

**APPENDIX D**

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**COMMENTS ON THE DRAFT PEIR AND RESPONSES TO THE  
COMMENTS**

**COMMENT LETTER 1**

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**City of Los Angeles  
May 22, 2003**

ENVIRONMENTAL AFFAIRS  
DEPARTMENT

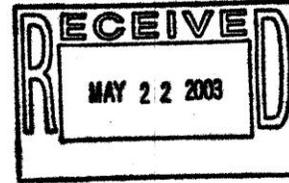
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CITY OF LOS ANGELES  
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JAMES K. HAHN  
MAYOR

May 22, 2003



Barry Wallerstein, Ph.D., Executive Officer  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765

Subject: City of Los Angeles Comments on the Draft EIR for the Proposed 2003 South Coast Air Quality Management Plan

Dear Dr. Wallerstein:

As a part of its review of the proposed 2003 South Coast Air Quality Management Plan (AQMP), the City of Los Angeles has reviewed the Draft Environmental Impact Report (Draft EIR). Our major areas of concern for the AQMP are described in this letter, while a more detailed and technical discussion is attached.

1-1

We are concerned that the public review process for the EIR has not allowed us to evaluate the project as a whole. During the public review period for the Draft EIR, all of the information about the proposed 2003 AQMP necessary for our review was not available and some of the information was available very late. All parts of the AQMP need to be available at the same time in order to allow meaningful review of the EIR. For example, the Socioeconomic Report was not released until this morning. Because of this, the comment period for the Draft EIR should be extended until June 23, 2003 as the City may have additional comments on the EIR after having time to review the Socioeconomic Report.

1-2

In addition, since release of the Draft EIR on April 8, 2003, the control strategy in the AQMP has changed because the California Air Resources Board (CARB) revised AQMP Appendix IV-B (State and Federal Element of the South Coast State Implementation Plan) on May 12, 2003 and the Southern California Association of Governments (SCAG) will soon revise AQMP Appendix IV-C (Transportation Control Measures). The EIR should include and analyze the final control strategy.

1-3

Another area of concern is the lack of sufficient detail, especially for the strategies new in the 2003 AQMP. For FSS-05 (Mitigation Fee for Federal Sources), the AQMP states that emission reductions and cost are "to be determined," the EIR states the measure is "speculative" and the Socioeconomic Report provides no specific information about this measure. Because the adoption date for FSS-05 is only 2005, additional information should be provided in the 2003 AQMP, including the EIR.

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste.

Dr. Barry Wallerstein  
May 22, 2003

Page 2

1-4 As shown in the attachment, the Draft EIR should more fully address potential impacts on local governments and public services from implementation of the measures in the 2003 AQMP. In addition, we continue to be concerned about cross-media impacts, particularly given statewide stormwater quality and solid waste diversion mandates.

1-5 Also, it is our understanding, as stated in the Draft EIR, that additional environmental analysis will be required during the rulemaking process for individual rules that are covered in the 2003 AQMP. The City may have additional comments on the environmental analyses of these rules at that time.

The major areas of concern for the AQMP include the following issues, which need to be properly addressed in the EIR:

- 1-6
- Control Strategy Approach
  - Home Rule
  - Cross-Media and Localized Impacts
  - Modeling
  - Full Public Review

In the attachment, the first part is a discussion of these major areas of concern for the AQMP and their treatment in the Draft EIR. The second part lists concerns with the evaluation of specific control measures in the Draft EIR. The final part includes comments on the chapters and sections of the Draft EIR.

Thank you for your consideration of these comments. We look forward to continuing to work with you and your staff on the 2003 AQMP and the EIR and are available to discuss our comments. We request that a copy of the Final EIR be mailed to us and that an e-mail notice be sent to us when the Final EIR is available on the SCAQMD website. I can be reached at (213) 978-0840, [dallen@mailbox.lacity.org](mailto:dallen@mailbox.lacity.org), or at the address above.

Sincerely,

  
Detrich B. Allen  
General Manager

Attachment

C: Ron Deaton, Chief Legislative Analyst  
Brian K. Williams, Deputy Mayor  
Steve Smith, SCAQMD  
Cynthia Marvin, CARB  
Rich Macias, SCAG

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

1-7 As a part of its review of the Draft 2003 Update to the South Coast Air Quality Management Plan (2003 AQMP or AQMP), we have reviewed the Draft Environmental Impact Report (Draft EIR or DEIR) and offer the following comments.

The first part is a discussion of our major areas of concern for the AQMP and their treatment in the EIR. The second part lists concerns with the evaluation in the EIR of specific control measures. The final part includes comments on the chapters and sections of the Draft EIR.

**PART ONE: OVERALL**

1-8 • Control Strategy Approach

The proposed control strategy approach may need to be evaluated to better address ammonia, NOx, "black box," and PM 2.5 control. Additionally, the cost for businesses, essential public services and local governments should be thoroughly evaluated and minimized to the extent possible. The discussion and understanding of the responsibilities, accountability and authority of SCAQMD, CARB, and EPA needs to be enhanced.

1-9 Our technical consultant has advised us that the AQMP estimates that only one site (Ontario) will still be exceeding the annual PM10 standard in 2006 under base case emission conditions (i.e., no additional controls) and it is only 0.8% above the standard. The largest contributor to the annual average at sites with PM speciation data surrounding the Ontario SSI PM10 mass measurement site is primary PM, contributing approximately 40% of the total PM10 mass. Thus, SCAQMD should consider whether a little additional control directed to primary PM10 emissions in the eastern part of the basin would achieve PM10 attainment without any additional NOx controls and should thoroughly evaluate this in the EIR. Reducing PM10 by reducing NOx increases the need for VOC reductions in the control strategy. In this way, NOx or VOC emissions reductions could be guided by the need for ozone reduction. We would like to see a 2003 SIP control strategy that is based on the least cost route to attainment of both the current PM10 and the ozone standard and to see this thoroughly evaluated in the EIR.

1-10 We are concerned about the large amounts of emissions reductions needed in the ozone attainment plan without any identified control technology: the so called "black box" emission controls that are allowed under Section 182(e)(5) of the Clean Air Act Amendments. Allocating large amounts of controls to this category can result in simply postponing the difficult task of identifying control measures. Our technical consultant has advised us that excessive control of NOx for PM10 attainment exacerbates this issue. Thus, the draft 2003 AQMP should focus on identifying the optimal VOC/NOx emissions control strategy that achieves 1-hour ozone attainment in 2010 with minimal costs and maximum emission reductions and this should be thoroughly evaluated in the EIR. Additionally, the environmental impacts associated with the emission controls in the

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

1-10

cont.

“black box” (which need to be identified by 2006) should be thoroughly evaluated.

1-11

The role of control on federal sources, whether in the “black box” or otherwise identified in the plan, is also an area of concern. The U.S. EPA under the Clean Air Act preemptively controls these emissions sources. Because the AQMP includes controls on these sources, the U.S. EPA may reject the submitted SIP. In this case, the region could face continuation of the 1997/1999 SIP, failure to achieve the ambient air quality standards, and resulting federal sanctions. Thus, in the EIR, the “no project” alternative should be thoroughly evaluated in the EIR, including all these primary and secondary impacts as well as the potential direct and indirect effects.

1-12

• Home Rule

The significant overlap of SCAQMD measures compared to the CARB measures (e.g. FSS-06 and Marine-4) or SCAQMD Rules and CARB measures (e.g., State fleet rules and SCAMD 1190 series rules) has the potential to create overlap and duplication of regulations, possibly disallow future grant funding, and eliminate incentives for voluntary emission reductions. The EIR should adjust the assumptions for compliance with these proposed strategies if funding to local governments is reduced (e.g., through possibly disallowing future grant funding or eliminating incentives for voluntary emission reductions). Additionally, the EIR should thoroughly consider a scenario that includes regulation of private fleets in all fleet rules.

1-13

• Full Public Review

We are concerned that the public review process for the EIR has not allowed us to evaluate the project as a whole. During the public review period for the Draft EIR, all of the information about the proposed 2003 AQMP necessary for our review was not available and some of the information was available very late. All parts of the AQMP need to be available at the same time in order to allow meaningful review of the EIR. For example, the Socioeconomic Report was not released until this morning. Because of this, the comment period for the Draft EIR should be extended until June 23, 2003 as we may have additional comments on the EIR after having time to review the Socioeconomic Report.

1-14

In addition, since release of the Draft EIR on April 8, 2003, the control strategy in the AQMP has changed because the California Air Resources Board (CARB) revised AQMP Appendix IV-B (State and Federal Element of the South Coast State Implementation Plan) on May 12, 2003 and the Southern California Association of Governments (SCAG) will soon revise AQMP Appendix IV-C (Transportation Control Measures). The EIR should include and analyze the final control strategy.

1-15

Another area of concern is the lack of sufficient detail, especially for the strategies new in the 2003 AQMP. For FSS-05 (Mitigation Fee for Federal Sources), the AQMP states that

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

1-15 emission reductions and cost are “to be determined,” the EIR states the measure is “speculative” and the Socioeconomic Report provides no specific information about this measure. Because the adoption date for FSS-05 is only 2005, additional information should be provided in the 2003 AQMP, including the EIR.

**PART TWO: CONCERNS WITH EIR ANALYSIS OF CONTROL STRATEGIES**

1-16 **A. Draft AQMP Appendix IV-A: District’s Stationary and Mobile Source Control Measures**

BCM-07 Further PM10 Reductions from Fugitive Dust Sources

What are the potential environmental impacts related to this control measure, including primary and secondary as well as the potential direct and indirect effects?

