 per Container Tariff or equivalent to support the Harbor Community Benefit Foundation to Mitigate Everport Project and Operations Off-Port Community Impacts until the end of the new lease in 2038.

CFSE-27

A USB Memory Drive which contains a Table of Contents and numerous documents referenced is submitted as part of the public comments. All documents contained in the USB Memory Drive in the Addendums are submitted as part of the public comments. All documents referenced as citations in documents are submitted as part of the public comments, the Port of Los Angeles and U.S. Army Corp Of Engineers are requested to read, review and consider all citations information as part of the public comments in their decision making process.

Respectfully Submitted,



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Coalition For A Safe Environment

Port of Los Angeles

Berths 226-236 [Everport] Container Terminal Improvements Project
Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS)

6.5.2017

Public Comment Documents

Table of Contents

1. CFASE et al Public Comments

2. Appendix - 1 Public Health Impacts Assessment

- a. Dr. Jonathan C. Heller - HIA Expert Letter
- b. Dr. Jonathan C. Heller CV
- c. Minimum Elements & Practice Standards for HIA -North American HIA Professionals Association
- d. US EPA Los Angeles & Long Beach Maritime Port HIA SScope
- e. CFASE HIA Bibliography
- f. CAFSE Mini-Newsletter # 2 Health Impact Assessment Bibliography

3. Appendix - 2 Wilmington Container Storage Yards

- a. Wilmington Container Storage Yards List

4. Appendix - 3 Wilmington Noise Studies

- a. HCBF Report # 1 Noise Measurement Report
- b. HCBF Report # 2 Criteria and Prioritization Recommendations Report
- c. HCBF Report # 3 Noise Contour Development Methodology Report
- d. HCBF Report # 4 Property Inventory and Mitigation Recommendations Report

5. Appendix - 4 CFASE Bibliographies

- a. Health Impact Assessment (HIA) Bibliography
- b. Port & Goods Movement Public Health Bibliography
- c. Environmental Justice Bibliography
- d. Public Health Studies A1 - A 13 Bibliography
- e. Railroad Industry Public Health Impacts Bibliography
- f. Whale Ship Strikes Bibliography

6. Appendix - 5 Truck-Freight Reports

- a. Freight Efficiency Strategies

7. Appendix - 6 Ship Emissions Capture Technology

- a. Advanced Maritime Emissions Control Technology (AMECS) Fact Sheet
- b. Introduction to AMECS
- c. AMECS / Shorepower Cost Comparison
- d. California Air Resources Board - Letter

8. Appendix - 7 Zero Emissions Class 8 Drayage Trucks

A. Transportation Power, Inc. (TransPower)

- a. TransPower - Electric Class 8 Truck Data Sheet
- b. TransPower - Electric Class 8 Truck Product Description
- c. University of California Riverside College of Engineering-Center for Environmental Research & Technology
 - Performance Evaluation of TransPower All-Electric Class 8 On-Road Truck Report
- d. TransPower - Electric Class 8 Electric Yard Tractor Data Sheet
- e. TransPower - Electric Class 8 Electric Yard Tractor Product Description

B. Orange EV, LLC (OrangeEV)

- a. Orange EV - Electric Class 8 Electric Yard Tractor - T-Series Fact Sheet
- b. Orange EV - Electric Class 8 Electric Yard Tractor - Grow Revenue & Operate Less
 - Cost-Benefit Analysis
- c. California Air Resources Board - Executive Order - On-Road T-Series Electric Terminal Truck
Reference Number: A-2016-298
- d. California Air Resources Board - Executive Order - Off-Road T-Series Electric Terminal Truck
Reference Number: A-2016-325
- e. California Air Resources Board - Executive Order - Off-Road T-Series Electric Terminal Truck
Reference Number: A-2016-263
- f. California Air Resources Board - Letter of Approval - On-Road T-Series Electric Terminal Truck - Reference Number: CIHD-2016-044
- g. California Air Resources Board - Letter of Approval - Off-Road T-Series Electric Terminal Truck - Reference Number: CIHD-2016-043
- h. OrangeEV Press Release - Rail Management Services Re-Orders Orange EV T-Series

C. BYD North America

- a. BYD - Electric Class 8 Truck - 8TT/T9 Fact Sheet
- b. BYD - Electric Class 8 Tractor - 8Y Fact Sheet
- c. California Air Resources Board - Letter of Approval - Off-Road T-Series Electric Terminal Truck - Reference Number: CIHD-2015-059 (See BYD Information)
- d. California Air Resources Board - Letter of Approval - Off-Road T-Series Electric Terminal Truck - Reference Number: CIHD-2016-063 (See BYD Information)
- e. BYD Electric Vehicles
- f. BYD Information

D. US Hybrid

- a. US Hybrid - Electric Class 8 Truck - eTruck Specifications
- b. US Hybrid - Electric Class 8 Truck - H2Truck Hydrogen Fuel Cell Specifications

E. Toyota Motor North America

- a. Toyota - Electric Class 8 Truck - Hydrogen Fuel Cell
- b. Toyota Heavy Duty Trucking Concept Press Release
- c. 2017 Project Portal Announcement Bob Carter

F. Nikola Motor Company

- a. Nikola - Nikola One - Electric Class 8 Truck
- b. Nikola - Nikola Two - Electric Class 8 Terminal Tractor

9. Appendix - 8 Near Zero Emissions Class 8 Drayage Trucks

A. Transportation Power, Inc. (TransPower)

- a. TransPower - Class 8 Truck - Natural Gas Plug-In Hybrid Drive System

B. Peterbilt Motors Company (Peterbilt)

- a. Peterbilt - Class 8 Truck - Model 579 ISX 12 G - LNG - Specifications Sheet
- b. Peterbilt - Class 8 Truck - Model 567 ISX 12 G - LNG - Specifications Sheet
- c. Peterbilt - Cummins Westport CWI ISL G Fact Sheet 2017
- d. Peterbilt - Cummins Westport CWI ISL G Near Zero Fact Sheet 2017
- e. Peterbilt - Cummins Westport CWI ISL G Benefits Bulletin 2017

C. Freightliner Trucks/Daimler Trucks North America

- a. Freightliner - Class 8 Truck - Cascadia 113 Natural Gas - CNG Fuel Tank
- b. Freightliner - Class 8 Truck - Cascadia 113 Natural Gas - LNG Fuel Tank
- c. Freightliner - Class 8 Truck - M2 112 Natural Gas - CNG - Freightliner Natural Gas Brochure
- d. Freightliner - Class 8 Truck - M2 112 Natural Gas - LNG - Freightliner Natural Gas Brochure
- e. Freightliner - Cummins Westport CWI ISL G Fact Sheet 2017
- f. Freightliner - Cummins Westport CWI ISL G Near Zero Fact Sheet 2017

- g. Freightliner - Cummins Westport CWI ISL G Benefits Bulletin 2017
- h. Freightliner - Cummins Westport ISX12 G Fact Sheet

D. Volvo Trucks USA (Volvo)

- a. Volvo - Class 8 Truck - Model VNM 200 ISL G - Natural Gas - VNM Series Brochure
- b. Volvo - Cummins Westport CWI ISL G Fact Sheet 2017
- c. Volvo - Cummins Westport CWI ISL G Near Zero Fact Sheet 2017
- d. Volvo - Cummins Westport CWI ISL G Benefits Bulletin 2017
- e. Volvo - Class 8 Truck - Models VNL 300 ISX12 G - Natural Gas - VNL Series Brochure
- f. Volvo - Class 8 Truck - Models VNL 670 ISX12 G - Natural Gas - VNL Series Brochure
- g. Volvo - Cummins Westport ISX12 G Fact Sheet

E. International/NavStar

- a. TranStar - Class 8 Truck - ISL G - CNG
- b. International - Cummins Westport CWI ISL G Fact Sheet 2017
- c. International - Cummins Westport CWI ISL G Near Zero Fact Sheet 2017
- d. International - Cummins Westport CWI ISL G Benefits Bulletin 2017

F. Kenworth

- a. Kenworth - Class 8 Tractor - T680 ISL G
- b. Kenworth - Class 8 Tractor - T880 ISL G NZ - Near Zero - CNG Fuel Tank
- c. Kenworth - Class 8 Tractor - T880 ISL G NZ - Near Zero - LNG Fuel Tank
- d. Kenworth - Class 8 Tractor - T880 ISL G NZ - Near Zero - RNG
- e. Kenworth - Cummins Westport CWI ISL G Zero Fact Sheet 2017
- f. Kenworth - Cummins Westport CWI ISL G Near Zero Fact Sheet 2017
- g. Kenworth - Cummins Westport CWI ISL G Near Zero Benefits Bulletin Fact Sheet 2017
- h. Kenworth - Cummins Westport ISX12 G Fact Sheet

G. Mack

- a. Mack - Class 8 Truck - Pinnacle ISX12 G - CNG Fuel Tank
- b. Mack - Class 8 Truck - Pinnacle ISX12 G - LNG Fuel Tank
- c. Mack - Class 8 Truck - Pinnacle ISX12 G - RNG
- d. Mack - Cummins Westport Engine ISX12-G Fact Sheet

H. Kalmar USA Inc.

- a. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - CNG
- b. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - LNG
- c. Kalmar T 2 - 4x2 On Road Terminal Tractor ISL G - RNG
- d. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - CNG
- e. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - LNG
- f. Kalmar T 2 - 4x2 Off Road Terminal Tractor ISL G - RNG

- g. Kalmar - Cummins Westport CWI ISL G Fact Sheet
- h. Kalmar - Cummins Westport CWI ISL G Near Zero Fact Sheet
- i. Kalmar - Cummins Westport CWI ISL G Near Zero Benefits Bulletin

I. Autocar

- a. Autocar - ACTT - 4x2 DOT/EPA Terminal Tractor ISL G - CNG
- b. Autocar - ACTT - 4x2 DOT/EPA Terminal Tractor ISL G - LNG
- c. Autocar - Cummins Westport CWI ISL G Fact Sheet
- d. Autocar - Cummins Westport CWI ISL G Near Zero Fact Sheet
- e. Autocar - Cummins Westport CWI ISL G Benefits Bulletin

J. Capacity REV Group

- a. Capacity - Sabre 4x2 DOT Terminal Tractor ISL G - CNG
- b. Capacity - Sabre 4x2 DOT Terminal Tractor ISL G - LNG
- c. Capacity - Cummins Westport CWI ISL G Fact Sheet
- d. Capacity - Cummins Westport CWI ISL G Near Zero Fact Sheet
- e. Capacity - Cummins Westport CWI ISL G Benefits Bulletin

- Note:**
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 2. All documents contained in the USB Memory Drive in the Addendums are submitted as part of the public comments.
 3. All documents referenced as citations in documents are submitted as part of the public comments, the Port of Los Angeles and U.S. Army Corp Of Engineers are requested to read, review and consider all citations information as part of the public comments in their decision making process.

2.3.5.3 Coalition for a Safe Environment (CFSE)

Response to Comment CFSE-1

The commenter's opinion that the Purpose, Need and Objectives contained within the Project Description of the EIS/EIR may not be entirely accurate or true is noted. The EIS/EIR, however, considers all of the reasonably foreseeable significant adverse impacts of the proposed project (or action) as required by NEPA/CEQA. The applicant/tenant serves numerous markets across the globe, and currently has 33 vessels to be used worldwide on order. Of these, 11 are for 18,000 TEU vessels. The largest vessels in Everport's fleet primarily serve the Asia/Europe market (Asia to/from Europe). Because the largest ships (i.e. 18,000 TEU) do not typically serve North America, it is speculative at this time to assume that one or more of the 11 future 18,000 TEU vessels would be incorporated into the vessel strings serving the Project site. The Draft EIS/EIR evaluates vessels up to 16,000 TEUs, which is believed to be the vessel size most likely used on the transpacific trade and what the terminal improvements have been designed for.

Regarding the request to prohibit 18,000 TEU vessels from berthing at the Everport Container Terminal, as stated above, it is unknown and speculative at this time if the facility will receive 18,000 TEU vessels. If such a scenario were to occur in the future, however, the Port would not prohibit 18,000 TEU vessels as requested by the commenter. This is because the use of such vessels is expected to improve overall impacts. Larger and newer vessels have cleaner engines compared to the older smaller vessels, and they can result in fewer ship calls due to their ability to accommodate higher capacities.

