

DRAFT SUPPLEMENTAL MITIGATION MONITORING AND REPORTING PROGRAM

Document considered draft until Board action

Berths 97-109 [China Shipping] Container Terminal Project Supplemental Environmental Impact Report



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Supplemental Mitigation Monitoring and Reporting Program Overview

1 Introduction

Section 21081.6 of the California Public Resources Code requires a lead agency under CEQA to adopt a mitigation monitoring and reporting program (MMRP) when approving a project that adopts findings of significant impacts and incorporates mitigation measures into the project or imposed as conditions of project approval in order to mitigate or avoid significant impacts. The purpose of an MMRP is to ensure that when an Environmental Impact Report (EIR) identifies measures to reduce potential adverse environmental impacts, those measures are implemented as detailed in the environmental document. As lead agency for the Berths 97-109 [China Shipping] Container Terminal Project Supplemental Environmental Impact Report (SEIR), the Los Angeles Harbor Department (LAHD) is responsible for implementation of this MMRP.

On December 18, 2008, the City of Los Angeles Board of Harbor Commissioners (Board) certified the Environmental Impact Statement/Environmental Impact Report for the Berths 97-109 [China Shipping] Container Terminal Project (2008 EIS/EIR) and adopted a MMRP for the approved project (2008 MMRP). Since then, an SEIR has been prepared to evaluate the continued operation of the China Shipping Container Terminal under modified mitigation measures. These changes were collectively referred to in the SEIR as the “Revised Project,” and encompass modifications to the project mitigation measures that were previously analyzed in the 2008 EIS/EIR adopted by the Board in 2008. This Supplemental MMRP is required to ensure that the revised mitigation measures that constitute the Revised Project, and that address impacts of the Revised Project, are successfully implemented, and that implementation is monitored to completion and reported as required. Once adopted by the Board, this Supplemental MMRP will replace and/or delete certain measures in the 2008 MMRP with the revised mitigation measures from the Revised Project. The Supplemental MMRP will also need to be incorporated into a new amended lease with the tenant as a separate Board action. This document lists each mitigation measure, as well as each lease measure, describes the methods for implementation and verification, and identifies the responsible party or parties as detailed below in the Supplemental MMRP Implementation section.

The 2008 MMRP, in conjunction with and as modified by this Supplemental MMRP, will be implemented by the LAHD in full compliance with Section 21081.6 of the California Public Resources Code, and Sections 15091(d) and 15097 of the State CEQA Guidelines. The 2008 MMRP and this Supplemental MMRP may be further modified by the LAHD during project implementation, as necessary, in response to changing conditions and other refinements.

2 Scope of the Supplemental MMRP

The Revised Project evaluated in the SEIR proposes to modify or eliminate 10 mitigation measures and one lease measure from the 2008 EIS/EIR, and the SEIR adds newly revised mitigation and lease measures to the Berths 97-109 (China Shipping) Container Terminal Project. Specifically, the SEIR proposes to modify six mitigation measures identified in the 2008 EIS/EIR and to eliminate four other mitigation measures and one lease measure identified in the 2008 EIS/EIR, as listed below.

Modified Measures from 2008 EIS/EIR

- MM AQ-9 Alternative Maritime Power
- MM AQ-10 Vessel Speed Reduction Program
- MM AQ-15 Yard Tractors at Berth 97-106 Terminal
- (referred to in the SEIR as MM AQ-15 Yard Tractors)
- MM AQ-17 Yard Equipment at Berth 97-106 Terminal
- (referred to in the SEIR as MM AQ-17 Cargo-Handling Equipment)
- MM TRANS-2 Alameda and Anaheim Streets
- MM TRANS-3 John S. Gibson Boulevard and I-110 NB Ramps

Deleted Measures from 2008 EIS/EIR

- MM AQ-16 Yard Equipment at Berth 121-131 Rail Yard
- MM AQ-20 LNG Trucks
- LM AQ-23 Throughput Tracking
- MM TRANS-4 Fries Avenue and Harry Bridges Boulevard
- MM TRANS-6 Navy Way and Seaside Avenue.

In addition, the SEIR for the Revised Project adds one new mitigation measure, MM GHG-1, and four new lease measures LM AQ-1, LM AQ-2, LM AQ-3, and LM GHG-1 as listed below. This Supplemental MMRP contains only the measures that constitute the Revised Project or were added in the SEIR to address the impacts of the Revised Project and supplements the MMRP prepared for the 2008 EIS/EIR. Mitigation Measures from the 2008 EIS/EIR that are not modified or eliminated by the Revised Project will continue to be implemented pursuant to the 2008 MMRP.