CMB-10 Additional Reductions for RECLAM

1-17 This measure would reduce the NOx allocations at RECLAIM facilities, including in-basin electric generating facilities. LADWP has reduced NOx emissions by about 70% in the last three years by installing Selective Catalytic Reduction (SCRs) devices on many of its generating facilities. As a result, LADWP has shifted from a net buyer of NOx credits to a net seller. The implementation of this control measure could lead to a shortage of NOx RECLAIM trading credits, which would directly impact LADWP’s ability to generate electricity. To mitigate this potential problem, SCAQMD should continue to serve as the “provider of last resort” for NOx credits through Rule 2009 (Compliance Plans for Power Producing Facilities), Rule 2020 (RECLAIM Reserve), etc. Otherwise, the EIR should consider additional energy demand in light of significantly reduced capacity to generate electricity.

CTS-07 Further Emission Reductions from Architectural Coatings and Cleanup Solvents [VOC]

1-18 What are the specific potential environmental impacts related to this control measure, including primary and secondary as well as the potential direct and indirect effects for secondary air quality, hazards, and water? Potential cross-media impacts need to be thoroughly evaluated and significant impacts mitigated. What are the reasons that impacts to energy and solid/hazardous waste are not evaluated?

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

- |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1-19 | <p>CTS-10 Miscellaneous Industrial Coatings &amp; Solvent Operations</p> <p>What are the specific potential environmental impacts related to this control measure, including primary and secondary as well as the potential direct and indirect effects for secondary air quality, energy, hazards, and water? Potential cross-media impacts need to be thoroughly evaluated and significant impacts mitigated. What are the reasons that impacts to solid/hazardous waste are not evaluated?</p>                                                                               |
| 1-20 | <p>CTY-01 Accelerated Implementation of Control Measure</p> <p>What are the reasons that the impacts from the plan are not evaluated for an accelerated timeframe as would be required by this control measure? If certain information is not presently known, the SCAQMD should consider evaluating a worst-case scenario.</p>                                                                                                                                                                                                                                                 |
| 1-21 | <p>FLX-01 Economic Incentive Program</p> <p>What are the reasons that the impacts, especially localized effects from secondary air quality impacts, from this measure are not evaluated? If certain information is not presently known, the SCAQMD should consider evaluating a worst-case scenario.</p>                                                                                                                                                                                                                                                                        |
| 1-22 | <p>FSS-04 Emission Charges of \$5,000 per Ton of VOC for Stationary Sources Emitting over 10 Tons per Year</p> <p>The EIR should consider the indirect effect of businesses shutting down as a result of this measure. The physical effects likely to result according to the scenario projected in the Socioeconomic Report should be thoroughly evaluated. If certain information is not presently known, the SCAQMD should consider evaluating a worst-case scenario.</p>                                                                                                    |
| 1-23 | <p>FSS-05 Mitigation Fee Program for Federal Sources</p> <p>This measure was not listed in the Notice of Preparation (NOP) for the draft EIR, which was the last applicable document available prior to the draft AQMP. Since it is not described in the NOP, the EIR must adequately address this measure and allow for scoping of impacts. If certain information is not presently known, the SCAQMD should consider evaluating a worst-case scenario. The treatment for FSS-05 should be consistent with MARINE-2, which includes potential impacts for all issue areas.</p> |
| 1-24 | <p>In the EIR, SCAQMD needs to provide information about the inventory (including current voluntary efforts underway), emission benefit, cost, legislative</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

- 1-24  
cont. authority, resolving overlapping jurisdictions of CARB, EPA and the SCAQMD, how a fee-based program would be federally enforceable, and what backstop measures would be provided. The potential localized impacts of a "pay to pollute" strategy should be included and should address potential environmental justice impacts. Providing this information is especially important since the proposed adoption date for this measure is only two years away in 2005.
- 1-25 This type of measure imposes an unfair burden and competitive disadvantage on federal sources if the fees are required only in the South Coast Air Basin, which can have the adverse effect of diminishing or even eliminating service at and use of this region particularly for shipping and cargo activities. The only economically fair way to administer such a fee system is to apply it nationwide, as well as on international sources in this country. In the EIR, this measure should be evaluated for possible diversion of service at and use of this region away from planes, ships and locomotives to intra- and inter-state truck traffic and should also be evaluated assuming it is part of a nationwide program.
- 1-26 FSS-06 Further Emission Reductions from In-Use Off-Road Vehicles and Equipment  
This measure was not listed in the Notice of Preparation (NOP) for the draft EIR, which was the last applicable document available prior to the draft AQMP. Since it is not described in the NOP, the EIR must adequately address this measure and allow for scoping of impacts. If certain information is not presently known, the SCAQMD should consider evaluating a worst-case scenario.
- 1-27 The City's Harbor Department is working on an inventory of yard hostlers and measures to reduce the emissions from these sources. The City's Board of Harbor Commissioners recently approved an alternative fuel policy for yard tractors and the Port of Long Beach is also pursuing emission reduction from these sources. The EIR should present the inventory for this source, including current efforts underway.
- 1-28 FSS-07 Emission Fee Program for Port-Related Mobile Sources  
This measure was not listed in the Notice of Preparation (NOP) for the draft EIR, which was the last applicable document available prior to the draft AQMP. Since it is not described in the NOP, the EIR must adequately address this measure and allow for scoping of impacts. If certain information is not presently known, the SCAQMD should consider evaluating a worst-case scenario. The treatment for FSS-07 should be consistent with MARINE-2, which includes potential impacts for all issue areas.
- 1-29 SCAQMD needs to provide information about the inventory (including current efforts underway), emission benefit, cost, legislative authority, resolving

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- 1-29  
cont. overlapping jurisdictions of CARB, EPA and the SCAQMD, how a fee-based program would be federally enforceable, and what backstop measures would be provided. The potential localized impacts of a "pay to pollute" strategy should be included and should address potential environmental justice impacts. Providing this information is especially important since the proposed adoption date for this measure is only two years away in 2005.
- 1-30 This type of measure imposes an unfair burden and competitive disadvantage on the South Coast's port-related mobile sources, which can have the adverse effect of diminishing or even eliminating service at and use of this region particularly for shipping and cargo activities. The only economically fair way to administer such a fee system is to apply it nationwide, as well as on international sources in this country. In the EIR, this measure should be evaluated for possible diversion of service at and use of the port and this region and should also be evaluated assuming it is part of a nationwide program.
- 1-31 MSC-08 Further Emission Reductions from Large VOC Sources  
The Draft EIR does not, but should discuss the potential environmental impacts related to this control measure, including primary and secondary as well as the potential direct and indirect effects on secondary air quality, energy, hazards, solid/hazardous waste.
- 1-32 MSC-01 Promotion of Lighter Color Roofing & Road Materials and Tree Planting Programs  
The City has been successfully implementing shade tree programs, including, for example, the Cool Schools program and Trees for a Green LA. Based on our experience, trees that are either drought tolerant or that require only moderate watering are ideal for planting in the Southern California region, providing energy conservation benefits while also minimizing impacts on water consumption. The EIR should not restrict tree species to just native species or drought-tolerant species, as there are many factors that must be considered for a tree to be successful in a specific location.
- 1-33 PRC-03 Emission Reductions from Restaurant Operations  
The Draft EIR does not, but should discuss the potential environmental impacts related to this control measure, including primary and secondary as well as the potential direct and indirect effects for secondary air quality, energy, water, and solid/hazardous waste.
- 1-34 WST-01 Emission reductions from livestock waste and  
WST-02 Emission Reductions from Composting (Registration Program)

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

1-34  
cont.

What are the potential environmental impacts related to these control measures, including primary and secondary as well as the potential direct and indirect effects for secondary air quality, energy, and solid/hazardous waste? The EIR should also address potential impacts to water.

**B. Draft AQMP Appendix IV-B: State and Federal Element of the South Coast State Implementation Plan**

**AIRPORT-1 Pursue Approaches to Reduce Emissions from Jet Aircraft**

1-35

In the Draft AQMP Appendix IV-B, a caveat is made that turboprops, smaller business jet aircraft, and piston engine aircraft, which include all propeller driven aircraft, make up only a small percentage of aircraft emissions and are not addressed in this proposed control measure. Emission standards for these aircraft as well as for military aircraft, even in recognition of the inherent difficulties involved with regulating them, should be considered in the EIR. Although it is reasonable to conclude that business jets, turboprops and piston aircraft produce a relatively lower level of emissions per aircraft in comparison to commercial aircraft, given the magnitude of their operations in our Basin they contribute a significant proportion to the overall emission levels attributable to airport related sources.

For the following control measures, what are the specific potential environmental impacts for each strategy, including primary and secondary as well as the potential direct and indirect effects? Additionally, the EIR should thoroughly consider a scenario that includes regulation of private fleets in all fleet rules (e.g., On-Rd Hvy-Duty-3, On-Rd Hvy Duty-7, Fuel-2).

1-36

- FUEL-2 Set Low-Sulfur Standards for Diesel Fuel for Trucks/Buses, Off-Road Equipment, and Stationary Engines
- LT/MED-DUTY-1: Replace or Upgrade Emission Control Systems on Existing Passenger Vehicles—Pilot Program
- LT/MED-DUTY-2: Improve Smog Check to Reduce Emissions from Existing Passenger and Cargo Vehicles
- OFF-RD CI-3: Implement Registration and Inspection Program for Existing Heavy-Duty Off-Road Equipment to Detect Excess Emissions [Compression-Ignition Engines]
- OFF-RD LSI-2: Clean Up Existing Off-Road gas Equipment Through Retrofit Controls [Spark-Ignition Engines 25 hp and Greater]
- ON-RD HVY-Duty-3: Pursue Approaches to Clean Up the Existing and New Truck and Bus Fleet—PM in-Use Emission Control, Engine Software Upgrade, On-Board Diagnostics, Manufacturers' In-Use Compliance, Reduced Idling

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1-36  
cont.