Regarding the commenter's request that a new (or revised) Draft EIS/EIR be prepared to address the speculative impacts of 18,000 TEU vessels which could, as assumed by the commenter, frequent the Project site at some point in the future, CEQA and NEPA do not require such an analysis. (See CEQA Guidelines, Sections 15144, 15145 [indicating that while drafting an EIR necessarily involves some degree of forecasting, EIRs should not rely on speculation in evaluating impacts].) The proposed Project has been designed to accommodate 16,000 TEU vessels and related reasonably foreseeable activities. The EIS/EIR considers the reasonably foreseeable significant impacts of the proposed Project.

Regarding the request that a new Draft EIS/EIR be prepared to include the contracting schedule for purchasing new trucks, chassis, truck staging areas, and container storage yards, the Port respectfully declines this request for the following reasons:

1. the Everport Container Terminal does not maintain its own truck fleet, rather, relies on independent owners and operators for container hauling;
2. the Everport Container Terminal does not own or control truck chassis;
3. the Draft EIS/EIR evaluation of the proposed Project includes the expansion of backlands for terminal operations such as container and container-related storage; and
4. the proposed Project and alternatives do not include off-site yards for storing containers other than peel-off yards, of which a portion of their capacity have been assigned to the Everport Container Terminal and included in the proposed Project's throughput capacity evaluated in the Draft EIS/EIR.

Regarding the request that a new Draft EIS/EIR be prepared that will include a schedule for the recruitment and training of drivers, the Port respectfully declines this request because the Everport Container Terminal does not maintain its own truck fleet, rather, the trucks that serve the terminal are controlled by independent owners and operators. Recruitment and training of truck drivers is the responsibility of the independent owner/operators and trucking companies and is therefore outside the scope of the Port's ability to require.

1 **Response to Comment CFSE-2**

2 The comment is noted. The comment does not identify any specific feasible alternatives or mitigation
3 measures that would avoid or substantially lessen the significant adverse impacts of the Project and which
4 are not included in the Draft EIR/EIS. The comment also does not specify which impacts the commenter
5 believes are understated. Please see responses for CFSE-3 through CFSE-10 for specific responses to the
6 suggested mitigation measures.

7 **Response to Comment CFSE-3**

8 The comment is noted. The term “peel-off yard” is consistent with the Port’s press release from 2015
9 (https://www.portoflosangeles.org/newsroom/2015_releases/news_030915_peel_off_program.asp)
10 regarding the topic, and there is no equivalent standard industry term identified. Therefore, the term “Peel-
11 Off Yards” is appropriate to use in this EIS/EIR. The three peel-off yard locations that were included in the
12 analysis are all on Terminal Island; one was assumed to be at Navy Way and Reeves Avenue, another was
13 assumed to be at the LAXT Loop and adjacent Customs House building, and the third was assumed to be at
14 Pier S in the Port of Long Beach. The traffic analysis considered all of the Project’s transportation impacts,
15 including trucks attributed to the Everport Container Terminal at the peel-off yards. The peel-off yards
16 themselves are outside the scope of this EIS/EIR, and therefore, truck trips and containers utilizing each of
17 the peel-off yards cannot be attributable to the proposed Project and alternatives are exclusively identified.
18 They are, however, assumed to occur as part of the cumulative impact analysis.

19 **Response to Comment CFSE-4**

20 The comment is noted. The EIS/EIR assumes maximized use of Everport’s on-dock railyard, and therefore
21 maximizes the use of the Alameda Corridor. In addition, neither the Port nor the applicant/tenant has any
22 jurisdiction over the use of the Alameda Corridor.

23 **Response to Comment CFSE-5**

24 The comment is noted. The implementation of large-scale alternative rail transportation systems at the
25 ports, such as Maglev, is not feasible for consideration as mitigation for the impacts of the proposed Project.
26 These systems generally require very large capital investments, have extensive geographical coverage, fall
27 under the purview of the rail companies, and are disproportionate to the impacts of an individual project. In
28 2008, EMMI Logistics estimated the building cost for a complete MagLev system at 4.4 billion dollars (by
29 2013), which is likely underestimated at this point in time (American Maglev Inc., 2008). Although LAHD
30 can authorize additional loading tracks at on-dock yards within the Port boundaries, the alternative rail
31 transportation system would have to extend well beyond the on-dock yards to areas beyond the Port.
32 Additionally, the project applicant/tenant has no means to implement such system-wide transportation
33 improvements nor does the applicant/tenant or Port have any jurisdiction over rail transportation systems.
34

35 Although the commenter states that several firms have designed a goods movement system for containers,
36 the Port issued a Request of Concepts and Solutions for a Zero Emission Container Movement System in
37 2010, and although numerous submittals were received, including one from one of the referenced firms,
38 none of the submittals were found to be in full compliance with the request. In some instances, the costs
39 were found to be underestimated, and in others, proof of concept was not demonstrated. [July, 2010 Zero
40 Emission Container Movement System Evaluation results]. As a consequence, the use of an alternative rail
41 technology as mitigation is not considered feasible at this time due to the prohibitive cost and because the
42 Port and the applicant/tenant does not have jurisdiction over the rail transportation system to ensure
43 implementation in a successful manner and within a reasonable period of time.

1 **Response to Comment CFSE-6**

2 The comment is noted. Please see Response to Comment CFSE-5 above.

3 **Response to Comment CFSE-7**

4 The comment is noted. The commenter states that the Draft EIS/EIR underestimated truck trips because it
5 did not account for trips to the various facilities listed in bullet form in the comment and referenced
6 attachment. The average daily truck trips under the proposed Project (7,028) represent the number of truck
7 trips between the terminal and the first point of destination. The first point of destination is typically a near-
8 dock rail yard, off-dock rail yard, or transloading facility. To the extent that the list of facilities in the
9 comment is a transloading facility or a peel-off yard on Terminal Island, the number of daily truck trips
10 listed in the Draft EIS/EIR include visits to those facilities. However, the other facilities in the list represent
11 facilities that are owned and operated by non-affiliated third parties, that have been issued respective project
12 approvals, and that have undergone respective environmental evaluations and documentation. Because
13 those facilities are not a part of the proposed Project, and are owned and operated by third parties, the
14 specific truck trips generated by those operations are not evaluated as part of the proposed project or Project
15 Alternative in the Draft EIS/EIR.

16 **Response to Comment CFSE-8**

17 The recommendation that the Port provide dedicated freeway and highway truck lanes is acknowledged.
18 The proposed Project would result in a significant impact at the freeway ramp intersection of Ferry Street
19 and the SR47 intersection; however, the recommended mitigation would not address this impact. In
20 addition, the Port does not have jurisdiction over the freeway or highway system.

21 **Response to Comment CFSE-9**

22 The comment is noted. A new underground truck tunnel from the Ports to various rail transportation yards
23 would not be appropriate mitigation to include for a single terminal redevelopment project (such as
24 Everport). In addition, this recommendation is not economically, logistically or technologically feasible to
25 design and build (especially in an environment with very shallow groundwater, intervening Harbor
26 channels, underground utilities, and right-of-way considerations). An underground truck tunnel would also
27 likely result in numerous significant adverse environmental impacts, including groundwater impacts and air
28 quality impacts, associated with constructing and operating the tunnel, and would require a separate
29 environmental document, which would be, at a minimum, an EIR.

30 **Response to Comment CFSE-10**

31 LAHD is unclear what the correlation is between a multi-story parking lot and the Everport Container
32 Terminal. The proposed Project seeks to provide facility improvements to allow for larger and cleaner
33 vessels to visit the site. The associated trucks to accommodate the increased throughput do not park long-
34 term at the site; but rather, pick up containers for transport. It is unclear how this parking structure would
35 serve as mitigation at the site or mitigate this project in any way. It's further unclear how a parking
36 structure would assist Environmental Justice Communities. Construction and operation of any such
37 structure would also pose potentially significant adverse environmental impacts that would need to be
38 addressed in a separate environmental assessment, such as an EIR.

39

1 **Response to Comment CFSE-11**

2 The comment is noted. As stated in lease measure LM AQ-1, the best feasible emission reducing
3 equipment shall be implemented as it is determined to be feasible for work at the port. Feasibility for
4 equipment is based on the ability for the equipment to perform consistently in the port environment, and
5 takes into account technical feasibility; infrastructure availability for electric grid connections, fuel cell
6 and/or natural gas equipment; operational feasibility for marine port conditions; and economic feasibility.
7 LAHD disagrees with the claim that the commenter's suggested equipment and systems are commercially
8 available today. For more information, see Master Response 2: Zero-Emission Technologies. Please also
9 see Response to Comment CARB-8 with regards to increased compliance with Alternative Maritime Power
10 (AMP) in 2020.

11 **Response to Comment CFSE-12**

12 The comment is noted. The Draft EIS/EIR assessed greenhouse gas emissions and identified those impacts
13 that are significant in Section 3.5 – Greenhouse Gas Emissions. The Draft EIS/EIR also evaluated cancer
14 and non-cancer risk in Section 3.2 – Air Quality and Appendix B3, and determined that individual cancer
15 and non-cancer risks would be less than significant under CEQA without mitigation. Note that CEQA does
16 not require all impacts from a project be fully mitigated in order to be approved, only that feasible
17 mitigation measures be applied (CEQA Statute Section 21002).

18 **Response to Comment CFSE-13**

19 The comment is noted. LM AQ-1 and LM AQ-2 provide mechanisms for incorporating into terminal
20 operations those technologies that become feasible in the future. No credit is taken for these lease measures
21 in the mitigated scenarios. In addition, these measures are acceptable as commitments by LAHD. LAHD
22 disagrees with the assertion that the commenter's suggested equipment and systems are commercially
23 available today. For details on the feasibility assessment process for the Port of Los Angeles, see Master
24 Response 1: Feasible Mitigation – Guidance and Applicability, Master Response 2: Zero-Emission
25 Technologies, and Master Response 3: Port-wide Emission Reduction Programs. Please also see Response
26 to Comment CFSE-11, above. In addition, the status in the development phase of Zero Emission
27 technologies is provided in Master Response 2.

28 **Response to Comment CFSE-14**

29 The comment is noted. Please see Response to Comment CFSE-7, above.

30 **Response to Comment CFSE-15**

31 The comment is noted. Long term feasibility assessments are underway at both Everport Container
32 Terminal and other terminals located at the port and across the state of California. For more details, please
33 see Master Response 2: Zero-Emission Technologies. The Evergreen vessels calling at the Everport
34 Container Terminal are designed to use AMP, thus can achieve virtually 100 percent AMP usage.
35 Alternative ship capture technologies, in the form of the Marine Exhaust Treatment System (METS-1) are
36 currently being evaluated for feasibility at the Pasha Stevedoring terminal through the Green Omni
37 Terminal Demonstration Project. For more information regarding the project, see the port's announcement
38 of the project at [https://www.portoflosangeles.org/environment/progress/news/pasha-port-los-angeles-
39 california-air-resources-board-partner-green-omni-terminal-demonstration-project/](https://www.portoflosangeles.org/environment/progress/news/pasha-port-los-angeles-california-air-resources-board-partner-green-omni-terminal-demonstration-project/). When these
40 technologies become feasible and commercially available, LAHD will incorporate them into the lease
41 agreements per LM AQ-1. Therefore, no emission reductions as a result of these technologies were
42 included in the air quality impact analysis in the Draft EIS/EIR, Section 3.2.

1 **Response to Comment CFSE-16**

2 The comment is noted. Please see Responses to Comments CFSE-11 and CFSE-15, above. In addition, the
3 commenter is referencing zero-emission technologies, near-zero-emission technologies and BACT, etc.,
4 but not providing specific examples of what should have been incorporated at the Project site.

5 **Response to Comment CFSE-17**

6 The comment is noted. Please see Response to Comment CFSE-19, below.

7 **Response to Comment CFSE-18**

8 The comment is noted. Please see Responses to Comments CFSE-13, above.

9 **Response to Comment CFSE-19**

10 The comment is noted. LAHD has identified and analyzed GHG emissions from project-related sources
11 including container ships, tug boats, cargo handling equipment, trucks and automobiles, and rail
12 locomotives, as well as construction equipment. The GHG impact analysis is presented in the Draft
13 EIS/EIR, Section 3.5. Also, please see Response to Comment CFSE-7 regarding the extent of project-
14 related truck activity. Regarding the comment that the Port “arbitrarily” set the cap for the Carbon Offset
15 Fund to \$250,000, the amount of financial contribution is not arbitrary. The figure will equate to one
16 percent (1 percent) of the MAG (Minimum Annual Guarantee) in the lease based on the calendar year prior
17 to the commencement of construction, which the Harbor Department has determined would not threaten the
18 economic viability of the project. This figure should equate to slightly over \$300,000 based on current
19 estimates. This is an increase in the originally projected amount of \$250,000 even though a refined analysis
20 indicates that GHG emissions from the proposed Project will be significantly lower than previously
21 assessed.