New Measures Added by the SEIR

- MM GHG-1: LED Lighting
- LM AQ-1: Cleanest Available Cargo Handling Equipment
- LM AQ-2: Priority Access for Drayage
- LM AQ-3: Demonstration of Zero Emissions Equipment
- LM GHG-1: GHG Credit Fund

3 Implementation of the Supplemental MMRP

As discussed in the SEIR, the mitigation and lease measures in this Supplemental MMRP would be included in the new lease amendment between the LAHD and the tenant of the Berths 97-109 terminal (assumed to be China Shipping (North America) Holding Co.,

1 Ltd). Accordingly, all of the measures identified in this Supplemental MMRP except
2 MM TRANS-2 and MM TRANS-3 would come into effect upon the execution of that
3 lease amendment and would be enforced through the terms of the lease. MM TRANS-2
4 and MM TRANS-3 have implementation schedules that are dependent on project
5 approval by the Board, rather than lease execution.

6 **4 Monitoring and Reporting Procedures**

7 Mitigation measures will be monitored and tracked by the LAHD's Environmental
8 Management Division (LAHD/EMD) and any specified responsible parties designated by
9 LAHD/EMD. The LAHD/EMD also will ensure that monitoring is documented through
10 periodic reports and that deficiencies are promptly corrected. The designated
11 environmental monitor will track and document compliance with mitigation measures,
12 note any problems that may result, and take appropriate action to rectify problems.
13 Reporting and documentation procedures for each measure will be specified in
14 compliance forms that include, but are not limited to, the following: start and end dates
15 for each requirement as specified in the measure based on the effective date of a lease
16 amendment, frequency of monitoring with details on timing, the type of data or
17 information to be collected to verify implementation and compliance with the measure,
18 and corrective actions needed if compliance is not being achieved.

1 **Supplemental Mitigation Monitoring and Reporting Program Summary for the Berths 97 - 109 [China Shipping] Container Terminal Project**

Mitigation Measure or Lease Measure	Timing and Methods	Responsible Parties
Air Quality and Meteorology		
<p>MM AQ-9. Alternative Maritime Power (AMP). Starting on the effective date of a new lease amendment between the Tenant and the LAHD and annually thereafter, all ships calling at Berths 97-109 must use AMP while hoteling in the Port, with a 95 percent compliance rate. Exceptions may be made if one of the following circumstances or conditions exists:</p> <ul style="list-style-type: none"> • Emergencies • An AMP-capable berth is unavailable • An AMP-capable ship is not able to plug in • The vessel is not AMP-capable. <p>In the event one of these circumstances or conditions exist, an equivalent alternative at-berth emission control capture system shall be deployed, if feasible, based on availability, scheduling, operational feasibility, and contracting requirements between the provider of the equivalent alternative technology and the terminal operator. The equivalent alternative technology must, at a minimum, meet the emissions reductions that would be achieved from AMP.</p>	<p>Timing: Starting on the effective date of a new lease amendment between the Tenant and the LAHD and annually thereafter.</p> <p>Methodology: LAHD will include this mitigation measure in the new lease amendment with tenant. Tenant shall submit bi-annual compliance forms documenting compliance to the Environmental Management Division. Vessel calls shall be monitored by the Environmental Management Division. Enforcement shall include oversight by the Real Estate Division. Annual staff reports shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Implementation Tenant, LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>
<p>MM AQ-10. Vessel Speed Reduction Program (VSRP). Starting on the effective date of a new lease amendment between the Tenant and the LAHD and annually thereafter, at least 95 percent of vessels calling at Berths 97-109 shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area.</p>	<p>Timing: Starting on the effective date of a new lease amendment between the Tenant and the LAHD and annually thereafter.</p> <p>Methodology: LAHD will include this mitigation measure in the new lease amendment with tenant. Environmental Management Division will independently monitor through monitoring data provided by the Marine Exchange. Bi-annual tenant compliance forms shall be supplied to the Environmental Management Division. Enforcement shall include oversight by the Real Estate Division. Annual staff reports shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Implementation Tenant, LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>
<p>MM AQ-15. Yard Tractors. 1) No later than one year after the effective date of a new lease amendment between the Tenant and the LAHD, all LPG yard tractors of model years 2007 or older shall be replaced with alternative-fuel units that meet or are lower than a</p>	<p>Timing: Starting on the effective date of a new lease amendment between the Tenant and the LAHD and as specified in the mitigation measure.</p>	<p>Implementation Tenant, LAHD</p>