ON-RD HVY-DUTY-7 Pursue Approaches to Clean Up the existing Truck and Bus Fleet- Low-Sulfur diesel  
SMALL OFF-RD-1 Set Lower Emission Standards for New Handheld Lawn and Garden Equipment  
SMALL OFF-RD-2 Set Lower Emission Standards for New Non-Handheld Lawn and Garden Equipment

1-37

FVR-1 Increase Recovery of Fuel Vapors from Aboveground Storage Tanks

What are the potential environmental impacts related to this control measure, including primary and secondary as well as the potential direct and indirect effects for energy and solid/hazardous waste? What are the reasons that impacts to secondary air quality, hazards, and water are not addressed in the EIR?

1-38

MARINE-1 Set More Stringent Emission Standards for New Harbor Craft and Ocean-Going Ships

Enhanced emission standards for these sources should be consistently implemented for all sources at the international, federal, or state level. In the EIR, SCAQMD needs to provide information about the inventory (including the benefits of existing EPA marine compression ignited engine standards passed in 1998), emission benefit, cost, legislative authority, and resolving overlapping jurisdictions of CARB, EPA and the SCAQMD. This type of measure in command-and-control form can impose an unfair burden and competitive disadvantage on the South Coast's port-related mobile sources, which can have the adverse effect of diminishing or even eliminating service at and use of this region. In the EIR, this measure should be evaluated for possible diversion of service at and use of the port and this region and should also be evaluated as part of a nationwide program.

1-39

MARINE-2 Pursue Approaches to Clean Up the Existing Harbor Craft Fleet—Cleaner Engines and Fuels

In the EIR, SCAQMD needs to provide information about the inventory (including all regulatory, voluntary and incentive based measures), emission benefit, cost, legislative authority, and resolving overlapping jurisdictions of CARB, EPA and the SCAQMD. This type of measure in command-and-control form can impose an unfair burden and competitive disadvantage on the South Coast's ports, which can have the adverse effect of diminishing or even eliminating service at and use of this region. In the EIR, this measure should be evaluated for possible diversion of service at and use of the port and this region and should also be evaluated as part of a nationwide program. The conclusion that the additional ships required to carry oxygenates and blending stocks will not transit the coast of California when entering and leaving the Ports would be

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

1-39  
cont.

different from current transport routes of fuels and additives and should be justified. The potential for localized impacts from shipping, storage, handling and distribution of reformulated fuels, especially in areas of environmental justice concern, need to be fully assessed. In the EIR, the treatment of this measure should be consistent with FSS-05 and FSS-07, which are shown as "Speculative" and not able to be evaluated.

1-40

MARINE-3 Pursue Approaches to Clean Up the Existing Ocean-Going Fleet—Cleaner Fuels, Incentives for Cleaner Ships, Smoke [Opacity] Limits

Voluntary programs and study of these strategies are already underway at the Port of Los Angeles and the effectiveness of these programs is unknown at this time. Generally, the use of cleaner fuels is probably the easiest, cheapest and most effective control strategy; however, fuel availability, international fuel safety requirements for marine use, and related issues need to be addressed. In the EIR, SCAQMD should include information about the emission benefit, cost, legislative authority, and resolving overlapping jurisdictions of CARB, EPA and the SCAQMD. This type of measure in command-and-control form can impose an unfair burden and competitive disadvantage on the South Coast's port-related mobile sources, which can have the adverse effect of diminishing or even eliminating service at and use of this region. In the EIR, this measure should be evaluated for possible diversion of service at and use of the port and this region.

1-41

MARINE-4 Pursue Approaches to Reduce Land-Based Port Emissions—Alternative Fuels, Cleaner Engines, Retrofit Controls, Electrification Programs, Operational Controls

Both the Port of Los Angeles and the Port of Long Beach are aggressively pursuing the strategies listed here through voluntary programs, leveraged with State and local funding. In the EIR, SCAQMD needs to provide information about the emission benefit, cost, legislative authority, and resolving overlapping jurisdictions of CARB, EPA and the SCAQMD. This type of measure in command-and-control form can impose an unfair burden and competitive disadvantage on the South Coast's port-related mobile sources, which can have the adverse effect of diminishing or even eliminating service at and use of this region. In the EIR, this measure should be evaluated for possible diversion of service at and use of the port and this region and should also be evaluated as part of a nationwide program.

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**PART THREE: COMMENTS ON DRAFT EIR SECTIONS AND CHAPTERS**

1-42

**A. EXECUTIVE SUMMARY**

The word “lastly” implies that no other local agencies will be involved in the implementation of AQMP strategies. Please delete or substitute with ‘furthermore’ or a similar word. (Project Description, Page ES-2, Paragraph 1).

1-43

Unlike the on-road and off-road source categories, the emission inventory used for maritime sources in the Draft EIR has not been updated from the 1997/1999 AQMP. Although, since those inventories were completed, there have been significant changes in the operation of the Port of Los Angeles including the implementation of a number of air quality programs by the SCAQMD and the Ports of Los Angeles and Long Beach and regulatory programs by U.S. EPA that are not included in the previous inventory. Therefore, the analysis presented for the Marine and Maritime Sources, including Port-related rail and truck traffic projections, presented in the Draft EIR needs to be updated (Project Description and Current Control Strategy, Page ES-2, General Comment).

1-44

The Draft EIR does not fully address potential direct and indirect impacts from increased shipping, storage and handling of new and different fuels through the ports, including localized and environmental justice impacts. Ship delivery of ethanol, liquefied natural gas, and chemical additives are significant public health and safety issues in and around the ports. (Environmental Impacts and Mitigation Measures, Air Quality, Energy, Hazards, Pages ES-7 to ES-10, General Comment).

1-45

There should be a summary of the proposed AQMP to use for comparison with the alternatives. There reference to alternative numbers and terms like ‘carrying capacity’ should be clarified and explained. The alternatives included in the Draft EIR, with the exception of the CEQA required No Project Alternative, address impacts and not alternative methods of control. The use of carrying capacity suggests that the attainment level varies with each alternative. The EIR should include a table describing the differences between the alternatives for an easier comparison of the impacts.

1-46

In light of the recent actions by U.S. EPA on a number of key federal sources, including those not previously subject to regulation, changes in the assumptions of the baseline inventory for federal sources should be reflected in the EIR analysis of the project and appropriate alternatives including the Less NOx Reduction Alternate. (Pages ES-10 to ES-11, General Comment).

1-47

The EIR should include emission benefit and costs for FSS-05 – Mitigation Fee Program for Federal Sources. Potential unintended consequences of increased

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- 1-47  
cont. fees would be diversion of cargo off the Alameda Corridor and back onto on-road trucks or for the railroads to increase transit on previous mainline track through, residential areas in the basin that does not have grade separation. There are also unanswered questions about how the overlapping jurisdictions of CARB, EPA and the SCAQMD would be resolved, how a fee-based program would be federally enforceable and what backstop measures would be provided that should be addressed in the EIR.
- 1-48 Emission benefit and cost have not been determined for FSS-06 – Further Emission Reductions from In-Use Off-Road Vehicles and Equipment. Although this category includes a large variety of equipment types from lawnmowers to farm equipment, marine terminal yard hostlers are specifically discussed as a source to require the use of alternative fuel engines. The Port of Los Angeles is working on an inventory of these sources and on measures to reduce the emissions from these sources. The City’s Board of Harbor Commissioners recently approved an alternative fuel policy for yard tractors and the Port of Long Beach is also pursuing emission reduction from these sources. The EIR should present the inventory for this source, including current efforts underway.
- 1-49 The emissions benefit and cost have not been determined for FSS-07 – Emission Fee Program for Port-Related Mobile Sources. The discussion in the EIR needs to be expanded to address how this measure could be made federally enforceable, the potential for localized and environmental justice impacts and the Vessel Speed Reduction in place since May 2001.
- 1-50 Enhanced emission standards for these sources should be consistently implemented for all sources at the international, federal, or state level. The benefits of existing EPA marine compression ignited engine standard passed in 1998 have not been, but should be, incorporated in the inventory being used for captured sources in the San Pedro Bay Ports. (MARINE-1 Set More Stringent Emission Standards for New Harbor Craft and Ocean-Going Ships).
- 1-51 The majority of harbor craft eligible for repowers under the Carl Moyer Program or SCAQMD Rule 1631 have already been captured. The benefits of the existing programs and the expected benefit from the remaining population should be discussed in the Draft EIR. (MARINE-2 Pursue Approaches to Clean Up the Existing Harbor Craft Fleet—Cleaner Engines and Fuels).
- 1-52 Generally, the use of cleaner fuels is the easiest, cheapest and most effective control strategy. However, availability and international fuel safety requirements for marine use must be addressed. Voluntary programs are already underway at the Port of Los Angeles and the effectiveness of these programs is not known at this time. For example, the Port of Los Angeles and the Los Angeles Department of Water and Power are investigating ship electrification under the Alternative

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

1-52  
cont.

Maritime Power Program. (MARINE-3 Pursue Approaches to Clean Up the Existing Ocean-Going Fleet—Cleaner Fuels, Incentives for Cleaner Ships, Smoke [Opacity] Limits).

1-53

Both the Ports of Los Angeles and Long Beach are aggressively pursuing the strategies listed in MARINE-4 Pursue Approaches to Reduce Land-Based Port Emissions—Alternative Fuels, Cleaner Engines, Retrofit Controls, Electrification Programs, Operational Controls through voluntary programs, leveraged with State and local funding and this should be reflected in the EIR.