22 **Response to Comment CFSE-20**

23 The comment is noted. Please see Response to Comment CFSE-7, above.

24 **Response to Comment CFSE-21**

25 The comment is noted. Please see Response to Comment CFSE-15, above.

26 **Response to Comment CFSE-22**

27 The comment is noted. Note that Best Available Control Technology (BACT) is a term reserved for air
28 quality permitting of stationary sources, such as power plants, petroleum refineries, and chemical
29 manufacturing facilities to name a few. The SCAQMD defines BACT under Regulation XIII – New Source
30 Review in Rule 1302(h). Since the sources associated with the Everport Container Terminal are mobile
31 (ships and boats, trucks, trains, and cargo handling equipment), BACT does not apply to the project. The
32 project now includes, subject to availability, electric equipment for dredging activities, please see Response
33 to Comment CARB-14 regarding the addition of electric dredge equipment into MM AQ-5, as well as the
34 type of dredging equipment assumed for calculating construction emissions in the Draft EIS/EIR, and
35 Response to Comment MCC-1 regarding the incorporation of electric equipment requirements for dredging
36 specifications. Please also see Master Response 1: Feasible Mitigation – Guidance and Applicability,
37 Master Response 2: Zero-Emission Technologies, and Master Response 3: Port-wide Emission Reduction
38 Programs.

1 **Response to Comment CFSE-23**

2 The comment is noted. Please refer to Responses to Comments CFSE-3, CFSE-7, CFSE-12, CFSE-14,
3 CFSE-17, CFSE-19 and CFSE-20. The commenter asserts that cumulative impacts are underestimated;
4 however, no specific deficiencies or examples were provided. Therefore, no further response is required
5 (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). Regarding air quality
6 and greenhouse gas mitigation measures, please see Master Response 1: Feasible Mitigation – Guidance
7 and Applicability, Master Response 2: Zero-Emission Technologies, and Master Response 3: Port-wide
8 Emission Reduction Measures. In addition, the commenter has provided no evidence that increasing ship
9 call would deprive residents and boat owners of their boat recreational use due to decreased boating areas
10 and increased time to wait for ship passage. The potential 42 additional vessel call *a year* (emphasis added)
11 would not increase the number of vessels that could use the terminal at any one time; therefore, on any
12 given day, it is not anticipated that boating would not be affected by the proposed Project.

13 **Response to Comment CFSE-24**

14 The comment is noted. The Draft EIS/EIR evaluates construction noise impacts in Section 3.10, Noise.
15 Table 3.10-9, Summary of Daytime Construction Noise Impact identifies the noise level from pile driving
16 activities assuming that an impact pile driver is used and includes a decibel rating of 107 to be conservative.
17 The analysis then evaluated various receptor locations in the vicinity, including the Cerritos Channel
18 Marina where liveboards are present. This receptor is located approximately 10,000 feet from the pile
19 driving activities, and this distance is greater than one-mile from the project site. It should be noted that
20 although pile driving noise may be discernible at a distance of one-mile, the noise level increase at this
21 distance would not exceed the significance threshold level due to attenuation with distance. The Draft
22 EIS/EIR also evaluated the effects of construction noise on closer receptors and identified potentially
23 significant noise impacts at two locations, liveboards in Fish Harbor, and the San Pedro Tourism Area.
24 Two mitigation measures (MM NOI-1 and MM NOI-2) have been included to reduce potential noise
25 impacts from pile-driving. With mitigation, construction-related noise impacts were found to be less than
26 significant.

27
28 Contrary to the comment, the noise evaluation in the Draft EIS/EIR includes an evaluation of the terminal
29 operations for the proposed Project on page 3.10-31, which includes truck trips and rail trips associated with
30 full build out of the terminal. The evaluation determined that project operations would not result in an
31 increase in ambient noise levels of 3 dBA or greater, and thus found operational impacts related to noise
32 increases to be less than significant.

33
34 The evaluation of operational noise from rail and truck trips includes an analysis of the truck routes and the
35 first point of destination. This means that the majority of trips are assumed to travel along major
36 thoroughfares and represent the most concentrated travel activities that could occur. Thus, they reflect the
37 maximum operational noise levels that could occur. Although there may be non-affiliated third-party
38 operations such as warehouses throughout Southern California that ultimately accept goods that were
39 delivered to the Port, these facilities are dispersed and located in areas and on land zoned for such activities.
40 These associated trips would be much less than would occur along the major thoroughfares. Thus, the
41 incremental increase in noise associated with third party activities would be less than the noise associated
42 with trips between the Everport Container Terminal and the first point of destination. The Draft EIS/EIR
43 thus represents a worst-case analysis.

44
45 Regarding the comment that the Draft EIS/EIR does not include noise information from the sources
46 identified in the Commenter's second point above, those sources represent facilities owned and operated by
47 non-affiliated third parties that have been issued respective project approvals and have undergone respective
48 environmental evaluations and documentation in order to allow them to operate separate from this project.

1 They are not part of this project and are not being constructed as a result of this project. No further
2 evaluation is necessary.

3
4 Regarding the comment that the Draft EIS/EIR failed to consider information and mitigation in the Harbor
5 Community Benefit Foundation four Wilmington Noise Reports, the construction of the proposed Project
6 would not result in significant noise impacts in Wilmington (which is north of the Cerritos Channel marina
7 with Liveboards (see Table 3.10-9 of the Draft EIS/EIR), and would not result in significant noise impacts
8 from operations. As a consequence, noise mitigation in Wilmington was not required.

9 **Response to Comment CFSE-25**

10 The comment is noted. Please refer to Responses to Comments CFSE-2 through CFSE-24 regarding
11 mitigation measures and/or emission sources. Project-related air quality and health risk impacts were
12 presented in the Draft EIS/EIR, Section 3.2 and Appendix B; and greenhouse gas emissions were presented
13 in Section 3.5 and Appendix B1. Project-related noise impacts were presented in Section 3.10. Project-
14 related traffic impacts were presented in Section 3.6 and Appendix E. Cumulative impacts were presented
15 in Chapter 4, and Socioeconomic impacts were presented in Chapter 7. As with the comments above where
16 the commenter has pointed to, and provided, bibliographies, the documents provided do not reference
17 specific proposed Project components, but other projects and areas outside of the Project site. In addition,
18 the commenter does not specifically call out an issue or deficiency; therefore, no further response is
19 required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

20 **Response to Comment CFSE-26**

21 The comment is noted. The commenter incorrectly states that the Draft EIS/EIR Biological Resources fails
22 to identify, assess and mitigate the potential for whale strikes from the 208 annual ship calls. Section 3.3,
23 Biological Resources, of the Draft EIS/EIR, beginning on page 3.3-18, identifies the issue of potential
24 vessel collisions with sea turtles and marine mammals (which includes whales) and includes a separate
25 section about whale strikes. Under the Impact Determination section (Section 3.3.4.3), the potential for the
26 proposed Project and each of the alternatives to impact sea turtles and marine mammals and increase whale
27 strikes, is described under Impact BIO-1. Any increase in vessel traffic caused by the proposed Project may
28 incrementally increase the potential for vessel strikes. However, this impact is considered less than
29 significant under CEQA and NEPA because of the low probability of vessel strikes. Even though impacts
30 due to vessel strikes are considered less than significant, with no mitigation required, implementation of
31 mitigation measure MM AQ-6, Vessel Speed Reduction Program (see Section 3.2, Air Quality and
32 Meteorology), would further reduce the potential for vessel collision with marine mammals and sea turtles.

33 **Response to Comment CFSE-27**

34 The comment is noted. Please see Response to Comment USEPA-9.

35
36 The supplemental documents and information provided, and referenced, by the commenter throughout the
37 comment letter do not constitute a comment under CEQA. In addition, the supplemental
38 documents/information do not identify specific proposed Project components, but other projects and areas
39 outside of the Project site; therefore, no further response is required (PRC 21091(d); State CEQA
40 Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)). Due to the large file sizes and voluminous nature of
41 the documented provided, copies of the documents attached to the June 5, 2017 comment letter on the Draft
42 EIS/EIR from CFSE can be viewed at the LAHD Environmental Management Division, 222 West 6th
43 Street, Suite 900, San Pedro, CA 90731, or on the Port's website at <http://www.portoflosangeles.org> under
44 the Environmental tab, as part of the Final EIS/EIR, so that members of the public wishing to view this
45 information may do so.

From: Adrian Martinez [<mailto:amartinez@earthjustice.org>]
Sent: Monday, June 5, 2017 11:48 PM
To: Ceqacomment; 'Theresa.stevens@usace.army.mil'
Subject: Berths 226-236 [Everport] Container Terminal Improvements Project

Berths 226-236 [Everport] Container Terminal Improvements Project

On behalf of Earthjustice, I submit these comments on the Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Everport Container Terminal project. At the outset, I concur generally with the comment letter submitted by the Natural Resources Defense Council and other groups. I simply write this letter to add two additional points. First, the energy analysis in the Draft EIR fails to comply with CEQA. Second, that the Draft EIR fails to comply with CEQA's energy consumption mitigation requirements articulated in Appendix F, CEQA, and the CEQA Guidelines.

EJ-1

Energy Impact Analysis

CEQA creates an independent obligation to analyze the energy impacts from a proposed project. Here, the Draft EIR fails to provide sufficient information regarding the project's energy use. Recent court decisions have made clear that CEQA's obligation to do an energy analysis (see Cal. Pub. Res. Code § 21100, subd. (b)(3).) extends beyond the tangential discussion of energy in sections like the greenhouse gas analysis or air quality analysis. (See *Ukiah Citizens for Safety First v. City of Ukiah*, 248 Cal. App. 4th 256 (2016).) Thus, recent decisions have affirmed that agencies must take their obligations under CEQA's energy provisions seriously. To comply with this section of CEQA, the EIR must disclose energy impacts from transportation and other sources during the construction and operation of the project. This analysis is particularly important for this project because of the immense potential energy consumption related to the vehicles and other equipment operating at this site. Only a full disclosure of the energy landscape of this project will provide the necessary information for the public and decision makers to understand the scope of energy impacts.

EJ-2

The EIR Must Include Energy Mitigation

Once the Draft EIR cures the problems with the energy analysis, it must examine feasible mitigation. Mitigation is the core of the energy impacts analysis. In fact, the CEQA section that creates the obligation for an energy analysis refers to it in terms of "[m]itigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." (See Cal. Pub. Res. Code § 21100, subd. (b)(3).) Importantly Appendix F of CEQA suggest the following parameters to mitigate energy use:

EJ-3

The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption,
- (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

(Appendix F, CEQA.) Several mitigation options could present themselves to achieve all three goals. Increasing use of zero emission vehicles would help with decreasing reliance on fossil fuels. Moreover, integrating renewable energy into this project will also achieve the third part of achieving this goal. However, before identifying the specific mitigation, the Draft EIR must include a full assessment of energy impacts to understand what mitigation obligations exist.

EJ-4

Please do not hesitate to contact me if you have questions about these comments.

Sincerely,

Adrian Martinez

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1 **2.3.5.4 Earthjustice (EJ)**

2 **Response to Comment EJ-1**

3 Please see Master Response 4: Energy Usage and Appendix F

4 **Response to Comment EJ-2**

5 Please see Master Response 4: Energy Usage and Appendix F

6 **Response to Comment EJ-3**

7 Please see Master Response 4: Energy Usage and Appendix F

8 **Response to Comment EJ-3**

9 Please see Master Response 2: Zero- Emission Technologies

10

June 5, 2016

Chris Cannon
Director, Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733

Theresa Stevens, Ph.D.
Los Angeles District, Regulatory Division
U.S. Army Corps of Engineers
2151 Alessandro Dr., Ste. 110
Ventura, CA 93001

RE: Draft EIS/EIR - Berths 226-236 [Everport] Container Terminal Improvements Project

Dear Mr. Cannon and Dr. Stevens:

On behalf of the Los Angeles Area Chamber of Commerce, I am writing to support the Everport Container Terminal Improvements Project at the Port of Los Angeles (POLA).

This project will serve to optimize the container-handling efficiency and capacity of POLA to accommodate the projected fleet mix of larger container vessels that are anticipated to call at the Everport Container Terminal through the next two decades. Due to increased demands for goods, larger vessels are being deployed to reduce container shipping costs. As industry trends shift, continual modernization of our port infrastructure is essential.