Mitigation Measure or Lease Measure	Timing and Methods	Responsible Parties
<p>NOx emission rate of 0.02 g/bhp-hr and Tier 4 final off-road emission rates for other criteria pollutants.</p> <p>2) No later than five years after the effective date of a new lease amendment between the Tenant and the LAHD, all LPG yard tractors of model years 2011 or older shall be replaced with alternative fuel units that meet or are lower than a NOx emission rate of 0.02 g/bhp-hr and Tier 4 final off-road engine emission rates for other criteria pollutants.</p>	<p>Methodology: LAHD will include this mitigation measure in the new lease amendment with tenant. Tenant shall submit bi-annual compliance forms to the Environmental Management Division. Enforcement shall include oversight by the Real Estate Division. Annual staff reports shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>
<p>MM AQ-17. Cargo Handling Equipment. All yard equipment at the terminal, except for yard tractors, shall implement the following requirements:</p> <p><u>Forklifts</u></p> <ul style="list-style-type: none"> • By one year after the effective date of a new lease amendment between the Tenant and the LAHD, all 18-ton diesel forklifts of model years 2004 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. • By two years after the effective date of a new lease amendment between the Tenant and the LAHD, all 18-ton diesel forklifts of model years 2005 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. • By two years after the effective date of a new lease amendment between the Tenant and the LAHD, all 5-ton forklifts of model years 2011 or older shall be replaced with zero-emission units. • By three years after the effective date of a new lease amendment between the Tenant and the LAHD, all 18-ton diesel forklifts of model years 2007 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. <p><u>Toppicks</u></p> <ul style="list-style-type: none"> • By one year after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel top-picks of model years 2006 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. • By three years after the effective date of a new lease 	<p>Timing: Starting on the effective date of a new lease amendment between the Tenant and the LAHD and as specified in the mitigation measure.</p> <p>Methodology: LAHD will include this mitigation measure in the new lease amendment with tenant. Tenant shall submit bi-annual compliance forms to the Environmental Management Division. Enforcement shall include oversight by the Real Estate Division. Annual staff reports shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Implementation Tenant, LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>

Mitigation Measure or Lease Measure	Timing and Methods	Responsible Parties
<p>amendment between the Tenant and the LAHD, all diesel top-picks of model years 2007 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx.</p> <ul style="list-style-type: none"> • By five years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel top-picks of model years 2014 and older shall be replaced with units that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. <p><u>Rubber-Tired Gantry (RTG) Cranes</u></p> <ul style="list-style-type: none"> • By three years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel RTG cranes of model years 2003 and older shall be replaced with diesel-electric hybrid units with diesel engines that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. • By five years after the effective date of a new lease amendment between the Tenant and the LAHD, all diesel RTG cranes of model years 2004 and older shall be replaced with diesel-electric hybrid units with diesel engines that meet or are lower than Tier 4 final off-road engine emission rates for PM and NOx. • By seven years after the effective date of a new lease amendment between the Tenant and the LAHD, four RTG cranes of model years 2005 and older shall be replaced with all-electric units, and one diesel RTG crane of model year 2005 shall be replaced with a diesel-electric hybrid unit with a diesel engine that meets or is lower than Tier 4 final off-road engine emission rates for PM and NOx. <p><u>Sweepers</u></p> <ul style="list-style-type: none"> • Sweeper(s) shall be alternative fuel or the cleanest available by six years after the effective date of a new lease amendment between the Tenant and the LAHD. <p><u>Shuttle Buses</u></p> <ul style="list-style-type: none"> • Gasoline shuttle buses shall be zero-emission units by seven years after the effective date of a new lease amendment between the Tenant and the LAHD. 		