1-54

The SCAQMD should not defer mitigation of potentially significant impacts resulting from importing and distributing fuel oxygenates, liquefied natural gas, and other refinery feedstocks, based on regulatory jurisdiction. (Table ES-2, Pg. ES-23).

**B. CHAPTER 2 – PROJECT DESCRIPTION**

1-55

The EIR should explain why only the rules/measures adopted by the SCAQMD through October 2002 are listed. (Section 2.5 Proposed Control Strategy. Page 2-3, Paragraph 2).

1-56

SCAQMD should consider putting the rules/regulations in order by adoption date, by number, or other appropriate arrangement. (Table 2.3-1, Page 2-3).

1-57

The statements about a significant portion of NOx, PM10, greenhouse gas and toxics emission coming from marine vessels and portside equipment should be supported by data. The discussion of twin speed marine transmissions is for a very small part of the marine inventory. (2.6.4.3 Marine Vessels and Portside Equipment. Pg. 2-44).

1-58

The SCAQMD should consider expanding this section to include a discussion of the Carl Moyer Program, the State Mitigation Fund and the 1190 series Fleet Rules approved in 2000, and other innovative strategies, like the Vessel Speed Reduction Measure that was begun in May 2001. (2.6.5 Innovative Control Approaches. Pg. 2-49).

**C. CHAPTER 3 - EXISTING SETTING**

1-59

Storm water issues are not addressed at all. Since much of the pollutant load in storm water can be from aerial deposition, it follows that the AQMP would have an effect on the quality of storm water. It would be helpful if the document would address these linkages. (General Comment.)

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

- 1-60 The Marine Inventory has not been updated from the 1997/1999 AQMP and really needs to be re-evaluated to reflect changes in ship populations, operating parameters, better emission factors, and better operational data. (3.1.1.2 Current Emission Inventories. Pg. 3.1-13).
- 1-61 Please provide a map that shows where the Source/Receptor Areas are located in the District. (Table 3.1-2. Pg. 3.1.4).
- 1-62 The Draft EIR states: "Examples of targeted watersheds include the Santa Monica Bay Restoration Project and the Malibu Creek Watershed Non-Point Source Pilot Project." The Santa Monica Bay Restoration Project is now called the Santa Monica Bay Restoration Commission. The watersheds are actually numerous ones that ultimately drain to the Santa Monica Bay and the Malibu Creek watershed, with priority programs being those overseen by the Santa Monica Bay Restoration Commission and Malibu Creek Watershed Non-Point Source Pilot Project. (Section 3.4.1.3 Watershed Management, page 3.4-3).
- 1-63 Please include a brief explanation of why environmental water demand will increase only slightly by 2020 if the SCAG source document contains this information. (Section 3.4.3 Water Demand and Forecasts, page 3.4-6).
- 1-64 SCAQMD should make the following amendments to the second paragraph of this section (Section 3.4.6.1 Owens Lake Dust Mitigation Project. p. 3.4-15) as indicated:  
  
"LADWP is financing the development of a multi-year program to implement the requirements of the SIP. Phase 1, completed in November 2001, consists of 13.5 square miles of flood irrigation in the northern and north-central part of the lakebed for dust control measures. ~~The shallow flooding system is a network of irrigation pipeline that will demand as much as 42,000 acre-feet per year from the Los Angeles Aqueducts.~~ The remaining phases of the project will utilize both shallow flooding and native vegetation planting to control dust blowing from the alkaline lakebed. The SCAQMD Great Basin Unified Air Pollution Control District plans to amend the SIP in 2003 to delineate the actual areas of the lakebed that need to be mitigated. LADWP is required to bring the lakebed into compliance with federal air quality standards by 2006 (LADWP, 2001)."
- 1-65 The second paragraph under the paragraph heading of "East Valley Water Recycling Project" (Section 3.4.7.1 Reclaimed Water by LADWP. p. 3.4-16) should be moved to the first paragraph directly under the heading "3.4.7.1 Reclaimed Water by LADWP."

Attachment: City of Los Angeles Comments on the Draft EIR for the 2003 AQMP

- 1-66 Please replace the description of the East Valley Project with the following:
- “The East Valley Water Recycling Project (EVWRP) is the backbone of a distribution system to deliver recycled water throughout the San Fernando Valley for irrigation, commercial and industrial use. The EVWRP facilities will provide recycled water to the Sepulveda Basin, West Valley, and Hansen Water Recycling Projects, making recycled water available to areas stretching from the Warner Center in Woodland Hills to North Hollywood and up to the Hansen Dam Recreation area. Groundwater recharge was originally within the scope of this project. However, the LADWP, upon instruction from the City’s Mayor, suspended the groundwater recharge element of the EVWRP. Ultimately, the EVWRP facilities will supply approximately 10,000 acre-feet per year of recycled water.”
- 1-67 Under the heading “Westside Water Recycling Project,” please change the date in the last sentence from “2002” to “2004.”
- The following changes should be incorporated into the Water Conservation Section (Section 3.4.8 Water Conservation, p.3.4-18). Most of the recommended changes seek to clarify and update information contained in the Draft EIR. The discussion on large-scale projects and irrigation management are broader state conservation issues not related to urban water conservation and Best Management Practices (BMPs) and, thus, could be deleted. We have enclosed a copy of LADWP’s Urban Water Management Plan for the fiscal year 2001-2002 for your reference.
- 1-68 “In order to ensure reliable water supplies within the Basin, water conservation is an important factor in the overall water management strategy. Urban conservation measures include reducing landscape water use and installing-replacing high volume toilets and showerheads with water saving models low-flow toilets and showerheads in new development. In September 1991, during a state-wide drought, the ~~MWD~~LADWP and other California water agencies signed a Memorandum of Understanding (MOU) regarding Urban Water Conservation that includes a commitment to implement cost-effective BMPs. BMPs address a variety of conservation measures and activities for all customer sectors, includingto conserve water in commercial, institutional, and industrial uses could reduce demand by an estimated three to five percent. ~~BMPs include replacing toilets and showerheads with ultra-low-flow models, distribution system leak detection audits, and landscape and facility water audits, and public information and education programs. BMPs also include water distribution system leak detection audits. Large-scale projects such as the lining of the All-American Canal in Imperial County~~

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1-68  
cont.

~~are also under consideration. Agricultural water conservation options are limited in the region because of the high seasonal application efficiency that currently exists. However, improving irrigation management remains a priority, and DWR estimates that agricultural water consumption will decline by 2020 in the southern California area (SCAG, 2001).~~

Water conservation, along with recycling, will be used to meet a substantial portion of increases in Los Angeles' water demands created by ongoing growth in population and commerce growth. This goal strategy will minimize the need for new imported water sources and will provide a drought-proof resource that is not subject to environmental restrictions and/or weather conditions. Measures such as tiered water pricing, financial incentives for installation of ultra-low-flush toilets and water efficient washing machines, technical assistance and incentive programs for business and industry, and large landscape irrigation efficiency programs are some examples of LADWP's ongoing conservation efforts (LADWP, 2001).

One of LADWP's most successful conservation measures is the Ultra-Low-Flush (ULF) Toilet Replacement Program. Substantial resources have been invested to install in excess of ~~950,000~~ one million ULF toilets. Water savings from ultra-low flush toilets alone account for a five percent reduction in LADWP's water demand. Full implementation of all cost-effective BMPs will result in significant additional demand reductions. The distribution of ULF toilets is expected to result in water savings of over 66,000 acre-feet per year by 2020 (LADWP, 2001)."

1-69

The last paragraph of Section 3.5.3 Hazardous Waste Management (p. 3.5-8) should be modified as follows to address the recycling of hazardous waste:

"About one million tons of hazardous waste were generated in the four counties that comprised the district in 2001 and about 2.6 million tons of hazardous waste was generated in California (see Table 3.5-7). The most common types of hazardous waste generated in the Basin included waste oil, other inorganic solid waste, contaminated soils, organic solids, asbestos-containing waste, and unspecified oil-containing wastes. Not all wastes are disposed of in a hazardous waste disposal facility or incinerator. Many of the wastes generated, including waste oil, are recycled within the Basin."

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- D. CHAPTER 4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**
- 1-70 All significance thresholds used in the EIR should be referenced in the document. (General Comment).
- 1-71 Storm water issues are not addressed at all. Since much of the pollutant load in storm water can be from aerial deposition, it follows that the AQMP would have an effect on the quality of storm water. It is important that the document address these linkages. (General Comment).
- 1-72 Measures FSS-05 and FSS-07 should be added to Table 4.1-3 (Pg. 4.1-7). In addition, the proposed fees should be evaluated for possible diversion of cargo away from ships and locomotives to intra- and inter-state truck traffic as well as potential localized and environmental justice impacts.
- 1-73 The experience of the Carl Moyer Program and others show the improved engine efficiencies that have been obtained by replacing older engines with modern electronically control engines, while providing substantial reduction of emissions that should be considered in the EIR. (MARINE-2 Pursue Approaches to Clean Up the Existing Harbor Craft Fleet—Cleaner Engines and Fuels).
- 1-74 Because the Draft EIR notes the potential for “increased emissions associated with transport of ethanol via railcar, marine vessels...” there should be an assessment of those impacts and mitigation measures, if appropriate.
- 1-75 While SCAQMD may not be able to regulate emissions from marine vessels and trains, SCAQMD needs to identify all feasible mitigation measures for significant project impacts. (Pg. 4.1-39).
- 1-76 Emission Limits on Marine Vessels (Pg. 4.1-41,42). Ships calling at the San Pedro Bay Ports have largely implemented the Annex VI NOx Standards and the emission benefits projected to happen in 2010 are happening today. In addition, U.S. EPA has promulgated engine standards for U.S. Flagged Oceangoing Vessels (Category 3) that are expected to be implemented in 2004. Finally, the U.S. EPA has promulgated standards for harbor craft (Categories 1 & 2) in 1998 and the emissions reductions expected from those standards have never been quantified and disclosed for vessels operating in San Pedro Bay and are not included in the current inventory. SCAQMD should revisit the analysis in the Draft EIR, incorporating this information.
- 1-77 The conclusion that the additional ships required to carry oxygenates and blending stocks will not transit the coast of California when entering and leaving the Ports would be different from current transport routes of fuels and additives and should