By optimizing the use of existing land, dredging for sufficient depth, adding new cranes and raising existing ones, and increasing efficiency for container handling, the Everport Terminal improvements will ensure we are poised to compete for the benefit of our regional economy. The project will also create good jobs- both during the project and in the staffing of the modernized terminal.

With the goods movement sector contributing to nearly one-third of the regional economy, efficient transportation of cargo through our ports is vital to maintaining a thriving economy. For these reasons, the LA Chamber supports the Everport Container Terminal Improvements Project.

Sincerely,



Gary Toebben
President & CEO

LAC-1

1 **2.3.5.5 Los Angeles Area Chamber of Commerce (LAC)**

2 **Response to Comment LAC-1**

3 Thank you for your comment on the Draft EIS/EIR. LAHD and USACE acknowledge LAC's review and
4 that no comments are provided; therefore, no further response is required (PRC 21091(d); State CEQA
5 Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

6



Long Beach Alliance for Children with Asthma

&

West Long Beach Association
California Kids IAQ
Community Dreams
Apostolic Faith Center
EMERGE

Wilmington Improvement Network
American Veterans (AMVETS)
NAACP - San Pedro-Wilmington Branch # 1069
St. Philomena Social Justice Ministry
San Pedro and Peninsula Homeowners Coalition

June 5, 2017

Via USPS and Email

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

Port of Los Angeles
Christopher Cannon
Director of Environmental Management
P.O. Box 151
San Pedro, CA 90733-0151
ceqacomment@portla.org

Dear Dr. Stevens and Mr. Cannon:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement/Environmental Impact Report (“DEIS/DEIR) for the Everport Container Terminal Project (hereinafter the “Project”). The signatories to this letter are dedicated to reducing the Port’s impacts on local communities, and have engaged in the environmental review process for numerous Port-related projects over the years.

While we appreciate the mitigation measures incorporated into the Project to date, we believe there is much more the Army Corps and Port can do to reduce the Project’s impacts. Notably, the DEIS/DEIR concludes that the Project will yield “significant and unavoidable” environmental impacts, including impacts to air quality, greenhouse gas emissions, and

NRDC-1

environmental justice, as well as cumulative impacts. These impacts will occur in a region that continually violates federal clean air standards for ozone and particulate matter, and in a State that has ambitious climate policies that need the Port’s cooperation. Further, the Project’s impacts will disproportionately affect environmental justice communities near the Port. It is this context in which the DEIS/DEIR must be considered. It is also within this context that we recommend that additional mitigation be adopted for the Project.

NRDC-1
cont.

I. The Project Should Adopt More Mitigation to Reduce Operational Ship Emissions

The DEIS/DEIR reports the following “significant and unavoidable” air quality impacts from Project operations under the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”):

- CEQA: Operations would be significant and unavoidable for CO and VOC in 2033 and 2038.
- NEPA: Operations would be significant and unavoidable for NOX in 2026, 2033, 2038 and CO and VOC in 2033 and 2038.
- CEQA: Operations would be significant and unavoidable for NO2 (federal 1-hour average), PM10 (24-hour and annual averages), and PM2.5 (24-hour average).
- NEPA: Operations would be significant and unavoidable for PM10 (24-hour and annual averages).

NRDC-2

See DEIS/DEIR at ES-28 (Table ES-3). Emissions from ships (main propulsion engines, and auxiliary engines and boilers) at the largest contributor to these “significant and unavoidable” air quality impacts. Accordingly, we strongly urge the DEIS/DEIR to include more mitigation for ship emissions. Specifically, while we acknowledge that the percentage compliance rates discussed in the DEIS/DEIR for vessel speed reduction and alternative maritime power are already relatively high, the environmental study should consider the feasibility of adopting even higher rates.

For instance, the DEIS/DEIR states that:

By 2020 or upon substantial completion of construction, 85 percent of Evergreen ships calling at the Everport Terminal must use AMP. By 2026, 95 percent of all ship calls at the Everport Container terminal must be AMP or approved equivalent under the CARB Shore-Power Regulation. The equivalent alternative technology must, at a minimum, meet the emission reductions that could be achieved from AMP.

Id. at 3.2-51. The DEIS/DEIR should assess the feasibility of an above 85% compliance rate in 2020 (or upon completion of construction) including through the use of an equivalent alternative technology. Similarly, the DEIS/DEIR should assess the feasibility of requiring a 95% compliance rate before 2026, and a higher compliance rate at and after 2026.

Given the amount of ships emissions from the Project, and CEQA’s mandate that the DEIR include all feasible mitigation, the Port should include this additional mitigation.

II. The Project Should Adopt Mitigation for Trucks Used During Project Operations

Under the CEQA baseline (2013), annual throughput at the terminal was 1,240,773. During the operational phases of the Project, TEUs will increase as follows:

YEAR	ANNUAL TEU THROUGHPUT	% INCREASE FROM CEQA BASELINE
2026	1,843,297	49%
2033	2,379,525	92%
2038	2,379,525	92%

Id. at App. B1 (Table 3.2-2). These additional TEUs will be moved by equipment and vehicles, including drayage trucks. Appendix B1 Table 3.2-4 depicts annual operational phase truck trips increasing from 1,112,551 in 2013 to 1,735,493 in 2033 (and holding at these rates in 2038), an increase of 622,942 truck trips annually.

Despite this increase, there is no mitigation for trucks within the DEIS/DEIR (aside from the development of a priority access program, which the DEIS/DEIR does not take credit for as mitigation). There are, however, meaningful opportunities to mitigate truck emissions. Indeed, the DEIS/DEIR indicates that in 2038, nearly 130,000 TEUs will be moved to peel-off yard(s) annually. *Id.* at ES-17 (Table ES-2). The DEIS/DEIR should consider requiring truck trips to/from peel-off yards to the Project site to be moved by zero emissions miles. Technologies such as battery electric trucks can accomplish these moves and are feasible today. Depending on the location of the peel-off yard, it is conceivable that some of these moves could even be performed by zero-emissions yard hostlers. In addition to reducing criteria pollutants, such mitigation would reduce the Project's significant greenhouse gas emissions.

Additionally, the Port has articulated in its Clean Air Action Plan discussion draft that it is targeting an all zero-emissions truck fleet by 2035. The DEIS/DEIR should include this CAAP goal as a requirement in the terminal lease, as well as interim deadlines to ensure ultimate compliance.

III. The Project Should Adopt Mitigation for Rail Operations

While ship emissions are the largest contributor to the Project's operational air quality impacts, over the life of the Project, line haul rail's contribution to, e.g., total NOx emissions, increases. For example, in 2019, line haul locomotives represent 9% of total NOx emissions, but by 2038, they represent 69%--resulting in a 123% overall increase. DEIR/DEIS at 3.2-46-48 (Table 3.2-20). The DEIS/DEIR should consider additional mitigation for this emissions source.

In the 2010 CAAP, the Port articulated that:

By 2020, goal for 95% of Class 1 line-haul locomotives entering the ports to meet Tier 4 standards. For a minimum performance requirement, by 2023, Class 1 line-haul locomotives entering the ports will meet an emissions equivalent of 40% USEPA Tier 3 line haul locomotive standards and 50% Tier 4 line haul locomotive standards,

NRDC-3

NRDC-4

which may be implemented as mitigation for an identified impact through the CEQA environmental process or as a contractual lease requirement above what would be required strictly based upon identified impacts in the environmental analysis.¹

NRDC-4
cont.

Emissions from Tier 4 line haul locomotives are over 70 percent lower than Tier 2 line-haul locomotives. Therefore, a transition to a Tier 4 fleet will provide significant emission reduction benefits. The Port must continue to pursue its 2010 CAAP commitment to work with agency partners to accelerate the turnover of the line-haul locomotive fleet so that by 2020, the state-wide fleet is comprised of at least 95 percent Tier 4 line-haul locomotive engines. If the Port is committed to the goals articulated in its various Clean Air Action Plans, it should likewise make those commitments in its project documents.

IV. The Project Should Explore Any and Every Opportunity to Advance Zero-Emissions Technologies

Governor Brown and air quality regulators have made clear that California will not meet national health-based air quality standards and state greenhouse gas reduction goals if the Ports proceed with a “business as usual” approach for moving freight. The California Air Resources Board has explained that “California must take effective, well-coordinated actions to transition to a zero-emission transportation system for both passengers and freight.”² Given the Project’s “significant and unavoidable” air quality and greenhouse gas impacts, and the State’s directives, the Port should explore every opportunity to advance zero emissions technologies.

Preliminarily, we acknowledge and appreciate the information shared at the May 10, 2017 public meeting, which indicates that the Project will use approximately 30 pieces of zero emissions or ultra-low NOx cargo handling equipment. However, the Port can and should be doing more. As discussed above, the Port should adopt a zero-emission truck requirement for trips to nearby peel-off yards. The DEIS/DEIR should also embody (as lease requirements) the CAAP’s 2030 zero-emissions goal for all cargo handling equipment and the complimentary 2035 all zero-emissions truck goal. The DEIS/DEIR should also analyze what infrastructure is needed at the terminal to support the terminal’s current and projected electricity needs given the Port and State’s larger zero emissions goals.

NRDC-5

A sustainable freight system requires a long-term wholesale transformation away from fossil-fueled technologies. Such transformation starts with widespread implementation of zero-emission technologies that are already viable in applications with the potential for significant expansion. Zero-emission technology, such as drivetrains powered by batteries or hydrogen fuel cells, are available for some truck types, as well as forklifts, gantry cranes, and other types of goods movement equipment. As with the early light duty vehicle electrification market, the market faces higher per vehicle costs, vehicle availability, limited manufacturers, and other early market entry barriers including limited fleet experience with the vehicles. These, however, are barriers that can be overcome with the right policies and investments to successfully move the freight system toward zero-emission technologies. Increased deployment of these technologies

¹ SAN PEDRO BAY PORTS, FINAL CLEAN AIR ACTION PLAN 2010 UPDATE 153 (Oct. 2010), available at <http://www.cleanairactionplan.org/documents/2010-final-clean-air-action-plan-update.pdf> at 156.

² AIR RES. BD., SUSTAINABLE FREIGHT: PATHWAY TO ZERO AND NEAR-ZERO EMISSIONS at 1 (April 2015), available at <http://www.arb.ca.gov/gmp/sfti/sustainable-freight-pathways-to-zero-and-near-zero-emissions-discussion-document.pdf>.

will help create economies of scale. As use of zero-emission technologies grows, prices will fall and the efficiency of those technologies will improve.³ Growing use of zero-emission technologies will also require greater investment in infrastructure that supports these technologies.

NRDC-5
cont.

Where short-term adoption of zero-emission technologies is not yet possible, other interim strategies must be pursued to lower emissions from conventional technologies such as through programs mandating cleaner fossil fuels. But these must be viewed as short-term, interim strategies that should be designed to support the longer-term transformation away from fossil fuels altogether.

V. The Project Should Set Aside Mitigation Funds to Offset the Project’s “Significant and Unavoidable” Impacts

Residential areas closest to the Project site are predominantly communities of color and have a higher concentration of low-income residents relative to Los Angeles County. DEIS/DEIR, at 5-17–20. Further, Project operations will take place at the same time as other current and future projects at the Port and surrounding areas, which also produce air pollution. *See* DEIS/DEIR at 4-38–43. For these and other reasons, the DEIS/DEIR concludes that Project generated emissions will contribute to “significant and unavoidable” environmental justice and cumulative impacts.

The continual onslaught of expansion projects at the Port of Los Angeles and nearby Port of Long Beach, as well as other industrial operations in the area have—for years—contributed to a cumulative environmental health burden shouldered by environmental justice communities near the Port. To mitigate these impacts, Port and Army Corps should consider providing mitigation funds to the Harbor Community Benefit Foundation (“HCBF”).

NRDC-6

HCBF seeks to ensure that the harbor communities of San Pedro and Wilmington are safe, healthy, and beautiful places in which to live, learn, work, play. *See* www.hcbf.org. HCBF funds programs that address Port impacts, and has a long history of collaborating with the Port. Providing funding to HCBF should be explored as a feasible mechanism for mitigating the Project’s environmental justice and cumulative impacts.

Thank you for considering our comments. If you have any questions, please contact Melissa Lin Perrella, at the Natural Resources Defense Council (NRDC), mlinperrella@nrdc.org; (310) 434-2300.

