



# South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

March 30, 2018

[ceqacomment@portla.org](mailto:ceqacomment@portla.org)

Tara Tisopulos  
City of Los Angeles Harbor Department  
Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

## **Mitigated Negative Declaration (MND) for the Proposed Berths 238-239 [PBF Energy] Marine Oil Terminal Wharf Improvements Project**

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

### SCAQMD Staff's Summary of Project Description

The Proposed Project consists of demolition of existing platforms at Berths 238 and 239, and construction of marine platform and associated mooring and breasting dolphins, marine oil terminal platform, two new breasting dolphins, four new upland mooring dolphins, and installation of tenant topside improvements on 20.54 acres (Proposed Project). Construction is expected to take approximately 21 months.

### SCAQMD Staff's Comments

The Proposed Project's operational emissions were estimated for the 2016 CEQA baseline year, the 2032 buildout year, and the 2048 future year<sup>1</sup>. The 2016 existing conditions were held constant (i.e. using emission rates from 2016) and compared to future years (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 2016 baseline (using emission rates from 2016) improperly credits the 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. For example, the California Air Resources Board's (CARB) current regulations for ocean-going vessels and tugboats, for example, will provide significant near-term and long term emissions reductions. The strategies for ocean-going vessels, barges, terminal equipment, and harbor craft such as tugboats outlined in the 2017 Clean Air Action Plan Update<sup>2</sup> are also expected to reduce emissions over time. Therefore, the use of the 2016 baseline may have led to an under-estimation of emission increases from the Proposed Project. As shown in Table A, the use of the 2016 baseline comparison is misleading because it showcases the Proposed Project as an emissions reduction project without any emissions reductions project design features or mitigation measures.

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<sup>1</sup> MND. Page 4-15.

<sup>2</sup> San Pedro Bay Ports. *Final Clean Air Action Plan 2017*. Accessed at: <http://www.cleanairactionplan.org/documents/final-2017-clean-air-action-plan-update.pdf>.

**Table A: Copy of Table 4.3-4 Peak Daily Operational Emissions – Proposed Project  
(Pounds per Day)**

<b>Source Category</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>NO<sub>x</sub></b>	<b>SO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
<b>2016 Baseline</b>						
Ships – at Berth	33	31	751	121	71	32
Ships – at Anchorage	10	10	401	26	37	15
Ships – Transit	17	16	1,018	28	92	42
Tugboats	2	1	33	0	19	2
Fugitives	—	—	—	—	—	—
Marine Loading	—	—	—	—	—	313
Tanks	—	—	—	—	—	56
Terminal Equipment	33	33	578	3	156	31
<b>2016 Baseline Total</b>	<b>96</b>	<b>91</b>	<b>2,781</b>	<b>177</b>	<b>374</b>	<b>491</b>
<b>Year 2032</b>						
Ships – at Berth	33	31	751	121	71	32
Ships – at Anchorage	10	10	401	26	37	15
Ships – Transit	17	16	1,018	28	92	42
Tugboats	0	0	9	0	19	1
Fugitives	—	—	—	—	—	—
Marine Loading	—	—	—	—	—	313
Tanks	—	—	—	—	—	56
Terminal Equipment	33	33	578	3	156	31
<b>2032 Total</b>	<b>94</b>	<b>90</b>	<b>2,757</b>	<b>177</b>	<b>374</b>	<b>490</b>
<b>CEQA Impacts</b>						
CEQA Baseline Emissions	96	91	2,781	177	374	491
Project Minus CEQA Baseline	(1)	(1)	(24)	0	0	(1)
Significance Threshold	150	55	55	150	550	55
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Year 2048</b>						
Ships – at Berth	33	31	751	121	71	32
Ships – at Anchorage	10	10	401	26	37	15
Ships – Transit	17	16	1,018	28	92	42
Tugboats	0	0	9	0	19	1
Fugitives	—	—	—	—	—	—
Marine Loading	—	—	—	—	—	313
Tanks	—	—	—	—	—	56

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<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

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, regulations, and emissions reductions strategies, the Proposed Project's air quality impacts are likely underestimated. Therefore, SCAQMD staff recommends that the Lead Agency revise the air quality analysis to include a comparison between the emissions in year 2032 and year 2048 with the Proposed Project and the emissions in the same respective years without the Proposed Project, and use this comparison to determine the level of significance.

#### Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC180306-04

Control Number