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- 1-77  
cont. be justified in the EIR. A weakness of the Off-Shore Strategy reviewed by EPA and CARB is that during some extreme ozone conditions the off-shore winds blow perpendicular to the coast so the additional transit distance of vessels further off-shore will increase the mass of ship emissions reaching shore. (25 Mile Off-Shore Shipping Lane. Pg. 4.1-44).
- 1-78 The Draft EIR discussion should be revised to reflect the actual vessel speed reduction strategy for which the Port of Los Angeles calculates NOx emission reductions of over one ton per day since May 2001. The SCAQMD should revise this discussion to reflect that this is a valid measure to reduce pollution from ships. (Reducing Ship Cruising Speed. Pg. 4.1-44).
- 1-79 For clarification, the Vessel Speed Reduction Program requests that all vessels entering and leaving the San Pedro Bay Ports extend the reduced speed of 12 knots from/to 20 nautical miles from the Ports. The Marine Exchange records speed data from each and every vessel entering this area. The results are then used to calculate the emission benefits using methods reviewed and approved by CARB.
- 1-80 The majority of harbor craft repowers have been done under the Carl Moyer Program, not Rule 1631. Further, the available population of vessels that could be repowered in the San Pedro Bay Ports is very limited because of the success of these voluntary programs. SCAQMD should include full accounting of all of the benefits resulting from repowering harbor craft under District programs and disclose expected level of additional benefits based on a current inventory of these sources. (Pg 4.1-45).
- 1-81 The last paragraph on the page is on locomotives, which should have their own section.
- 1-82 AQ-9 calls for the suspension of all construction activities during first stage smog alerts, which could affect the City's ability to provide essential public services, e.g., construction jobs directly related to the restoration of electric and water services. The City strongly urges SCAQMD to include an exemption allowing essential public services to continue construction activities of an emergency nature in the event of a first-stage smog alert. (Secondary Air Quality Impacts from Construction Activities. Pg. 4.1-50).
- 1-83 Figures 4.1-3 and 4.1-7 should be revised to reflect the Source/Receptor areas of Table 3.1-2.
- 1-84 Implementation of the AQMP control measures has the potential to increase electricity demand due to installation of add-on control equipment (e.g., Control Measures CMB-09, CMB-10, etc), electric passenger vehicles, and forklift

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- 1-84  
CONT     electrification. However, the resulting increase in emissions will more than likely be offset by a concurrent effort to develop renewable energy resources. (Subchapter 4.2 Energy Impacts to LADWP).
- 1-85     In Table 4.2-1, it would be helpful to include a column to identify which of the listed control measures are long-term measures.
- 1-86     The Alternative Transportation Fuels discussion states that additives in alternative fuels are required to be evaluated for toxic effects during the health effects evaluation that is required before the fuel receives federal registration. This process also evaluates water quality impacts. Have the additives in the emulsified diesel fuel gone through this process yet? If so, what were the findings as far as water quality impacts? (Section 4.4.4 Potential Hydrology/Water Quality Impacts and Mitigation Measures, page 4.4-12)
- 1-87     The City has been successfully implementing shade tree programs in the City of Los Angeles since 1998, including the Cool Schools program, Trees for a Green LA and the City's Greenways Program. For your reference, additional materials have been enclosed regarding the Trees for a Green LA program, including: Los Angeles Home Tree Guide; Benefit Cost Analyses for Cool Schools and Trees for a Green LA from the USDA Forest Service; and program materials for the Trees for a Green LA program. (MSC-01 – Promotion of Lighter Color Roofing and Road Materials Programs. Page 4.4-18).
- 1-88     HWQ 6: Require use of native and drought tolerant species in tree planting programs to minimize water consumption. SCAQMD should change HWQ 6 to:  
  
          "Require use of species that are drought-tolerant or require only moderate watering, and encourage use of native species where appropriate to minimize water consumption. Educate the public on water conservation strategies when planting trees, such as organic mulch, deep watering, watering berms/wells, and visual monitoring."
- 1-89     Since 1998, the City has been implementing successful tree planting programs, including Cool Schools, Trees for a Green LA, and the City's Greenways Program, providing trees for school campuses, residents, businesses, and communities. Based on our experience, trees that are either drought tolerant or that require only moderate watering are ideal for planting in the Southern California region, providing energy conservation benefits while also minimizing impacts on water consumption. (Hydrology/Water Quality, Page 4.4-18)
- 1-90     The City does not recommend restrictions of tree species to just native species or drought-tolerant species, as there are many factors that must be considered for a tree to be successful in a specific location. Tree species have certain growing

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1-90  
cont.

requirements, including light, water, soil conditions, growing space, and others. Conversely, each planting site has certain environmental characteristics, including temperature extremes, light levels, soil type and pH, water holding capacity, buildings and hardscapes, other landscape plants and turf, and maintenance levels.

1-91

Urban areas often have altered soils and microclimates that are not conducive to native conditions of any tree. Urban locations must also endure human activities and impacts. As such, it is more important from an arboricultural perspective to select the right tree for the right location that will have the best chance of survival rather than select a native species that may not survive the existing site conditions. For example, planting a drought-tolerant native species in a turf area that is heavily irrigated will ultimately result in a decline and death of that tree. Additionally, trees requiring moderate water are also appropriate for planting, especially if the following steps listed under item 2 below are practiced.

1-92

Regarding tree planting, there are some simple water conservation strategies that can also help minimize water use for newly planted trees including the following:

- Organic Mulch – A layer of mulch 2-4 inches reduces water evaporation from the soil, minimizes weed competition, reduces soil erosion, improves soil aeration, and moderates soil temperature providing absorbing roots with an ideal growing environment.
- Deep Watering – Using the technique of deep watering with 10-15 gallons trickling into a tree well versus surface watering using sprinklers will help trees establish a healthy root system and minimize wasteful watering.
- Watering Berm/Basin – Building a simple berm around a newly planted tree will help keep water in the location where the tree needs it most, the root zone. This will reduce water runoff and minimize wasteful watering.
- Monitoring – Newly planted trees require water in the root zone to establish a healthy root system and to provide water and nutrients to the tree's branches and leaves. It is best to visually monitor a tree's watering requirements by testing the soil for dryness, and only provide water when the tree's roots are too dry. As such, more watering may be needed during the dry, hot summer months, but not needed at all during the rainy season.

1-93

The significance threshold for solid waste compares the amount of waste generated by the proposed amendment to the capacity of a designated landfill. This is not an appropriate measure. Please revise and compare waste generation to the unused or available capacity of landfills, or another appropriate measure. (Page 4.5-1, Section 4.5.3)

1-94

**E. ALTERNATIVES**

The draft 2003 AQMP should focus on identifying the optimal VOC/NOx

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- 1-94  
cont. emissions control strategy that achieves 1-hour ozone attainment in 2010 with minimal costs and maximum emission reductions, and this should be thoroughly evaluated in the EIR.
- 1-95 The role of control on federal sources, whether in the "black box" or otherwise identified in the plan, is also an area of concern. The U.S. EPA under the Clean Air Act preemptively controls these emissions sources. Because the AQMP includes controls on these sources, the U.S. EPA may reject the submitted SIP. In this case, the region could face continuation of the 1997/1999 SIP, failure to achieve the ambient air quality standards, and resulting federal sanctions. Thus, in the EIR, the "no project" alternative should be thoroughly evaluated in the EIR, including all these primary and secondary impacts as well as the potential direct and indirect effects. (Alternatives to the 2003 AQMP, Page 5-3)
- 1-96 Alternatives 2-5 propose no change in Short Term or Long Term (Black Box Tier I) Measures and, therefore, are not substantially different from the Project. (CEQA Project and Project Alternatives, Page 5-5, Table 5.4-1)

**COMMENT LETTER # 1  
FROM CITY OF LOS ANGELES**

Detrich B. Allen  
May 22, 2003

**Response 1-1**

The Draft AQMP, the AQMP appendices, and the AQMP Draft PEIR were all available on or prior to April 8, 2003. The Socioeconomic Report is not part of the Draft PEIR and socioeconomic analyses are not required to be included in EIRs. There is no requirement to prepare or circulate the socioeconomic analysis as part of the Draft PEIR (14 CCR 15064(e)) and the Socioeconomic Report prepared for the AQMP is not subject to the same notice requirements as the Draft PEIR. Social changes are not treated as significant effects on the environment, unless there are related physical changes (14 CCR 15064(e)). The Socioeconomic Report prepared for the AQMP does not identify any physical effects on the environment. Since the Draft PEIR, does not rely on the Socioeconomic Report for any of its analysis or conclusions, the city has not been deprived of evaluating the “project as a whole.” Comments on the Socioeconomic Report may be submitted at any time.

**Response 1-2**

The revised CARB and SCAG control measures and other modifications have been incorporated into the Modifications to the AQMP and Chapter 2 of the Final PEIR. These modifications have been evaluated and do not constitute significant new information (CEQA Guidelines §15088.5), i.e., does not include: (1) a new significant environmental or a new mitigation measure; (2) a substantial increase in the severity of an environmental impact; or (3) a feasible project alternative or mitigation measure that would lessen the impacts of the project but was not implemented. Therefore, the PEIR did not require re-circulation (CEQA Guidelines §15088.5).