Sincerely,



Melissa Lin Perrella,
Natural Resources Defense Council

³ EELCO DEN BOER ET AL., ZERO EMISSIONS TRUCKS: AN OVERVIEW OF STATE-OF-THE-ART TECHNOLOGIES AND THEIR POTENTIAL 16-17 (July 2013) [hereinafter “CE Delft Report”], *available at* http://www.theicct.org/sites/default/files/publications/CE_Delft_4841_Zero_emissions_trucks_Def.pdf.

Taylor Thomas,
East Yard Communities for environmental
Justice

Kathleen Woodfield
Dr. John G. Miller, MD,
San Pedro and Peninsula Homeowners
Coalition

Nidia Erceg
Joe Lyou,
Coalition for Clean Air

Jesse Marquez,
Coalition for a Safe Environment

Drew Wood,
California Kids IAQ

Ricardo Pulido,
Community Dreams

Pastor Alfred Carrillo,
Apostolic Faith Center

Chaplin Anthony Quezada,
American Veterans (AMVETS)

Magali Sanchez-Hall, MPH,
EMERGE

Anabell Romero Chavez,
Wilmington Improvement Network

Joe R. Gatlin,
NAACP

Modesta Pulido,
St. Philomena Social Justice Ministry

Laura Cortez,
Long Beach Alliance for Children with
Asthma

Theral Golden,
West Long Beach Association

2.3.5.6 Natural Resources Defense Council (NRDC)

Response to Comment NRDC-1

The comment is noted. Please see Responses to Comments NRDC-2 through NRDC-6 below. Also, please see Master Response 1: Feasible Mitigation: Guidance and Applicability, Master Response 2: Zero-Emission Technologies, and Master Response 3: Port-wide Emission Reduction Programs.

Response to Comment NRDC-2

The comment is noted. The commenter notes the significant impact findings in the Draft EIS/EIR and requests that additional mitigation be applied to ship emissions. Please see Master Response 1: Feasible Mitigation: Guidance and Applicability, and Master Response 3: Port-wide Emission Reduction Programs. Also, please see Response to Comment CARB-8, which notes that LAHD will require at least 90 percent utilization of shore-based power by 2020 for vessels equipped with shore power capabilities as mandated in Proposition 1B. As also explained in Response to Comment CARB-8, LAHD encourages all tenants to strive for 100 percent utilization of shore power. However, the Everport Container Terminal does occasionally service non-Evergreen ships. These other vessels may or may not be able to utilize shore power; therefore, the air quality impact analysis reasonably assumes 90 percent utilization by 2020 and 95 percent utilization with mitigation measure MM AQ-7 by 2026 (see Chapter 3 of this Final EIS/EIR for the revised mitigation measure).

Response to Comment NRDC-3

The comment is noted. The commenter suggests additional mitigation for trucks, including the use of zero-emission drayage trucks. Please see Master Response 1: Feasible Mitigation – Guidance and Applicability, Master Response 2: Zero-Emission Technology, and Master Response 3: Port-wide Emission Reduction Programs. Note that the Draft EIS/EIR did incorporate the effects of the port-wide Clean Truck Program into the truck emission factors under both unmitigated and mitigated scenarios, as noted in Appendix B1, Section 3.2, page B1-32. The Draft 2017 Clean Air Action Plan (CAAP) update has been released but has not yet been adopted, therefore, no emission reduction credit has been taken for any targets identified in the document. A hearing on the 2017 CAAP is anticipated to occur late 2017 and all commitments in the CAAP will be implemented regardless of the proposed Project.

Response to Comment NRDC-4

The comment is noted. The commenter suggests that additional rail mitigation be included in the project mitigation measures, per the 2010 CAAP Update. Note that the 2010 CAAP Update relies on efforts by USEPA and CARB to reduce rail line haul locomotive emissions. LAHD is pre-empted by the federal Surface Transportation Board from requiring/mandating certain types of locomotives be operated at the Port. Please see Response to Comment CARB-7, as well as Master Response 1: Feasible Mitigation: Guidance and Applicability, and Master Response 3: Port-wide Emission Reduction Programs.

Response to Comment NRDC-5

The comment is noted. The commenter suggests that zero-emission technologies be incorporated into project mitigation. Please see Master Response 2: Zero-Emission Technologies, as well as Master Response 1: Feasible Mitigation: Guidance and Applicability.

1 **Response to Comment NRDC-6**

2 The comment is noted. Section 7.2.2.2, Port Community Programs and Redevelopment, in the Draft
3 EIS/EIR discusses the HCBF. Note that the PCMTF which the HCBF administers ended in May 2016, and
4 currently no mechanism exists for LAHD to contribute to the PCMTF. Refer also to Response to Comment
5 USEPA-10 for a discussion on the mitigation trust fund.
6

June 5, 2017

Chris Cannon
Director of Environmental Planning
Environmental Management Division
Port of Los Angeles
P.O. Box 151
San Pedro, California 90731

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

Submitted Electronically to ceqacomment@portla.org and theresa.stevens@usace.army.mil

Subject: Draft EIS/EIR for the Berths 226-236 [Everport] Container Terminal Improvements Project

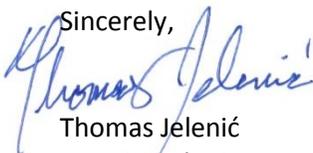
Dear Mr. Cannon and Ms. Stevens:

The Pacific Merchant Shipping Association (PMSA) would like to express its support for the Berths 226-236 [Everport] Container Terminal Improvements Project. The project will make significant improvements to the facility that will allow Everport to effectively compete with other North American gateways. Through the proposed berth improvements larger vessels will be able to call. The ability to handle larger vessels allows both greater efficiency and reduced emissions per container handled – a needed feature to handle the Port of Los Angeles's (Port) forecast growth.

Both the Proposed Project and Alternative 5 make needed improvements to the facility. However, Alternative 5 includes important and vital improvements to the Terminal Island Container Transfer Facility (TICTF). An expanded TICTF will allow Everport to continue to grow its use of on-dock rail. This is consistent with Port proposed aspirational goal of increasing on-dock rail use to 50% of all container throughput, as discussed in the Draft Discussion Document for the Clean Air Action Plan. Expanding on-dock rail facilities will reduce truck trips by 200 trips per day and eliminate the associated air quality impacts.

By approving this project, with the elements included in Alternative 5, the Port and the U.S. Army Corps of Engineers (USACE) will continue to support San Pedro Bay as the premier North American gateway for international imports and exports. The project also continues the environmental stewardship that has resulted in significant improvements in air quality for San Pedro Bay. The Port and USACE should move forward with this project as quickly as possible.

Sincerely,



Thomas Jelenić
Vice President

PMSA-1

1 **2.3.5.7 Pacific Merchant Shipping Association (PMSA)**

2 **Response to Comment PMSA-1**

3 Thank you for your comment on the Draft EIS/EIR. LAHD and USACE acknowledge PMSA's support
4 and review and, therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section
5 15204(a); 40 CFR 1503.4 (a)(5)). PMSA's support of Alternative 5 is noted and will be before the decision-
6 makers for their consideration prior to taking any action on the proposed Project.

7

8 **2.3.6 Individual/Company Comments**

9

k_Draft EISEIR - Berths 226-236 Everport Container Terminal Improvements Project POLA Website Referral
From: Michelle Kosik <kosikfl@mail.com>
Sent: Wednesday, May 03, 2017 5:21 PM
To: Stevens, Theresa CIV USARMY CESPL (US)
Subject: [Non-DoD Source] Draft EIS/EIR - Berths 226-236 [Everport] Container

Terminal Improvements Project/POLA Website Referral

No you can not force me and now I have it documented
Michelle Kosik
561-215-8253

| MK-1

Sent from my iPhone

1 **2.3.6.1 Michelle Kosik (MK)**

2 **Response to Comment MK-1**

3 The comment is noted. The comment does not specifically deal with the proposed Project or the
4 information presented in the Draft EIS-EIR. Therefore, no further response is required (PRC 21091(d);
5 State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

From: ibrahimaadji1 [<mailto:ibrahimaadji1@gmail.com>]
Sent: Sunday, May 07, 2017 3:55 AM
To: Ceqacomments
Subject: Draft EIS/EIR - Berths 226-236 [Everport] Container Terminal Improvements Project/POLA Website Referral

Hi to every one how was your pola i'm so happy to see the informations about pola

IB-1

-----Confidentiality Notice-----
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1 **2.3.6.2 ibrahimaadj1 (IB)**

2 **Response to Comment IB-1**

3 Thank you for your comment on the Draft EIS/EIR. The comment does not specifically deal with the
4 proposed Project or the information presented in the Draft EIS-EIR. Therefore, no further response is
5 required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).

-----Original Message-----

From: Stephane de Bord [<mailto:stephane.debord@gmail.com>]

Sent: Monday, May 15, 2017 3:27 PM

To: Ceqacomments

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

Dear Mr. Cannon,

I am writing regarding the Everport Container Terminal Project at the Port of Los Angeles. I am trying to get a sense of the impact to coastal wetlands/marshlands of this project and whether it will require the port to acquire mitigation credits in order to offset any potential impact. I am with Hellman Properties LLC, an independent oil operator in Orange County, we are considering a mitigation land bank project in the area. I am trying to understand how much demand there is for such credits in the marketplace. Presumably the Port of Los Angeles would be one of the large purchasers of mitigation credits given the volume of projects they are undertaking. In case the Everport project does not require any credits, but you know of other projects who would, I would be interested in learning about those as well. If you are not the right person to talk to about this, could you possibly steer me to the right person at the Port of Los Angeles. Thank you.

HP-1

Best,

Stephane
Manager
Hellman Properties LLC
415-225-5456
Best,

Stephane
415-225-5456

1 **2.3.6.3 Hellman Properties (HP)**

2 **Response to Comment HP-1**

3 The questions and comments are noted. The USACE has reviewed the various mitigation banks and
4 available credits that occur in the Los Angeles District area of responsibility. The USACE has concluded
5 the proposed Project's biological and aquatic resource mitigation requirements cannot be covered by any
6 existing USACE-approved mitigation bank. Further, the LAHD is not required to establish a mitigation
7 bank (or purchase mitigation bank credits) to address aquatic resource impacts (refer to Section 3.3,
8 Biological Resources, of the Draft EIS/EIR for a detailed analysis of biological resources). The comments
9 do not identify any specific deficiencies or contest the adequacy of the Draft EIS/EIR; therefore, no further
10 response is required (PRC 21091(d); State CEQA Guidelines Section 15204(a); 40 CFR 1503.4 (a)(5)).



June 1, 2017

Chris Cannon
Director, Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733

Theresa Stevens, Ph.D.
Los Angeles District, Regulatory Division
U.S. Army Corps of Engineers
2151 Alessandro Dr., Ste. 110
Ventura, CA 93001

SUBJECT: Berths 226-236 [Everport] Container Terminal Improvements Project

Dear Mr. Cannon & Dr. Stevens,

The Valley Industry and Commerce Association (VICA) supports the proposed Berths 226-236 [Everport] Container Terminal Improvements Project, which would improve conditions of Berths 226-236 on Terminal Island in the Port of Los Angeles.

The Port of Los Angeles has the highest total two-way trade value of any port in the United States and is one of the world's largest trade gateways. The economic contributions the Port brings at the local, state, and national levels are significant and improvements are necessary to ensure the safety and efficacy of Port operations.

Due to increased demands for goods, larger vessels are being deployed to reduce container shipping costs. The improvements proposed by the Everport Project will help ensure that the Port is well-equipped to handle these larger vessels. The Everport Project will also spur economic growth by creating new jobs – both in the execution of the project and staffing of the expanded terminals.

The movement of goods is a major economic driver in California. The Port of Los Angeles already facilitates significant international trade and domestic goods movement demands. The Everport Project will help strengthen our region's economic standing and promote business growth throughout Southern California. For these reasons, VICA supports the Everport Container Terminal Improvements Project.

Sincerely,

Kevin Tamaki
VICA Chair

Stuart Waldman
VICA President

VICA-1

1 **2.3.6.4 Valley Industry and Commerce Association (VICA)**

2 **Response to Comment VICA-1**

3 Thank you for your comment on the Draft EIS/EIR. LAHD and USACE acknowledge VICA's support and
4 review; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section
5 15204(a); 40 CFR 1503.4 (a)(5)).



340 GOLDEN SHORE, SUITE 310, • LONG BEACH, CALIFORNIA 90802 (562) 983-2340
CALIFORNIA CONTRACTOR'S LICENSE #A-220319 • FAX (562) 436-2156

June 5, 2017

BY EMAIL

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

Attention: Ms. Theresa Stevens, Ph. D.

Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Attention: Mr. Christopher Cannon, Director of Environmental Management

Subject: Berths 226 to 236 [Everport] Container Terminal Improvements Project Draft EIS/EIR

Dear Ms. Stevens and Mr. Cannon,

Manson Construction Co. ("Manson") has reviewed with interest the subject Draft EIS/EIR and offers its comments for public consideration.

The project sponsors are ***not seeking to take advantage of air emissions reductions from electric powered dredges*** despite the statement on page ES-62 that

"Construction emissions would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NOx and VOC emissions under CEQA and under NEPA"

and

"Construction would also result in cumulatively considerable and unavoidable contribution to a significant cumulative impact related to ambient NO2 levels under CEQA and NEPA"

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JACKSONVILLE OFFICE
4309 Pablo Oaks Court, Suite 1
Jacksonville, Florida 32224
Phone (904) 821-0211

MCC-1

June 5, 2017

Page 2

Electric powered dredges are now-established practice in the Ports of Los Angeles and Long Beach however this project does not require the use of an electric powered dredge. For the proposed project, "Marine Source Exhaust", which we assume would include dredges, are indicated to be a significant contributor to air emissions (see for example Table 3.2-10A, page 3.2-25). Electric dredges will reduce Marine Source Exhaust emissions and alleviate the "considerable and unavoidable" impacts to air emissions noted in the Draft EIS/EIR.

The dredge industry, and Manson in particular, has made considerable capital investment in electric dredge equipment to meet customer needs to lower construction air emissions. Electric dredge equipment capable of performing the proposed work exists and is immediately available. Back sliding on requirements for electric dredging and creation of uncertainty for demand for electric dredge equipment reduces incentives to industry to make this equipment available to its customers at competitive rates. Continued commitment to this technology by project sponsors will encourage capital investment and betterment of available technology to lower the cost of its air emission benefits.

Manson suggests the project sponsors evaluate the potential to mitigate construction air emissions from this project by use of electric dredges. We are available to provide to you information we might have to assist in your review.

Sincerely,

MANSON CONSTRUCTION CO.



George H. Atkinson

Vice President and Southern California Area Manager

MCC-1
cont.

1 **2.3.6.5 Manson Construction Company (MCC)**

2 **Response to Comment MCC-1**

3 The comment is noted. LAHD has considered the use of the electric dredge and will be including it into the
4 bid specifications for this project. The use of the electric dredge is subject to availability. The air quality
5 analysis was not changed to account for this inclusion and is therefore conservative in terms of
6 construction-related emissions.

7

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2.3.7 Draft EIS/EIR Public Hearing

IN RE THE MATTER OF THE PORT OF)
LOS ANGELES BERTHS 226-236 (EVERPORT))
CONTAINER TERMINAL IMPROVEMENTS)
PROJECT NOTICE OF AVAILABILITY OF)
DRAFT ENVIRONMENTAL IMPACT STATEMENT/)
ENVIRONMENTAL IMPACT REPORT HEARING.)
_____)

Transcript of Port of Los Angeles
Berths 226-236 (EVERPORT) Container
Terminal Improvements Project Hearing
Wednesday, May 10, 2017
San Pedro, California

SNYDER HEATHCOTE INC.

REPORTED BY Jamie L. Apodaca
CSR 10990
OUR FILE NO.

OFFICIAL COURT REPORTERS
3055 WILSHIRE BOULEVARD
SUITE 640
LOS ANGELES, CA 90010
TELEPHONE (213) 388-2151

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IN RE THE MATTER OF THE PORT OF)
LOS ANGELES BERTHS 226-236 (EVERPORT))
CONTAINER TERMINAL IMPROVEMENTS)
PROJECT NOTICE OF AVAILABILITY OF)
DRAFT ENVIRONMENTAL IMPACT STATEMENT/))
ENVIRONMENTAL IMPACT REPORT HEARING.)
_____)

Transcript of the Port of Los Angeles Berths
226-236 (EVERPORT) Container Terminal Improvements
Project Notice of Availability of a Draft
Environmental Impact Statement/Environmental Impact
Report hearing held at 6:07 P.M. on Wednesday, May
10, 2017, at 425 South Palos Verdes Street,
Second Floor, San Pedro, California, before
Jamie L. Apodaca, CSR #10990.

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APPEARANCES:

Christopher Cannon

Theresa Stevens

Tara Tisopulos

1 WEDNESDAY, MAY 10, 2017; SAN PEDRO, CALIFORNIA

2
3 MR. CANNON: Okay. We might as well get started since we
4 have a rousing audience tonight. We are nevertheless going
5 to go through our process that we go through. We'll describe
6 the project, and you'll be able to offer any public comments
7 if you have any.

8 So, but my job is really to welcome everybody and to
9 remind everyone that this is a public hearing for the CEQA
10 process. Its purpose is for people to give comments on the
11 E.I.S./E.I.R. So it's both the NEPA and CEQA process.
12 That's the Federal and State process.

13 The purpose of this type of meeting is for people
14 to, number one, hear about the project; and, number two, if
15 they have any comments, to provide them. We are not going to
16 answer any questions nor will we provide any dialogue, but we
17 will take notes.

18 I want to also note that there's Spanish translation
19 available tonight if it's necessary, and we also have a court
20 reporter, or a recorder, here. So if anybody is going to be
21 providing comments, say your name clearly and speak slowly so
22 that the person who is doing the recording can get your
23 comments and get what you have to say clearly. And so as I
24 say, I leave it with that. I think we'll move on to our
25 process.

1 I'm Chris Cannon, the Director of Environmental
2 Management for the Port of Los Angeles. The two people who
3 are going to be doing presentations tonight are Theresa
4 Stevens with the United States Army Corps of Engineers and
5 Terry Tisopulos, who is the project manager for the Harbor
6 Department.

7 So with that, I'd like to turn it over to Theresa
8 Stevens with the Army Corps of Engineers to begin our
9 presentation tonight.

10 Theresa?

11 MS. STEVENS: Good evening, everybody. My name is
12 Theresa Stevens. I'm the U.S. Army Corps of Engineers
13 project manager for this project. On behalf of the Corps of
14 Engineers, Los Angeles District, I'd like to welcome you to
15 this meeting.

16 In 2013, the Los Angeles Harbor Department applied
17 to the Corps for permits to construct wharf and terminal
18 improvements at the berths 226 to 236, Everport Container
19 terminal, which is located adjacent to the main channel.

20 Because the Federal permits qualify as Federal
21 actions, the Corps must also comply with the National
22 Environmental Policy Act, also known as NEPA. Due to the
23 nature and scope of the proposed activities in waters of the
24 United States, the Corps has determined the proposed project
25 could result in significant direct, indirect, or cumulative

1 impacts. As such, we were required to prepare an
2 environmental impact statement, or an E.I.S.

3 On October 24th, 2014, we published a Notice of
4 Intent to Prepare an E.I.S. in the Federal Register. At
5 tonight's meeting, the Corps and the Los Angeles Harbor
6 Department will accept comments on the draft E.I.S./E.I.R.
7 whose comment period started on April 5th -- sorry --
8 April 21st. Whoopsie.

9 Under our Federal permit program, the Corps of
10 Engineers is responsible for regulating discharges of dredged
11 and fill material in waters of the United States, as well as
12 any activities such as dredging or structures that may affect
13 navigation. The proposed in-water and over-water activities
14 at the Berths 226 to 236 area are regulated under Section 10
15 of the Rivers and Harbors Act and Section 404 of the Clean
16 Water Act.

17 The Harbor Department is also considering
18 transporting and discharging dredged material at the
19 EPA-approved ocean disposal site known as LA-2. This action
20 must comply with the regulations of Section 103 of the Marine
21 Protection Research and Sanctuaries Acts.

22 To this end, the Harbor Department has tested the
23 sediment that would be dredged, and an inter-agency team has
24 reviewed the sediment test results. As a result of the
25 testing, the interagency team has found the dredged material

1 is suitable for ocean disposal.

2 Federal actions such as Corps permit decisions are
3 subject to compliance with a variety of Federal environmental
4 law in addition to NEPA. Consequently, the Corps has the
5 responsibility to evaluate the direct, indirect, and
6 cumulative environmental impacts that would result from the
7 proposed project prior to making a permit decision. In
8 meeting its regulatory responsibility, the Corps is neither a
9 project proponent nor an opponent.

10 In addition to evaluating the impacts, the Corps
11 must determine whether the proposed project is in the public
12 interest. No permit can be granted if we find that the
13 proposal is contrary to the public interest. The
14 public-interest determination requires a careful weighing of
15 factors relevant to the particular project. The public
16 interest is satisfied in part by public comments on the
17 E.I.S.

18 Public-interest review requires evaluation of
19 short-term and long-term project benefits, and the Corps is
20 required to balance these benefits against a project's
21 reasonably foreseeable detriments.

22 The Corps would like to emphasize that we will
23 accept and carefully consider all comments that we receive
24 tonight, and they will be given full consideration as we
25 prepare the final E.I.S.

1 Following tonight's meeting, all parties will be
2 given until June 5th, 2017, to provide written comments on
3 the environmental analysis of the proposed project and
4 project alternatives.

5 Now, I have a little statement here about the
6 logistics of taking testimony. So if you know you would like
7 to speak tonight, please fill out a speaker card, and you can
8 hand it to me or to one of the staff at the front desk or
9 back where the sign-in sheets are. This will help us to
10 transition to the public input session after the slide
11 presentation.

12 All oral or written testimony will become part of
13 the administrative record for this permit application, and as
14 you make your comments, I'll just note that there's a timer
15 on the stage here. So please respect the time limits so that
16 everyone who would like to speak would have time to do so.
17 The timer is a three-minute timer. The green light goes on;
18 three minutes, you have; and by the time the red light comes
19 on, you need to wrap it up. So following the presentation by
20 port staff, we'll take comments from anyone who would like to
21 speak.

22 Thank you.

23 MS. TISOPULOS: Okay. Thank you for being here. We're a
24 small group, but we are mighty.

25 My name is Tara Tisopulos. I actually am the

1 project manager. Happy to be part of the environmental
2 management team here at the port.

3 Chris touched on quite a bit of this in his opening
4 remarks, but the purpose of why you're here -- although if
5 you're here, you probably know why you're here -- is to
6 provide information to you on the berth 226-236 improvement
7 project; to provide an overview of our analysis and the
8 findings made on the draft E.I.R./E.I.S.; and we of course
9 want to hear your public comments. As Chris mentioned, we do
10 have a Spanish translator if anyone needs it.

11 So here is our location, right across from us here
12 in the main channel; so the site is in the main channel on
13 Terminal Island. As you can see, you can look out the door
14 and see it quite clearly. Its surrounding facilities are the
15 Y.T.I. Container terminal; P.B.F. Energy, which you may
16 probably know better as the former ExxonMobil facility; and
17 Tri-Marine.

18 So this is what the facility looks like barring any
19 improvements right now. This is what it looks like in its
20 current, existing condition. It has two operating berths,
21 eight operating cranes. It encompasses a footprint of
22 approximately 205 acres, including about 25 acres that are
23 currently being used at the site, not within their leasehold
24 but on a temporary basis. And it also includes the Terminal
25 Island Container Transfer facility, which as you can see is

1 the rail yard behind the Y.T.I. facility, which is Berths 217
2 to 220.

3 So currently in terms of amp, we have three amp
4 vaults at the site. We have a permit that will allow them to
5 operate a lease through 2028. Their capacity at the existing
6 condition is about 8,000 TEU vessels. They're through-put in
7 the year 2013, which is the year that we used as our baseline
8 year in this analysis, was approximately 1.2 million TEUs.
9 But with no change to the existing condition at the site,
10 they would have been able to operate up to about 1.8 million
11 TEUs.

12 So the overall purpose of the project, the global
13 purpose, is of course to be able to optimize the
14 infrastructure to accommodate future cargo volumes and
15 particularly to accommodate the larger container ships
16 expected to call.

17 So the way we achieve this project purpose is to
18 provide the depth necessary at the berths to accommodate the
19 ships, provide the adequate-sized cranes to accommodate the
20 ships, increase the container terminal backland capacity, and
21 increase the amp vaults so that the facility has a greater
22 potential for plug-in.

23 Here is our project description. I just want to go
24 over briefly all the colored areas, because they may be --
25 for me with my vision, they're very hard to read. So I just

1 want to go over them in case they are for you.