Mitigation Measure or Lease Measure	Timing and Methods	Responsible Parties
<p>LEASE MEASURES: The following lease measures do not meet all of the criteria for CEQA mitigation measures, but are considered important lease measures to reduce future emissions. This lease obligation is distinct from the requirement of further CEQA mitigation measures to address impacts of potential subsequent discretionary Project approvals.</p>		
<p>LM AQ-1. Cleanest Available Cargo Handling Equipment. Subject to zero and near-zero emissions feasibility assessments that shall be carried out by LAHD, with input from Tenant as part of the CAAP process, Tenant shall replace cargo handling equipment with the cleanest available equipment anytime new or replacement equipment is purchased, with a first preference for zero-emission equipment, a second preference for near-zero equipment, and then for the cleanest available if zero or near-zero equipment is not feasible, provided that LAHD shall conduct engineering assessments to confirm that such equipment is capable of installation at the terminal. Starting one year after the effective date of a new lease amendment between the Tenant and the LAHD, tenant shall submit to the Port an equipment inventory and 10-year procurement plan for new cargo-handling equipment, and infrastructure, and will update the procurement plan annually in order to assist with planning for transition of equipment to zero emissions in accordance with the foregoing paragraph. LAHD will include a summary of zero and near-zero emission equipment operating at the terminal each year as part of mitigation measure tracking.</p>	<p>Timing: Starting on the effective date of a new lease amendment between the Tenant and the LAHD and as specified in the lease measure.</p> <p>Methodology: LAHD will include this measure in the new lease amendment with tenant. Tenant shall submit to the Environmental Management Division an equipment inventory and 10-year procurement plan prior to any purchase of equipment, including equipment identified in mitigation measures MM AQ-15 and MM AQ-17. The inventory and procurement plan shall be updated by the Tenant annually thereafter and provided to the Environmental Management Division. Enforcement shall include oversight by the Real Estate Division. Annual staff reports shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Implementation Tenant, LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>
<p>LM AQ-2. Priority Access for Drayage. A priority access system shall be implemented at the terminal to provide preferential access to zero- and near-zero-emission trucks.</p>	<p>Timing: During operation after the effective start date of a new lease amendment between the Tenant and the LAHD, consistent with implementation timelines established in the 2017 Clean Air Action Plan.</p> <p>Methodology: LAHD will include this measure in the new lease amendment with tenant. Tenant shall propose a system for LAHD approval as envisioned in the 2017 Clean Air Action Plan, although other measures could be considered for approval by the LAHD. Enforcement shall include oversight by the Real Estate Division. Annual staff reports shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Implementation Tenant, LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>

Mitigation Measure or Lease Measure	Timing and Methods	Responsible Parties
<p>LM AQ-3. Demonstration of Zero-Emissions Equipment. Tenant shall conduct a one-year zero emission demonstration project with at least 10 units of zero-emission cargo handling equipment. Upon completion, tenant shall submit a report to LAHD that evaluates the feasibility of permanent use of the tested equipment. Tenant shall continue to test zero-emission equipment and provide feasibility assessments and progress reports in 2020 and 2025 to evaluate the status of zero- emission technologies and infrastructure as well as operational and financial considerations, with a goal of 100% zero-emission cargo handling equipment by 2030.</p>	<p>Timing: During operation after the effective start date of a new lease amendment between the Tenant and the LAHD and as specified in the lease measure.</p> <p>Methodology: LAHD will include this lease measure in the new lease amendment with tenant. LAHD Environmental Management Division shall coordinate with tenant to establish scope and duration of demonstrations. Enforcement shall include oversight by the Real Estate Division. Annual staff reports of progress and results shall be made available to the Board at a regularly scheduled public Board Meeting.</p>	<p>Implementation Tenant, LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>
<p>Greenhouse Gas Emissions and Climate Change</p>		
<p>MM GHG-1. LED Lighting. All lighting within the interior of buildings on the premises and outdoor high mast terminal lighting will be replaced with LED lighting or a technology with similar energy-saving capabilities within two years after the effective date of the new lease amendment between the Tenant and the LAHD or by no later than 2023.</p>	<p>Timing: Within two years after the effective start date of a new lease amendment between the Tenant and the LAHD or by December 31, 2023.</p> <p>Methodology: LAHD will include this mitigation measure in the new lease amendment with tenant. Tenant shall implement MM GHG-1 through its own construction contractor. All construction work shall obtain a Harbor Engineers Permit. All work shall comply with Harbor Engineer Permit conditions throughout the construction project.</p>	<p>Implementation Tenant</p> <p>Monitoring and Reporting LAHD Environmental Management and Engineering Divisions</p>
<p>LEASE MEASURE: The following lease measure does not meet all of the criteria for CEQA mitigation measures, but is considered important lease measures to reduce future emissions. This lease obligation is distinct from the requirement of further CEQA mitigation measures to address impacts of potential subsequent discretionary Project approvals.</p>		
<p>LM GHG-1. GHG Credit Fund. LAHD shall establish a Greenhouse Gas Fund, which LAHD shall have the option to accomplish through a Memorandum of Understanding (MOU) with the California Air Resources Board (CARB) or another appropriate entity. The fund shall be used for GHG-reducing projects and programs approved by the Port of Los Angeles, or through the purchase of emission reduction credits from a CARB approved offset registry. It shall be the responsibility of the Tenant to make contributions to the fund in the amount of \$250,000 per year, for a total of eight years, for the funding of GHG reducing projects or the purchase of GHG emission reduction credits, commencing after the date that the SEIR is conclusively determined to be valid, either by operation of Public</p>	<p>Timing: Upon execution of a new lease amendment between the Tenant and the LAHD and within ninety days of the Conclusive Determination of Validity Date as specified in the measure.</p> <p>Methodology: LAHD shall monitor implementation of lease measure during operation through the tenant lease. LAHD will include this measure in the new lease amendment with tenant. LAHD shall verify that an appropriate fund has been established by the Conclusive Determination of Validity Date, and tenant shall make the first installment of the monetary contribution within ninety</p>	<p>Implementation Tenant and LAHD</p> <p>Monitoring and Reporting LAHD Environmental Management and Real Estate Divisions</p>