**Response 1-3**

The SCAQMD strongly disagrees with the comment that the Draft PEIR lacks sufficient detail. The Draft PEIR recognizes that there is more detail for some control measures as opposed to others (see page 4.0-1):

“The CEQA Guidelines indicate that the degree of specificity required in a CEQA document depends on the type of project being proposed (CEQA Guidelines §15146). The detail of the environmental analysis for certain types of projects cannot be as great as for others. For example, the EIR for projects, such as the adoption or amendment of a comprehensive zoning ordinance or a local general

plan, should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the analysis need not be as detailed as the analysis of the specific construction projects that might follow. As a result, this Draft PEIR analyzes impacts on a regional level, impacts on the subregional level, and impacts on the level of individual industrial or individual facilities only where feasible.”

Additional information has been added regarding Control Measures FSS-05 and FSS-07 to the Final AQMP and AQMP PEIR. The emission fee rates imposed on federal sources will be established based on specific criteria, including but not limited to: type of federal source, emissions inventory, potential reduction opportunities, control cost and proximity to Environmental Justice areas. Selection of particular projects to be funded by the Mitigation Fee Program for federal sources would have to adhere to an implementation protocol approved by the SCAQMD Governing Board.

In order provide a measurable “worst-case” analysis, the environmental analysis included all available information on the control measures. However, for several control measures proposed in the 2003 AQMP, there is insufficient information to determine the potential impacts (see Table 4.0-2). For example, control measure FSS-04 proposes an emission charge of \$5,000/ton of VOC for stationary sources emitting more than 10 tons of VOCs. This control measure does not indicate how the fees would be used. They could be used for emission reduction projects from a variety of source categories. Depending on the use of fees, there may or may not be indirect impacts. Because the control measures are general in nature and it is not clear at this time how fees would be collected, who would collect them, or how they would be used, it is difficult to determine what, if any, impacts could be expected from these control measures. Therefore, the impacts of the control measures are considered speculative and no further environmental analysis is required (CEQA Guidelines §15145). The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

#### **Response 1-4**

The 1997/1999 AQMP EIR analyzed potential adverse impacts to public services as a result of implementing AQMP control measures and concluded that existing resources at services such as fire departments, police departments and local governments would not be significantly adversely affected as a result of implementing AQMP control measures. The proposed project, similar to the 1997/1999 AQMP, would not result in the need for new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Adopting the proposed 2003 AQMP would not induce population growth or alter the distribution of existing population. Thus, implementing AQMP control measures would not increase or otherwise alter the demand for schools and parks in the district. No significant adverse impacts to schools or parks are foreseen as a result of adopting the

proposed 2003 AQMP. Adopting the proposed 2003 AQMP is not expected to create significant adverse public service impacts.

A more detailed response to the detailed comment regarding public services is discussed below (see Response 1-59).

**Response 1-5**

The appropriate environmental analysis will be conducted as necessary for new and amended control measures when they are promulgated as new rules or rule amendments. Consistent with CEQA, the public including the City, will be afforded an opportunity to review any CEQA document circulated for public review.

**Response 1-6**

This is a general comment on the Draft PEIR. The Draft PEIR complies with all relevant CEQA requirements. All issues for which there is information have been properly addressed in the PEIR. Responses are provided to the more detailed responses raised below. See Response 1-12 regarding Home Rule. See Response 1-13 regarding full public review. See Responses 1-3 and 1-16 through 1-41 regarding control measures and their related impacts. No specific comments were provided on modeling.

**Response 1-7**

This is a general comment on how the City of Los Angeles has organized the comments the Draft PEIR. Specific responses to all comments have been prepared and are provided below.

**Response 1-8**

The draft 2003 AQMP contains several control measures that reduce NO<sub>x</sub> and ammonia emissions. Control Measure CMB-09 – Emission Reductions from Petroleum Fluid Catalytic Cracking Units, MSC-04 - Emission Reductions from Miscellaneous Ammonia Sources, WST-01 – Emission Reductions from Livestock Waste and WST-02 – Emission Reductions from Composting target ammonia emissions, while Control Measure CMB-10 - Additional Reductions from RECLAIM, MSC-05 – Truck Stop Electrification, as well as the SCAQMD’s three mobile source measures (FSS-05, FSS-06, and FSS-07) target NO<sub>x</sub> emissions.

The 2003 AQMP is designed with the primary objective of demonstrating attainment with the federal standards that are currently exceeded in the Basin (i.e., 1-hour ozone and PM<sub>10</sub>). The strategies contained in the AQMP also would help make expeditious progress toward attainment of the upcoming new federal PM<sub>2.5</sub> and 8-hour ozone standards. The next AQMP revisions would be expected to specifically address these new standards.

A discussion on the costs of the AQMP to business, public services, and local governments is provided in the Draft Socioeconomic Assessment for the 2003 AQMP which was released on May 21, 2003.

The roles of SCAQMD, CARB, and U.S. EPA in developing and implementing the AQMP is also discussed in Chapters 4 and 7 of the main document. See also Chapter 2 of the Final PEIR.

### **Response 1-9**

The minimum required emission reductions needed to attain the PM10 standard served as a starting point for additional emissions reductions required to attain the ozone standard. It should also be noted NOx emission reductions contribute to the SCAQMD's efforts to comply with the new PM2.5 and 8-hour ozone standards (refer to Response 1-10). The bulk of the NOx and VOC emission reductions between 1997 and 2006 result from fleet turnover in the on-road mobile source control category. Many of the remaining emission reductions for 2006 arise from rules and measures being implemented. While a small number of additional PM10 control measures are proposed for 2006, these measures primarily impact localized primary dust and ammonia emissions in the east Basin.

The California Clean Air Act (CCAA) requires the SCAQMD Governing Board to determine that the AQMP is a cost-effective strategy that will achieve attainment of the state standards by the earliest practicable date [H&SC 40913(b)]. In addition, the AQMP must include an assessment of the cost-effectiveness of available and proposed measures and a list of the measures ranked from the least cost-effective to the most cost-effective [H&SC 40922]. Tables 6-6 and 6-7 of the AQMP, and Tables 6-11 and 6-12 of the Modifications to the AQMP document provide a listing of control measures that have available cost information for stationary and mobile sources measures, respectively.

### **Response 1-10**

Clean Air Act §182(e)(5) allows an extreme non-attainment area such as the district to rely on the future development of new control technologies or the improvement of existing technologies. There are no limitations placed on the amount of reductions that may be obtained by future control measures. The size of the black box emissions appears to have grown for a number of reasons, one of the primary reasons being the improvements in the mobile source emissions inventory indicating a higher emissions from mobile sources than previously estimated. Another reason for the increase in the size of the black box is the selection of a new episode day that is more stringent than the 1997/1999 Plan.

A discussion on the process to identify future new strategies has been added to Control Measure LTM-ALL in Appendix IV-A. This process will consist of several mechanisms which would include an annual technology assessment workshop process which would act as a means to bring together ideas that would identify the latest technology

improvements and process changes resulting in feasible control strategies. A Subcommittee of the AQMP Advisory Group has also been established since April 2003 to identify additional control strategies on an on-going basis in order to reduce the size of the black box. A preliminary list of suggestions provided by the Subcommittee has been included in the Plan, subject to further evaluation. In addition, studies conducted as part of implementing the Annual Emissions Reporting Program could be used to identify new emission reduction strategies. Periodic BACT updates can also be used to identify new emission reduction strategies that may result from add-on controls or process changes. Future evaluations on VOC reactivity of various compounds may also provide a basis for establishing control strategies that substitute highly-reactive VOCs with low reactive VOCs. New control measures identified through any of the mechanisms will be reported to the Governing Board in December of every year, as part of the SCAQMD's Annual Rule and Control Measure Forecast Report. This report will also provide a preliminary estimate of the expected emission reductions from each newly identified measure along with the proposed rule adoption calendar. Furthermore, in January of each year, the SCAQMD staff will provide a summary of the emission reductions achieved through adoption of the AQMP control measures into rules or amended rules by the Governing Board in the previous year(s) to track the performance of its SIP commitment.

NO<sub>x</sub> is the primary building block of ozone. Reductions of NO<sub>x</sub> will reduce ozone contingent upon the ambient VOC/NO<sub>x</sub> ratio. There exist scenarios where increasing NO<sub>x</sub> while holding VOC constant will cause ozone concentrations in the new field to decrease. However, overall reductions in NO<sub>x</sub> will eventually lead to reducing the potential for ozone formation, particularly when reductions are evaluated for optimal corresponding VOC reduction strategies. Draft AQMP's Option 1 and Option 2 analyses illustrate the optional VOC/NO<sub>x</sub> reduction strategy. As a result, the current emission reduction strategy is designed to lower exposure to ozone. All precursor emission reductions will be needed to attain the future PM<sub>2.5</sub> and 8-hour ozone standards.

Once specific control strategies for the black box emission reductions have been identified, the SCAQMD would conduct a complete environmental analysis, as warranted, through the CEQA process during the rule development phase of each control strategy.

### **Response 1-11**

The AQMP contains two options for attainment demonstration, with and without reductions from federal sources. The option including emissions reductions from federal sources assumes that U.S. EPA would take on a federal assignment in order to obtain reductions toward future standards. Both options are presented in the AQMP to demonstrate attainment with the 2010 1-hour ozone standard. In the event that U.S. EPA does not accept any assignment, the other option can be implemented.

The Draft PEIR includes a thorough analysis of the relative merits of a range of reasonable alternatives, including the No Project Alternative (Alternative 1). The

commentator is referred to Chapter 5 of the Final PEIR to review the analysis of the No Project Alternative.