2 The red area is the terminal's -- what the
3 terminal's footprint would look like under the proposed
4 project. The green shading, which of course is in the main
5 channel, would be the dredging that will occur at 226 to 229;
6 and the bright-pink shading, also in the water, would occur
7 at 230 to 232. The yellow indicates an area currently being
8 used by the facility under a temporary lease that will be
9 subsumed into this lease amendment, and the blue shading is
10 your backland improvements that will occur along with the
11 street improvements that are necessary in that area.

12 So with the increase in backland, we will end up
13 with a facility footprint of approximately 229 acres. There
14 would be -- in terms of also improvements to the site, we
15 would have a modified new gate complex, and the development
16 would require the demolition of some existing structures,
17 some street closures, and improvements to Cannery Street.

18 So along with that development, more specifically on
19 the street improvement, we may be closing portions of
20 Terminal Way, Barracuda, Tuna, and Ways Street, just within
21 that project area, and rerouteing Terminal Way traffic to
22 Cannery Street.

23 Further on the project components, we have the
24 installation of five new amp vaults which would make a total
25 of eight at the site.

1 The amendment to the lease -- as we've said, we'll
2 extend it out to -- the amendment -- the lease would
3 currently close in 2028. We would be extending it out to
4 2038, including the 25 acres that are being used at the site
5 on a temporary basis, as well as the 23.5 acres that
6 constitute the new backlands.

7 So obviously the ultimate goal, again, is to be able
8 to be ready and accommodate larger vessels that call -- that
9 are expected to call in the future.

10 So at full build-out of the project, the project
11 will be able to accommodate approximately just short of
12 2.4 million TEUs per year, which is an increase of about 5 --
13 a little over 579,000 TEUs per year. In order to accommodate
14 that, we will have five new cranes, and we will potentially
15 need to raise five existing cranes.

16 So here we are in the environmental review process,
17 which I'm sure many of you are familiar with. But just to go
18 over it briefly, this slide highlights where we are -- Notice
19 of Intent; Notice of Preparation was released in 2014 with a
20 scoping meeting held in November of 2014. The draft
21 E.I.R./E.I.S. was released on April 20th.

22 And where we stand today -- on May 10th -- this is
23 our public hearing where we are soliciting your input on the
24 project. A tentative time frame has been set for September
25 of 2017 to bring this document to our Harbor Commission for

1 final consideration.

2 So project alternatives. CEQA and NEPA do require
3 an analysis of a reasonable range of alternatives to the
4 project that could meet the objectives of the project while
5 potentially having less significant impacts or, even less,
6 avoiding any impacts. So we have evaluated the following
7 five alternatives.

8 We have the "No Project," and we have the "No
9 Federal Action," which basically allow the public and
10 decision-makers to assess the effects of approving the
11 project versus the effects of not going forward with any
12 project at all, where the facility would basically be left at
13 its existing setting/condition;

14 The "Reduced Wharf Alternative," which is -- which
15 would still allow for two operating berths, which is what
16 they have now, but would leave Berth 230 to 232 and not allow
17 for any dredging. It would remain at its existing depth; so
18 this alternative would actually result in a lower through-put
19 capacity than what we have with the proposed project. The
20 "Reduced Wharf Alternative" would still allow for two
21 operating berths but would leave 230 and --

22 I'm sorry. The "Backland Alternative" would not
23 improve or relocate the gate complex and would not allow the
24 addition of the backlands expansion area; so as a result of
25 that, this alternative would also result in lower through-put

1 capacity than what could be achieved with the proposed
2 project.

3 And our last alternative is an "Expanded On-Dock
4 Rail," which includes all of the identical components of the
5 project and can still achieve the same capacity of the
6 project with very similar environmental effects.

7 So in order to assess -- and this room may
8 understand this, but just to clarify -- before we discuss an
9 environmental impact associated with the project, it's
10 important to understand how environmental impacts are
11 characterized.

12 So a designation of "No Impact" is what we say when
13 we have absolutely no adverse change to an environmental
14 resource that is identified or expected from the project.

15 We have a "Less-than-Significant Impact" would be
16 identified when the project would not cause a substantial
17 effect to the environment with or without mitigation.

18 "Potentially Significant" is really more of an
19 N.O.P. term that we use to identify when we are doing an
20 assessment of an environmental resource to determine what
21 needs to be further analyzed.

22 MR. CANNON: "Notice of Preparation."

23 MS. TISOPULOS: I'm sorry. It's a notice of the Notice
24 of Preparation Initial Study. So a "Significant and
25 Unavoidable Impact" represents an impact that will remain

1 above a set, significant threshold, even if mitigation is
2 imposed.

3 So what is a threshold of mitigation for the Harbor
4 Department? And the U.S. Army Corps of Engineers, I should
5 say, has also accepted the thresholds of "significant"
6 adopted by the Harbor Department.

7 The threshold of significance for most of our
8 resource areas are set and determined and utilized by the
9 City of Los Angeles CEQA guidelines. Other thresholds,
10 however, are established by regulatory agencies that have an
11 expertise in a particular field, such as L.A.D.O.T. or
12 S.C.A.Q.M.D., and in that case, we do defer to their
13 expertise.

14 So through the initial study and notice of
15 preparation process, it was determined that a number of
16 resource areas in the draft E.I.R. would not be significantly
17 impacted by the proposed project. So these were the
18 environmental areas assessed but deemed
19 less-than-significant, either with or without mitigation, and
20 that would be esthetics, groundwater and soils, hazards,
21 marine transportation, noise, socioeconomics, and water
22 quality.

23 So this is where we stand with environmental impacts
24 that do remain significant and unavoidable as a result of the
25 proposed project. We identified significant impacts in the

1 areas of air quality, biological resources, cultural
2 resources, greenhouse gases, and transportation. However, I
3 would like to note that under "Air Quality," a full
4 health-risk assessment was performed for the project and
5 found that the cancer risk associated is less than 10 in
6 1 million under both our CEQA and NEPA analyses, and 10 in
7 1 million is the significance threshold that we use.

8 So environmental justice -- which for our purposes
9 is an environmental category, but it's important to note it
10 was found to be significant and unavoidable under NEPA. So
11 this item is really more for your information, but there's
12 some exiting things that are going on at the Everport
13 Container terminal, or will be in the near future.

14 The terminal, along with the Harbor Department, has
15 recently been awarded two separate grants through the
16 California Energy Commission for demonstration projects that
17 will test thirty pieces of equipment, including twenty
18 zero-emission-equivalent yard tractors, eight
19 battery-electric yard tractors, and two battery-electric
20 top picks.

21 So what's exciting about this is that depending on
22 the results of these demonstration projects, this equipment
23 really may prove to be a feasible option in the future.
24 Testing won't begin probably for the next 18 months, and it
25 will last at least a 12-month period.

1 So here is where we get to our submittal of public
2 comments. As we've already stated, the public comments
3 should be postmarked into the port or the Harbor Commission
4 by June 5th. Written responses, as you may know, will be
5 prepared for all comments or questions received either this
6 evening or as well as any comments received subsequent to the
7 hearing, and they will be included for your review in the
8 final E.I.R./E.I.S.

9 And with that, I'm going to open it to public
10 testimony. Do we have any public speakers?

11 Do we have one speaker?

12 UNIDENTIFIED VOICE: We have a few. Actually, three.

13 MS. TISOPULOS: Okay. Can you state your name for the
14 record.

15 MS. PERRELLA: Good evening. Melissa Lin Perrella with
16 the Natural Resources Defense Counsel.

17 Thank you to the Port of L.A. and for the Army Corps
18 of Engineers for having the public hearing tonight and
19 providing a few slides. I particularly appreciated the
20 update on some of the zero-emission technologies that will be
21 featured at the port.

22 One comment that I wanted to make -- and I'm still
23 reviewing the E.I.R. -- is I notice that there will be --

24 And I think one of your slides featured it.

25 -- an approximate increase of about 580,000

PH1-1

1 additional TEUs from the project, and, relatedly,
2 approximately 2,200 additional daily truck trips.

3 I didn't see a discussion of mitigation for trucks
4 within the E.I.R., at least upon my preliminary review, and
5 would like the Army Corps and the Port of L.A. to provide
6 some mitigation for trucks -- at least have a thorough
7 consideration of it in the environmental document.

8 In addition, I noticed that there was, in one of the
9 charts, a listing of approximately 130,000 TEUs that could go
10 to peel-off yards. I know I personally have had some
11 discussions with the Port of L.A. -- I think others have as
12 well -- in terms of trying to create some kind of
13 zero-emission fleet that could travel to these nearby
14 peel-off yards. So I'm hoping that the port and the Army
15 Corps can consider that as well. Thank you.

16 MS. TISOPULOS: Thank you so much.

17 Jesse Marquez?

18 MR. MARQUEZ: Hello. Jesse Marquez with the Coalition
19 for a Safe Environment, an environmental justice organization
20 headquartered here in Wilmington and the Harbor.

21 I haven't had a chance to review everything, but I
22 did want to also suggest that we are expecting to see that
23 there is a commitment by the port for zero-emission trucks
24 that would be servicing the facility, and this would be the
25 on-road trucks and fleets that could be dedicated towards

1 this.

2 Also, is there going to be a mitigation fund set up
3 for TEU that would be able to address the off-port
4 mitigations that would go towards the Harbor Community
5 Benefit Foundation? So we'd like to see a commitment for
6 that.

7 In terms of the environmental justice, I didn't
8 really see or catch at this point any type of environmental
9 justice analysis or an opportunity for environmental justice
10 organizations and representatives to speak as to what type of
11 mitigation could be proposed that would address environmental
12 justice commitments.

13 The other thing is that there are many off-port and
14 off-project activities that take place, such as container
15 storage yards. Well, since the port has gone in the
16 direction of expanding that type of business, then it forces
17 the tenants to have to use off-port facilities, and in the
18 last assessment that we did in Wilmington, we counted over
19 100 container storage yards.

20 Now, we don't know if some of them are legitimate
21 because of fact that they're also a warehouse facility doing
22 that, but we do need to have an assessment of off-port
23 container storage yards, off-port chassis storage yards,
24 off-port yards that also handle the true refrigeration units.
25 I do see some where you can see them literally being stacked

PH2-2

PH2-3

PH2-4

1 there. It also appears that there is maintenance of
2 containers going on, maintenance of trucks going on, and
3 maintenance of the true units at these container storage
4 yards.

5 Because what's happening is the fact that, you
6 know, we have the typical truck transportation routes and
7 destinations, but we don't have all these other off-road
8 activities which are contributing to an underestimation of,
9 you know, the emissions and of the environmental and
10 community impacts.

11 Also, when things go into a container storage yard,
12 some of these are the reefer types, which means that, you
13 know, sometimes they're going to be stored there
14 indefinitely, which is why we call them container graveyards,
15 which means that they'll also not be evacuated of any of the
16 HFCs, which means these are additional greenhouse gases that
17 go.

18 In addition, as trucks gets older that are A.C.,
19 well, they also start emitting more greenhouse gases as they
20 release. So we'd like to see that taken care of.

21 And then we'd like to also identify other types of
22 service, like are there off-port inspection going on in
23 Wilmington and San Pedro-Harbor City that we should be aware
24 of. Thank you.

25 MS. TISOPULOS: Thank you so much.

PH2-4
cont.

PH2-5

PH2-6

PH2-7

1 Kathleen Woodfield.

2 MS. WOODFIELD: Thank you. I'm Kathleen, with a "K,"
3 Woodfield from San Pedro Peninsula Homeowners Coalition. I
4 came here to learn about the project. I have not read it,
5 but I found the presentation to be so skeletal and so fast
6 that I didn't actually learn a whole lot for me to be able to
7 comment in a meaningful manner, which I find personally to be
8 a disappointment.

9 What I do -- one thing that stands out to me is that
10 this is a project that is right along the view shed of the
11 community. So it spreads out here in front of Ports o' Call,
12 basically. And I don't agree that you can find an
13 "insignificant" impact to esthetics when you are doubling the
14 amount of cranes and raising cranes. So I would ask you to
15 look at that again, because I don't think that's possible to
16 have the "insignificant" impact when it's such a significant
17 change. And even one crane is huge, never mind five.

18 So -- well, so to increase the backlands, I don't
19 know if we would be able to see that really much from the
20 community side, but that is a tourist area -- the Ports o'
21 Call -- and so any esthetic impact would be significant, and
22 so I don't want that to be underrated.

