



South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

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Amy.harbin@longbeach.gov

Amy L. Harbin, ACIP, Planner
City of Long Beach
Development Services Department
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

Recirculated Mitigated Negative Declaration (RMND) for the Proposed Long Beach Cruise Terminal Improvement Project

South Coast Air Quality Management District (South Coast AQMD) 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 MND.

The Proposed Project is an important project for the Port of Long Beach and the region. The Lead Agency should use this Proposed Project as an opportunity to take more aggressive actions to accelerate implementation of the cleanest technologies and contribute its fair share to reducing air pollution and advancing the objectives of the South Coast AQMD's 2016 Air Quality Management Plan (2016 AQMP) and the San Pedro Bay Ports 2017 Updated Clean Air Action Plan (2017 Updated CAAP).

South Coast AQMD Staff's Summary of Project Description and Background

The Lead Agency proposes to make improvements to the existing Long Beach cruise terminal to accommodate large cruise ships with a maximum capacity of 4,008 passengers (Proposed Project). Maritime improvements include dredging the existing berth from 30 feet to 37 feet, and construction of two mooring dolphins, catwalks, a passenger walkway bridge extension, and fender replacements. Onshore improvements include expansion of the existing parking garage from 1,430 spaces to 2,055 spaces and reconfiguration of traffic lanes. The Proposed Project is located at 231 Windsor Way at Pier H in the Port of Long Beach within the City of Long Beach. Construction is anticipated to occur in two phases: maritime improvements and onshore improvements. Maritime improvements would begin in August 2019 and be completed by December 2019. Onshore improvements would begin in October 2019 and be completed by October 2020¹.

The Lead Agency released the MND for the Proposed Project on June 20, 2019 through July 19, 2019. South Coast AQMD staff provided comments² on the MND, which can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190620-03%20.pdf>. South Coast AQMD staff recommended that the Lead Agency further strengthen existing mitigation measures (MMs) AQ-1 and AQ-2 and incorporate additional mitigation measures such as ramping up shore power usage and building electrical infrastructure to facilitate an improved alignment between the Proposed Project and the 2016 AQMP and the 2017 Updated CAAP. The Lead Agency recirculated the MND for the Proposed Project for public review and comments on August 28, 2019 through September 26, 2019.

¹ RMND. Project Description Section 2. Page 2-8.

² South Coast AQMD. July 19, 2019. South Coast AQMD staff's comments on the MND for the Long Beach Cruise Terminal Improvement Project. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190620-03%20.pdf>.

The Proposed Project is within the West Long Beach Community that is disproportionately impacted by air pollution generated from sources, such as, marine ports, heavy-duty diesel trucks, oil drilling and production facilities. As a result, the community of West Long Beach is part of the South Coast AQMD AB 617 Community Emission Reduction Program. Through this program the Wilmington, Carson, West Long Beach community has developed a Community Emissions Reduction Plan that identifies air quality priorities and actions to reduce air pollution in the community. Therefore, South Coast AQMD staff recommends that in addition to the mitigation measures that have been previously recommended in the South Coast AQMD staff's comment letter, dated July 19, 2019, the Lead Agency review the Community Emissions Reduction Plan for additional measures to reduce air quality impacts from the Proposed Project.³

South Coast AQMD Staff's Summary of the Air Quality Analysis

Similar to the Air Quality Analysis in the original MND, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds in the RMND. Based on the Air Quality Analysis in the RMND, the Lead Agency found that the Proposed Project's air quality impacts from construction activities would be less than significant after implementation of MMs AQ-1 and AQ-2⁴. MM AQ-1 requires onshore construction equipment to meet U.S. EPA Tier 4 Final off-road emission standards; compliance with South Coast AQMD Rule 403 – Fugitive Dust to reduce fugitive dust emissions; and utilization of tugboats that meet Tier 3 emission standard requirements or higher, if appropriately sized and available⁵. The Lead Agency used Tier 3 tug boats to quantify the Proposed Project's mitigated construction emissions from maritime improvements⁶. MM AQ-2 requires the applicant to purchase or lease sufficient amount of unencumbered emission reduction credits to reduce the Proposed Project's construction-related significant NOx emissions to below South Coast AQMD's air quality CEQA significance threshold of 100 pounds per day for NOx during the duration of dredging activities⁷. The Lead Agency included a new Footnote 2 for MM AQ-2, which, in part, stated that South Coast AQMD will certify or approve the emission reduction credit transaction under MM AQ-2 but is not responsible for mitigation measure assurance or enforcement⁸. The Lead Agency also found that the Proposed Project's net new operational air quality impacts would be less than significant⁹.

South Coast AQMD Staff's Comments on the Air Quality Analysis

South Coast AQMD staff incorporates comments on the original MND by reference¹⁰. In the RMND, MM AQ-1 requires, among others, tugboats that meet Tier 3 emission standard requirements or higher, if appropriately sized and available, during construction. However, Footnote 3 for MM AQ-1 stated that "[...] requiring the use of *any available Tier 3 tug boat* [...] is not included as a mitigation measure¹¹." (*Emphasis added*).¹² Footnote 3 directly contradicts MM AQ-1. It is not clear if using Tier 3 construction tug boats is a mitigation measure for the Proposed Project. If it is a mitigation measure, it must be fully enforceable (CEQA Guidelines Section 15126.4(2)); otherwise, the Lead Agency should not use Tier 3 tug boats to quantify the Proposed Project's mitigated construction emissions from maritime

³ The Wilmington, Carson, West Long Beach Community Emissions Reduction Plan is available at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-sep6-025c.pdf>.

⁴ RMND. Pages 4.3-6 through 4.3-12.

⁵ *Ibid.* Pages 4.3-4 through 4.3-5.

⁶ *Ibid.* Tables 4.3-3 and 4.3-6. Pages 4.3-5 and 4.3-10. Appendix A. Page A-10.

⁷ *Ibid.*

⁸ *Ibid.* Page 4.3-7.

⁹ *Ibid.* Pages 4.3-6 through 4.3-12.

¹⁰ South Coast AQMD. July 19, 2019. South Coast AQMD staff's comments on the MND for the Long Beach Cruise Terminal Improvement Project. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190620-03%20.pdf>.

¹¹ RMND. Page 4.3-8.

¹² *Ibid.* Page 4.3-8.

improvements because it improperly credited the Proposed Project with emission reductions from using Tier 3 tug boats when it is reasonably foreseeable that appropriately sized Tier 3 tug boats are not available and that Tier 2, Tier 1, or even Tier 0 tug boats may be used during construction. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the analysis to conservatively analyze a worst-case impact scenario, using Tier 0 tug boats, to re-calculate the Proposed Project's maritime construction emissions and include them in the Proposed Project's construction emission profile to determine the amount of construction emission reduction credits that will be purchased or leased through the implementation of MM AQ-2.

Conclusion

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 South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses 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, informative, or useful to decision makers and the public who are interested in the Proposed Project. Further, if the Lead Agency makes findings that the revisions to existing air quality mitigation measures and the additional recommended mitigation measures, which were discussed in the South Coast AQMD staff comments on the original MND and are incorporated here by reference, the Lead Agency should describe the specific reasons for rejecting them in the Final MND (CEQA Guidelines Section 15074.1).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
JW:LS/DG/AM
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