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An official
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Certified December 11, 2001



May 24, 2008

Commander, U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
P.O. Box 532711
Los Angeles, CA 90053-2325

Dr. Ralph G. Appy, Director Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Comments Submittal for the Re-Circulated Draft EIR/EIS for
Berth 97-109 (China Shipping) Container Terminal Project

Dear Dr. Appy and Dr. MacNeil,

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our opposition to the Proposed Project as described in the Re-Circulated Draft EIR/EIS due to the current unhealthful conditions in the affected community identified as a Federal non-attainment area for Air Quality, and due to the failures listed in the sections SUMMARY COMMENTS and SPECIFIC COMMENTS, below which we note are very similar to comments submitted applicable to the recent TraPac EIR/EIS.

SUMMARY COMMENTS

1. The Mitigation Measures applicable to Ocean Going Vessels (OGV's) listed for the Proposed Project require revision to, at a minimum, ensure compliance and consistency with all applicable Measures stated in the San Pedro Bay Ports Clean Air Action Plan (CAAP) and on the schedule required in the CAAP. As noted in SPECIFIC COMMENTS, highly crucial CAAP measures are scheduled for implementation at dates that undermine the CAAP.
2. We are gravely alarmed that the Port proposed the Project with the statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, we recommend that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis.

SPECIFIC COMMENTS

Measure MM AQ-11, Low Sulfur Fuel (LSF) in Ships applicable to Auxiliary and Main engines, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP. The EIR's currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) in Ocean Going Vessels of 30% in 2009, 50% in

2010, and 100% in 2013 violates the CAAP commitment to implement 100% LSF compliance in terminal leases as they are renewed or modified. The EIR/EIS requires revision to impose 100% LSF implementation on start of operations.

We noted that the CAAP included implementation of Measures OGV3, applicable to Auxiliary Engines, and OGV4, applicable to Main Engines, which required that, on lease renewal or revision, all ocean going vessels utilizing the leased facilities must burn $\leq 0.2\%$ S MGO within the current Vessel Speed Reduction program boundary of 20 nm, subsequently expanded to the 40 nm boundary. The schedule in the draft EIR would not require all OGV to comply until four years after the date established in the CAAP (lease renewal/revision) and would result in a severe shortfall in the emission reductions promised in the CAAP.

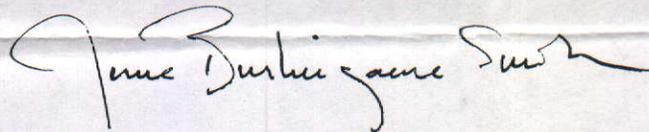
Furthermore, OGV3 and 4 require the port to continue to evaluate the availability of $\leq 0.1\%$ S fuels and possibly change the requirement to the lower limit. Therefore, MM AQ-11 should be revised to require the lease to automatically adjust the sulfur limit to $\leq 0.1\%$ when the CAAP is amended to generally require $\leq 0.1\%$.

Measure MM-AQ12, Slide Valves in Ship Main Engines requires revision to ensure consistency with the CAAP. The currently stated phase-in of slide valves in the EIR/EIS applicable to Ocean Going Vessels at 25% in 2009, 50% in 2010, 75% in 2012, and 100% in 2014 fails to satisfy the CAAP milestones applicable to the same slide valve measure applicable to OGVs.

The CAAP requires that the Measure OGV5, Slide Valve Technology, shall be implemented through lease requirements as new leases are established or existing leases are revised. Specifically, OGV5 requires that immediately upon lease renewal, all ocean going vessels utilizing the leased facilities must employ slide valve technology. The schedule in the Re-circulated Draft EIR/EIS would not require all OGVs to comply until five years after the date established in the CAAP (lease renewal/revision), resulting in a substantial shortfall in the emission reductions promised in the CAAP. Further, we noted that the Re-circulated Draft EIR/EIS falls short of the previous China Shipping Draft EIR/EIS which required slide valve technology on 100% of the ships serving the terminal by 2010.

Measure MM-AQ-23, Throughput Tracking, indicates the Port's recognition of the potential for exceeding throughput as planned in the EIR/EIS yet requires revision to impose review of actual throughput through a defined process and on a stated basis, such as yearly. The current MM-AQ-23 defines no specific requirement for when or how the reviews will be performed and further definition for the Measure is required to ensure compliance.

We look forward to release of the Final EIR/EIS with incorporation of our recommendations as we seek mutually to benefit from improved air quality.



June Burlingame Smith
President
Coastal San Pedro Neighborhood Council

Copies to: Dr. Geraldine Knatz, Port of Los Angeles Executive Director; Mr. Henry Hogo, Deputy Executive Officer, South Coast Air Quality Management District; Todd Sterling, California Air Resources Board