Mitigation Measure or Lease Measure	Timing and Methods	Responsible Parties
<p>Resources Code Section 21167.2 or by final judgment or final adjudication (“Conclusive Determination of Validity Date”), as described below. The fund contribution amount is established as follows: (i) the peak year of GHG operational emissions (2030), after application of mitigation, that exceed the established threshold for the Revised Project, estimated in the SEIR to be 129,336 metric tons CO_{2e}, multiplied by (ii) the current (2019) market value of carbon credits established by CARB at \$15.62 per metric ton CO_{2e}. The payment for the first year shall be due within ninety (90) days of the Conclusive Determination of Validity Date, and the payment for each successive year shall be due on the anniversary of the Conclusive Determination of Validity Date. If LAHD is unable to establish the fund through an MOU with CARB within one year prior to when any year’s payment is due, the Tenant shall instead apply that year’s payment, using the same methodology described in parts (i) and (ii) above, to purchase emission reduction credits from a CARB approved GHG offset registry.</p>	<p>(90) days of the Conclusive Determination of Validity Date, and successive installments on the anniversary of that date. If LAHD is unable to establish a GHG fund within one year prior to payment, tenant shall instead apply that year’s payment to purchase emission reduction credits from a CARB-approved GHG offset registry. Enforcement shall include oversight by the Real Estate Division.</p>	
Transportation		
<p>MM TRANS-2. Alameda and Anaheim Streets. Provide an additional eastbound through-lane on Anaheim Street. This mitigation measure shall be implemented at the same time as the City’s planned improvement project at this location, subject to LADOT approval and in coordination with the Bureau of Engineering’s construction schedule.</p>	<p>Timing: During the City’s planned improvement project, in coordination with the Bureau of Engineering’s construction schedule.</p> <p>Methodology: LAHD Engineering and Goods Movement Divisions will coordinate with the City of Los Angeles’ Alameda Street Improvement Project which is being managed by the City’s Bureau of Engineering. The project is also subject to LADOT approval; if LADOT approval is not obtained, then this mitigation measure would not be implemented.</p>	<p>Implementation LAHD in coordination with the City’s Bureau of Engineering and LADOT</p> <p>Monitoring and Reporting LAHD Environmental Management, Goods Movement, and Engineering Divisions</p>
<p>MM TRANS-3: John S. Gibson Boulevard and I-110 N/B Ramps. Provide an additional westbound right-turn lane with westbound right-turn overlap phasing and an additional southbound left-turn lane. LAHD shall monitor the intersection LOS annually beginning in 2019 and LAHD shall implement the mitigation within three years after the intersection LOS is measured as D or worse, and the China Shipping terminal is found to contribute to the cumulative impact, with the concurrence of LADOT.</p>	<p>Timing: Within three years after the intersection LOS is measured as D or worse (measurements to begin in 2019 on an annual basis).</p> <p>Methodology: LAHD will conduct annual measurements of the intersection LOS beginning in 2019 on an annual basis.</p>	<p>Implementation LAHD in coordination with the City’s Bureau of Engineering and LADOT</p> <p>Monitoring and Reporting LAHD Environmental Management, Goods Movement, and Engineering Divisions</p>