**Response 1-12**

Although it may appear that there is potential overlap between the types of sources subject to control measures FSS-06 and Marine 4 (renamed to Marine 2), during rule development, the SCAQMD must make a finding that a new or modified rule is not duplicative of other regulatory requirements. In order to address these potential overlap, FSS-06 has been revised to indicate that staff will conduct further analysis during rule implementation to identify the most feasible control strategy for each source category (e.g., reduction controls, mitigation fee). The impact on grant funding and voluntary incentives is unknown at this time, and would be determined at the time of rule development. The regulation for private fleets has already been suggested as a possible control strategy for the black box emission reductions and the SCAQMD plans to evaluate this proposal as part of implementing Control Measure LTM-ALL.

The Final PEIR does analyze the potential adverse environmental impacts from expanding the fleet vehicle rules (Rule 1190 series of SCAQMD rules) to private fleets. The primary air quality impact is the construction impacts from building alternative fuel refueling stations. The SCAQMD reviewed the CEQA document prepared for the fleet vehicle rules (Final Program Environmental Assessment for: Proposed Fleet Vehicle Rules and Related Amendments; 6/5/2000; SCAQMD No. 000307DWS) as a basis for identifying potential adverse impacts. Detailed in the Final PEIR, the analysis determined the new information does not alter the conclusions made in the Draft PEIR. Further, the revised construction emission information from the conceptual idea of expanding the fleet vehicle rules to private fleets does not constitute substantial new information because it does not create a new significant adverse impact or make an existing significant adverse impact substantially worse.

**Response 1-13**

See Response 1-1 regarding the public review process associated with the Socioeconomic Report.

**Response 1-14**

See Response 1-2 regarding revisions to the State and Federal control measures. The revised CARB and SCAG control measures have been incorporated into the revised AQMP and the Final PEIR.

### **Response 1-15**

During the rule development process, additional details will be developed. See Response 1-3 regarding the environmental analyses for control measures.

### **Response 1-16**

The environmental impacts associated with BCM-07 are addressed in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table ES-1 (see page ES-13), Table 4.1-3 (see page 4.1-6), Table 4.2-1 (see page 4.2-2), and Table 4.4-2 (see page 4.4-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy and Subchapter 4.4 – Hydrology/Water Quality. The potential environmental impacts identified for BCM-07 included: (1) an increase in water trucks; (2) an increase in petroleum fuel use; and (3) an increase on water demand and water quality. See Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with BCM-07.

### **Response 1-17**

Control Measure CMB-10 proposes to further reduce NO<sub>x</sub> emissions from RECLAIM sources, which could include power plants. However, in response to the California energy crisis in 2001, the RECLAIM rules were modified to temporarily remove power plants from the RECLAIM market and require installation of controls the SCAQMD recognizes that power generating facilities have installed controls. As indicated in CMB-10, the type and approach selected and the extent that the approach is implemented will depend on factors that include, but are not limited to; technical feasibility, cost-effectiveness, growth demand to accommodate new sources, equity between sources and implementation issues. Therefore, any revisions to the RECLAIM regulations would be reviewed to assure that energy security issues are adequately addressed. Since many of the power plants have installed controls, control strategies outlined in CMB-10 are expected to minimally impact these power producing facilities. The specific strategies will be outlined during the rulemaking process to implement Control Measure CMB-10.

### **Response 1-18**

The environmental impacts associated with CTS-07 are addressed in detail in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table ES-1 (see page ES-13), Table 4.1-3 (see page 4.1-6), Table 4.3-1 (see page 4.3-2), and Table 4.4-2 (see page 4.4-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy and Subchapter 4.4 – Hydrology/Water Quality. The potential environmental impacts identified for CTS-07 included: (1) potential change in the use of VOCs and generation of additional toxic air contaminants; (2) potential exposure to glycol ethers and increase in flammability; and (3) potential increase in water use. See

Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with CTS-07.

Control measure CTS-07 would generally reduce the VOC content of architectural coatings and/or clean-up solvents. The potential energy impacts associated with CTS-07 were considered less than significant because no increase in energy use would be expected from using materials with less VOCs in the manufacture of coatings, i.e., the manufacturing process would be the same, but the materials that went into the manufacturing process would change. Similarly, because of the fact that architectural coatings are used outdoors or in locations where control equipment cannot be used, energy impacts from control equipment would not be expected to occur.

For the same reason that energy impacts would not be significant, no increase in the generation of solid/hazardous wastes is expected from implementation of this control measure, i.e., the manufacturing process would be about the same and no increase in waste would be expected to be generated. This conclusion is consistent with the conclusions regarding potential solid waste impacts for previous amendments to the SCAQMD's architectural coating rule, Rule 1113.

#### **Response 1-19**

The environmental impacts, including cross media impacts, associated with CTS-10 are thoroughly addressed in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table ES-1 (see page ES-13), Table 4.1-3 (see page 4.1-6), Table 4.2-1 (see page 4.2-2), Table 4.3-1 (see page 4.3-2), and Table 4.4-2 (see page 4.4-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy, Subchapter 4.3 – Hazards, and Subchapter 4.4 – Hydrology/Water Quality. The potential environmental impacts identified for CTS-10 included: (1) potential change in the use of VOCs and generation of additional toxic air contaminants; (2) potential increase in electricity and natural gas use (due to potential add-on controls); (3) potential exposure to glycol ethers and increase in flammability; and (4) potential increase in water use. See Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with CTS-10.

Control measure CTS-10 would generally reduce the VOC content of various industrial coatings. The potential solid/hazardous waste impacts associated with CTS-10 were considered less than significant because no increase in solid/hazardous waste would be expected from using materials with less VOCs in the manufacture of coatings, i.e., the manufacturing process would be the same, materials that went into the manufacturing process would change.

#### **Response 1-20**

CTY-01 is a contingency measure that could be implemented in the event that attainment status is not achieved as planned. No new control measures are proposed under this

measure, only an acceleration of the implementation date of other control measures proposed in the AQMP. The environmental impacts associated with the control measures in the AQMP have already been thoroughly evaluated to the extent information is available. Therefore, CTY-01 would not introduce any new impacts or change the magnitude of potentially adverse impacts, but would accelerate the timeframes during which those impacts could occur.

**Response 1-21**

Control measure FLV-01 was thoroughly evaluated to identify potential adverse impacts that may result from implementing it. FLX-01 is a voluntary program to provide additional compliance flexibility to regulated sources in the district, provide incentives for the early installation and commercialization of advanced pollution control technologies, and lower overall compliance costs. An environmental benefit, however, will be incorporated to ensure consistency with EPA Economic Incentive Program Guidelines. As currently proposed, implementation of this control measure is not designed to result in direct emission reductions beyond environmental benefit required by the Economic Incentive program (EIP) since emission reductions associated with credit generation activities would be offset by the use of the emission credits. As with the existing NSR programs, the rules implementing this program included measures that restrict the trading of credits within certain zones to minimize localized impacts. This control measure could allow sources to pay a mitigation fee, where the fee would be used to purchase emission reductions. Another option would allow sources to pay into an Air Quality Investment Program (AQIP) where fee would fund emission reduction projects. Emission reductions will be generated pursuant to an emission reduction protocol. The amount of emission reductions and types of projects, however, are not known. The fees could be used for various types of emission control projects.

The opinion expressed in this statement that if information is not known, a worst-case scenario should be evaluated is not consistent with CEQA requirements. Because the control measure is general in nature and it is currently unclear how it would be implemented, it is difficult to determine what, if any, impacts could be expected from this control measure. Therefore, the impact of FLX-01 is considered speculative and no further environmental analysis is required (CEQA Guidelines §15145). FLX-01 was discussed on page 4.0-3 and has been added to Table 4.0-2.

**Response 1-22**

See Response 1-1 regarding the Socioeconomic Report. No physical impacts have been identified and the commentator has not provided information or data supporting the opinion that any physical impacts will occur as a result of implementing Control Measure FSS-04. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

The opinion expressed in this statement that if information is not known, a worst-case scenario should be evaluated is not consistent with CEQA requirements.

**Response 1-23**

FSS-05 is described in the AQMP (see AQMP, Appendix IV-A) which was released for public review in February 2003. The AQMP PEIR included an analysis of this control measure. Adequate time has been available for public review and comment on this control measure. FSS-05 only imposes fees on federal sources. The use of those fees has not been determined. The mitigation fee could be used for purchasing control equipment or installing clean technologies. The opinion expressed in this statement that if information is not known, a worst-case scenario should be evaluated is not consistent with CEQA requirements. The specific types of emission reduction projects or the amount has not yet been determined. Because the control measure is general in nature, it is difficult to determine what, if any impacts could be expected due to implementation of this control measure. Therefore, the impacts of FSS-05 are considered speculative and no further environmental analysis is required (CEQA Guidelines §15145).

Note that MARINE-2 has been renumbered to MARINE-1 in the revised AQMP. The impacts associated with MARINE-1 are not necessarily the same as FSS-05 because the use of the collected fees has not yet been determined and could be used for stationary or mobile source applications, not just control of the existing harbor craft fleet.

**Response 1-24**

Control Measure FSS-05 has been revised in the Proposed Modifications to the 2003 AQMP to include additional information on the implementation of this control measure. The inventory of the federal sources within the district are included in the AQMP (see Appendix III). Voluntary efforts that are currently underway would either be part of the existing setting or outside the scope of the analysis of the AQMP if they are not AQMP control measures. The AQMP also indicates that the off-road equipment and vehicle categories subject to this Control Measure will be further evaluated during rule development to ensure that the same categories are not subject to multiple requirements and to identify the most feasible control strategy for each source category as a means of preventing any overlaps between control measures. As indicated in the revised AQMP, the emission fee rates imposed on federal sources will be established based on specific criteria that proposes to include proximity to environmental justice areas.