23 And as far as adding anything additional, that has
24 already been said. That's about it, but I would like to say
25 again that I was expecting more substantive information, and

1 then the information that was substantive, it went by so fast
2 that I couldn't take notes on it or really take it in.

PH3-1
cont.

3 But I'm -- for instance, I don't even know how much
4 increase in acres you're -- is it a 23-acre increase? I'm
5 not sure. But, anyway --

6 MR. CANNON: 23.5

7 MS. WHITFIELD: Okay. And the other thing I don't
8 understand is how if you're doubling the cranes, how come
9 you're not doubling the capacity, the through-put capacity.
10 So that's a mathematical question I have. It doesn't really
11 make sense to me. Thank you.

PH3-2

12 MS. TISOPULOS: Thank you.

13 Okay. I don't know where he went.

14 I might say your last name wrong. David Therrien?
15 I'm sorry if I just ruined your last name.

16 MR. THERRIEN: My name is David Therrien. I live at 111
17 North Harbor Boulevard, directly across the street from --
18 from the Evergreen terminal. I'm concerned about a few
19 things.

20 I guess the first is sound that comes out. I live
21 down -- my art studio is right across the street, like I
22 said. I hear container activity all night long -- trucking
23 activity; backup -- kind of backup alarms -- things like
24 that -- constantly. I actually can hear them all the way
25 from the China Shipping terminal, but a lot of them are

PH4-1

1 directly from the Evergreen terminal. For me to hear them
2 where I'm at, they're over the decibel limit that's allowable
3 under the regular code.

4 And so I would like to see something to kind of
5 mitigate some of that sound, whether the back-up alarms and
6 things like that are minimized at night, say after 10:00 or
7 11:00 o'clock at night and then don't start again until the
8 morning.

9 They drop quite a few containers. They're smashing
10 them as they're either loading or unloading. I'm not sure if
11 there's anything that they can do to change that, but I'm
12 concerned about that becoming absolutely constant at night.

13 Number two, I've been taking dust samples from my
14 yard, which is right across the street. I have an incredibly
15 high diesel-particulate dust and fumes where I'm at, which
16 is -- I mean, it's, again, like I'm saying, right across the
17 street. But the Projects are right behind me, and so they
18 also are breathing in all that dust, and it's depositing on
19 everybody in the neighborhood.

20 So I want to know how that can be mitigated, whether
21 that's being tested at all in the areas that people are
22 living right across the street and also would like to hear
23 more about how they can change the trucking that's going on
24 over there.

25 There's no reason -- I mean, in Europe in a lot of

1 the ports now, all of the vehicles are electric, and why we
2 have diesel trucks still running at our port escapes me. It
3 just seems that if we want to show that we really do have the
4 best port in America, we have to switch over to electric
5 trucks. Thank you.

PH4-2
cont.

6 MS. TISOPULOS: Thank you so much.

7 Do we have any other public testimony?

8 Well, seeing none, I would really truly like to
9 thank you all for being here and taking time out of your
10 evening, and I would like to now then officially close the
11 hearing. Thank you.

12 (Whereupon the hearing was
13 adjourned at 6:33 P.M.)

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1 STATE OF)
2 CALIFORNIA) SS.

3
4 I, Jamie L. Apodaca, Certified Shorthand Reporter
5 in and for the State of California, do hereby certify:

6 That the above hearing was taken down by me in
7 stenographic form and thereafter reduced to computerized
8 transcription. I further certify the foregoing hearing is a
9 full, true, and correct transcript of my stenographic notes
10 and that dismantling, unsealing, or unbinding of this
11 transcript will render this certificate null and void.

12 I further certify that I am neither counsel for nor
13 related to nor employed by any of the parties in said action;
14 and furthermore that I am not a relative or employee of any
15 attorney or counsel employed by the parties hereto or in
16 anywise interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto set my hand this
18 19th day of May, 2017.

19
20 
21 CSR No. 10990

1 **2.3.7.1 Everport Public Hearing Transcript (PH)**

2 **Response to Comment PH1-1**

3 The comment is noted. Please see Response to Comment NRDC-3 for information responding to this
4 comment.

5 **Response to Comment PH1-2**

6 The comment is noted. Please see Response to Comment NRDC-3 for information responding to this
7 comment.

8 **Response to Comment PH2-1**

9 The comment is noted. Please see Master Response 2: Zero-Emission Technologies and Response to
10 Comments CFSE-11, CFSE-15, CFSE-21, and CFSE-22 for information responding to this comment.

11 **Response to Comment PH2-2**

12 The comment is noted. Please see Response to Comments CFSE-19 and CFSE-27 for information
13 responding to this comment.

14 **Response to Comment PH2-3**

15 The comment is noted. Chapter 5, Environmental Justice, of the Draft EIS/EIR, evaluates whether the
16 proposed Project and its alternatives would result in disproportionately high and adverse human health or
17 environmental impacts on minority populations and/or low-income populations in the local communities
18 surrounding the Port. The environmental justice analysis complies with Executive Order 12898, Federal
19 Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and the
20 Council on Environmental Quality's (CEQ) Guidance for Environmental Justice Under NEPA (CEQ,
21 1997), which requires federal agencies to assess the potential for their actions to have disproportionately
22 high and adverse environmental and health impacts on minority populations and/or low-income
23 populations. The environmental assessment in Chapter 5 is also consistent with California state law
24 regarding environmental justice. In addition, please see Response to Comments CFSE-19, CFSE-24, and
25 CFSE-25 for information responding to this comment.

26 **Response to Comment PH2-4**

27 The comment is noted. Please see Response to Comment CFSE-7 for information responding to this
28 comment.

29 **Response to Comment PH2-5**

30 The comment is noted. The Everport Container Terminal does not operate off-site container storage yards
31 in the Wilmington Community, and would not store refrigerated containers at such yards under any of the
32 project alternatives. There may be third-party facilities that purchase or rent used shipping containers and
33 refrigerated containers, and if so, they would be responsible for properly managing refrigerants and
34 conducting their business in accordance with local ordinances.

35

1 **Response to Comment PH2-6**

2 The comment is noted. The Ports of Los Angeles and Long Beach have implemented the Clean Truck
3 Program to address the issue of higher emission trucks, including mobile coolant emissions, hauling
4 containers through the Port Complex. The Port will be advancing the Clean Truck Program (per the 2017
5 CAAP update) to further phase out older trucks and transition to clean trucks and zero-emission trucks. The
6 2017 Draft CAAP Update indicates that starting in 2018, new trucks entering the Port's drayage truck
7 registry must have a 2014 model year engine or newer, starting when the State's near-zero-emission heavy-
8 duty engine standard takes effect new truck entering the terminal must meet this standard and all other
9 trucks will be charged a rate to enter except those that meet the near-zero standard. Note that these
10 requirements will be applied port-wide. Further, the 2017 Draft CAAP update establishes GHG reduction
11 target from port-related sources of 80 percent below 1990 levels by 2050. Since the 2017 CAAP Update has
12 not yet been formally adopted, no reduction credits are taken for the policies and goals included in the
13 update (POLA and POLB, 2017).

14 **Response to Comment PH2-7**

15 The comment is noted. Regarding identifying other types of services, such as off-port inspections, because
16 those sources are not Project components, they are not included in the Draft EIS/EIR.

17 **Response to Comment PH3-1**

18 The comment is noted. As detailed in Section 3.1.4.1 (beginning on page 3.1-14) in Chapter 3.1,
19 Aesthetics, of the Draft EIS/EIR, an assessment of visual and aesthetic changes under the proposed Project
20 was conducted using federal, state, and local guidance, and visual simulations. Federal Highway
21 Administration guidance was used to assess and analyze the character, quality, and sensitivity of views
22 under existing and proposed Project conditions in consideration of the CEQA and NEPA requirements and
23 the City of Los Angeles CEQA Thresholds Guide, which are further described below. A visual survey was
24 conducted of the Port and neighboring areas to establish baseline (existing) visual and aesthetic conditions
25 at three viewpoints to represent views from the adjacent community and Port's O'Call area. Existing and
26 simulated images of the Project site and surrounding areas from these viewpoints are depicted in Figures
27 3.1-2 through 3.1-4. The simulated images illustrate how the Project site would appear after adding and
28 modifying (raising) cranes at the Everport Container Terminal. The simulations involved the creation of
29 crane models, which were based on the existing dimensions and color of the existing cranes at the Everport
30 Container Terminal. The visual analysis determined that neither the proposed Project nor any of the
31 alternatives would result in a significant impact on aesthetic resources (please refer to Section 3.1 for the
32 detailed analysis). The comment does not identify any specific deficiencies or contest the adequacy of the
33 Draft EIS/EIR; therefore, no further response is required (PRC 21091(d); State CEQA Guidelines Section
34 15204(a); 40 CFR 1503.4 (a)(5)).

35 **Response to Comment PH3-2**

36 The comment is noted. The commenter is incorrect that the proposed Project would double the number of
37 cranes. As described throughout the Draft EIS/EIR, the existing terminal operates with eight 100-foot gauge
38 wharf gantry cranes. The proposed Project proposes to add five new 100-foot gauge wharf gantry cranes
39 and the raising of up to five of the existing operating cranes, for a total of 13 cranes (refer to Table 3.1-1 in
40 Section 3.1 of the Draft EIS/IR for details on the existing and proposed cranes. The terminal's capacity
41 under the proposed Project would increase from 1,818,000 TEUs per year to 2,379,525 TEUs per year (see
42 Chapter 2 of the Draft EIS/EIR), or an increase of 561,525 TEUs (an approximately 31 percent increase).
43 Several key factors play a role in determining a container terminal's capacity, including the amount of
44 backlands (contributes to a terminal's ability to store and transfer containers), the wharf length (limits the

1 length of vessels that can berth), the berth depths (limits the draft of the vessels that can berth), crane
2 numbers (contributes to the loading and unloading of vessels), and crane size (contributes to the vessel size
3 limits that can be accommodated). Other factors that also contribute to a terminal's throughput capacity
4 include the performance rating of the cranes (such as lifts per hour). Because there are many different
5 combinations of these factors, the number of cranes is not a sole determiner of a terminal's capacity.

6 **Response to Comment PH4-1**

7 The comment is noted. Receptor location LT-3 is representative of the commenter's studio due to
8 proximity, and the Draft EIS/EIR describes the existing ambient noise levels at this receptor in Section 3.10
9 (page 3.10-14 and 3.10-15). The evaluation of operational noise from the proposed Project under Impact
10 NOI-3 starting on page 3.10-30 of the Draft EIS/EIR evaluates the anticipated noise increase at receptor
11 LT-3 and determined that the increase would not exceed the significance threshold level, in part due to
12 attenuation with distance (the terminal is approximately 1,800 feet from the commenter's studio) and given
13 the existing ambient noise levels at the receptor location. It should be noted that although the terminal
14 sounds can be heard at the commenter's location, the resulting sound level at the receptor location would not
15 exceed the significance threshold level and would not require mitigation.

16 **Response to Comment PH4-2**

17 The comment is noted. Regarding the comment about diesel particulates in samples, the receptor location is
18 adjacent to Harbor Boulevard, which is a main roadway in the Port area that is used by diesel powered
19 vehicles, and in close proximity to the Main Channel, which is used by diesel powered marine vessels.
20 Because of this and the nature of Port area and vicinity, diesel particulate matter present in the area. The
21 Port is implementing the 2010 CAAP. The Port, in conjunction with the Port of Long Beach, has
22 implemented the Clean Truck Program to improve air quality in the area and region, and will continue
23 efforts to improve air quality through the 2017 CAAP Update, which was released recently and is scheduled
24 for a public hearing in late 2017. In addition, please see Master Response 1 - Feasible Mitigation –
25 Guidance and Applicability, Master Response 2: Zero-Emission Technologies, and the response to PH2-6
26 above.

27
28 Regarding the comment that the ports in Europe use electric trucks, the Port is not aware of any widely used
29 heavy duty electric truck that services marine terminals in Europe. There have been activities seeking to
30 develop electric on-road trucks using catenary systems in Europe
31 (<https://www.scania.com/group/en/worlds-first-electric-road-opens-in-sweden/>); however, these activities
32 would qualify more as demonstration projects due to the short length of electric-powered roadway. Further,
33 such activities would require development and demonstration within the Port area before such a system can
34 be considered. In addition, please see Master Response 2: Zero- Emission Technologies.
35

2.4 References

Following are additional materials referenced in the Section 2.3, Response to Comments, above:

- American Maglev Technology, Inc. 2008 Presentation to Port of Los Angeles. January 17. Available:
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