As noted in Response 1-23, potential adverse impacts, including localized impacts, from implementing FSS-05 are speculative at this time so no further analysis is required (CEQA Guidelines §15145). Analyzing environmental justice impacts is currently not required by CEQA. The SCAQMD, however, is pursuing environmental justice goals through internal policies and programs. In addition, this measure will not increase emissions from sources in EJ areas. It will reduce emissions there or possibly elsewhere.

**Response 1-25**

As noted in the AQMP, the U.S. EPA has the authority to regulate federal sources (see Appendix IV-A) and implementation of this control measure may require additional legislation unless implemented by the U.S. EPA. Implementation of this control measure by the U.S. EPA could apply on a nation-wide or multi-regional basis to avoid any possible competitive disadvantage. Because the specific requirements of this control measure have not yet been developed, the physical environmental impacts are unknown and are considered speculative. There are currently no data to support the commentators opinion regarding the possible diversion of plane, ships, and locomotives to truck traffic. The AQMP includes control measures for trucks as well. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

**Response 1-26**

FSS-06 is described in the AQMP (see AQMP, Appendix IV-A) which was released for public review in February 2003. The AQMP PEIR included an air quality, energy, water and solid waste analysis of this control measure. Adequate time has been available for public review and comment on this control measure. The opinion expressed in this statement that if information is not known, a worst-case scenario should be evaluated is not consistent with CEQA requirements.

**Response 1-27**

The available inventory for the ports is included in the AQMP (see Appendix III). Data related to the inventory being developed by the Harbor Department has not been completed or provided to the SCAQMD to be included in the 2003 AQMP. Any emission studies conducted that resulted in verified permanent emission reductions (relative to 2003 AQMP inventory) due to changes in inventory methodology or emission factor update, will be incorporated into the baseline emission inventory for next AQMP update. Contributing to this effort, the SCAQMD is compiling an emission inventory for intermodal equipment, including yard hostlers at the ports. This information once compiled, will be used as part of the SCAQMD's efforts to regulate this type of equipment in the future. A preliminary estimate of the emissions from yard hostlers at the ports indicate that yard hostlers emit approximately 6 tons/day NO<sub>x</sub> and 0.3 tons per day PM.

**Response 1-28**

FSS-07 is described in the AQMP (see AQMP, Appendix IV-A) which was released for public review in February 2003. Adequate time has been available for public review and comment on this control measure. The opinion expressed in this statement that if

information is not known, a worst-case scenario should be evaluated is not consistent with CEQA requirements.

Note that MARINE-2 has been renumbered to MARINE-1 in the Modifications to the AQMP. The impacts associated with MARINE-1 are not necessarily the same as FSS-07 because the use of the collected fees has not yet been determined and could include other source categories, not just control of the existing harbor craft fleet.

The opinion expressed in this statement that if information is not known, a worst-case scenario should be evaluated is not consistent with CEQA requirements. Because the control measure is general in nature and it is currently unclear how it would be implemented, it is difficult to determine what, if any, impacts could be expected from this control measure. Therefore, the impact of FLX-01 is considered speculative and no further environmental analysis is required (CEQA Guidelines §15145). FLX-01 was discussed on page 4.0-3 and has been added to Table 4.0-2.

### **Response 1-29**

Control Measure FSS-07 has been revised in the Proposed Modifications to the 2003 AQMP to include additional information on the implementation of this control measure. The available inventory of the port-related sources is included in the AQMP (see Appendix III). The legislative authority discussion is provided in Appendix IV-A of the AQMP. The emission benefits and costs related to this control measure have not yet been developed. The AQMP also indicates that the off-road equipment and vehicle categories subject to this Control Measure will be further evaluated during rule development to ensure that the same categories are not subject to multiple requirements and to identify the most feasible control strategy for each source category as a means of preventing any overlaps between control measures.

As noted in Response 1-23, potential adverse impacts, including localized impacts, from implementing FSS-05 are speculative at this time so no further analysis is required (CEQA Guidelines §15145). Analyzing environmental justice impacts is currently not required by CEQA. The SCAQMD, however, is pursuing environmental justice goals through internal policies and programs.

### **Response 1-30**

As noted in the AQMP, the SCAQMD has the authority under the Lewis Presley Air Quality Management Act to collect fees based on emissions; however, further clarification on the SCAQMD's authority to collect fees from the sources subject to this control measures is necessary and additional legislation may be required. Because the specific requirements of this control measure have not yet been developed, the physical environmental impacts are unknown and are considered speculative. There currently are no data to support the commentators opinion regarding the possible diversion of service from one port to another because of this control measure. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the

proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

### **Response 1-31**

SCAQMD staff disagrees with the opinion in this statement. Control Measure MSC-08 was thoroughly evaluated to identify potential adverse impacts that could occur upon implementation. The environmental impacts associated with MSC-08 are addressed in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table ES-1 (see page ES-13), Table 4.1-3 (see page 4.1-6), Table 4.2-1 (see page 4.2-2), Table 4.3-1 (see page 4.3-2) and Table 4.5-1 (see page 4.5-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy, Subchapter 4.3 – Hazards, and Subchapter 4.4 – Hydrology/Water Quality. The potential environmental impacts identified for MSC-08 included: (1) secondary emissions associated with electricity generation to operate new equipment and afterburner emissions; (2) a potential increase in electricity and natural gas use; (3) the hazards associated with potential exposure to glycol and increase flammability; and (4) a potential increase in solid/hazardous waste. See Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with MSC-08.

### **Response 1-32**

The discussion regarding what type of trees should be planted is the responsibility of the public agency or other entity subject to the Control Measure. If subsequent environmental analyses conclude that implementing this Control Measure is not expected to create significant water demand impacts then implementing mitigation measure HWQ-6 is not warranted. In other situations a combination of factors will be used to determine the most appropriate trees to be planted. In an arid, low rainfall area, such as Southern California, native, drought tolerant species tend to be better choices than non-native or exotic species that may have high water demand requirements. See also Response 1-88.

### **Response 1-33**

SCAQMD staff disagrees with the opinion in this statement. Control Measure PRC-03 was thoroughly evaluated to identify potential adverse impacts that could occur upon implementation. The environmental impacts associated with PRC-03 are addressed in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table ES-1 (see page ES-13), Table 4.1-3 (see page 4.1-6), Table 4.2-1 (see page 4.2-2), Table 4.4-1 (see page 4.4-2) and Table 4.5-1 (see page 4.5-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy, Subchapter 4.4 – Hydrology/Water Quality and Subchapter 4.5 – Solid/Hazardous Waste. The potential environmental impacts identified for PRC-03 included: (1) secondary emissions associated with electricity generation to operate new equipment and afterburner

emissions; (2) a potential increase in electricity and natural gas use; (3) a potential increase in water demand and water quality; and (4) a potential increase in solid waste. See Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with PRC-03.

#### **Response 1-34**

Contrary to the opinion expressed in this statement, the environmental impacts associated with WST-01 and WST-02 are thoroughly addressed in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table 4.1-3 (see page 4.1-6), Table 4.2-1 (see page 4.2-2), and Table 4.5-1 (see page 4.5-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy, and Subchapter 4.5 – Solid/Hazardous Waste. The potential environmental impacts identified for WST-01 and WST-02 included: (1) secondary emissions associated with an increase in haul truck emissions and increase in electricity generation; (2) a potential increase in electricity and petroleum fuel use; and (3) a potential increase in solid waste. See Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with WST-01 and WST-02.

#### **Response 1-35**

AIRPORT-1 proposed for U.S. EPA's implementation has been deleted by CARB from the 2003 AQMP, as the U.S. EPA has the jurisdictional authority to regulate these sources. Instead, CARB has identified possible concepts EPA could pursue as part of the long-term strategies. One of those concepts identified is "Reduced Emissions from Jet Aircraft Through Approaches Such as more stringent Engine Standards, Retrofit controls, Cleaner Fuel, and Applying Standards to Non-Tactical Military Aircraft." The details of such a measure, including the details of the types of aircraft regulated, would be developed by the U.S. EPA. These control strategies are reviewed as long-term measures in the PEIR.

#### **Response 1-36**

Contrary to the opinion expressed in this statement, the environmental impacts associated with FUEL-2, LT/MED-DUTY-1, LT/MED-DUTY-2, OFF-RD LSI-2, ON-RD HVY-DUTY-3 are thoroughly addressed in Chapter 4 of the AQMP PEIR. OFF-RD CI-3 was also evaluated in Chapter 4 of the Draft AQMP PEIR but has been renumbered to OFF-RD CI-2 in the Final PEIR.

The environmental impacts of the above Control Measures are summarized in Table 4.1-3 (see page 4.1-6), Table 4.2-1 (see page 4.2-2), Table 4.3-1 (see page 4.3-2), Table 4.4-1 (see page 4.4-2) and Table 4.5-1 (see page 4.5-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.1 – Air Quality, Subchapter 4.2 – Energy, and Subchapter 4.5 – Solid/Hazardous Waste. The potential environmental impacts identified for of these

Control Measures included: (1) potential decrease in engine efficiency could reduce fuel economy and increase emissions; (2) production of reformulated fuels could increase emissions at refineries; (3) potential increase in electricity use; (4) potential increase in petroleum fuel use; (5) used of fuel additives could result in hazard impacts; (6) alternative formulations and additives could readily dissolve in water and impact surface and ground waters; and (6) a potential increase in solid/hazardous waste.

With regard to evaluating a Control Measure regulating private fleets, refer to Response 1-12.

### **Response 1-37**

Contrary to the opinion expressed in this statement, the environmental impacts associated with FVR-1 are thoroughly addressed in Chapter 4 of the AQMP PEIR. The environmental impacts are summarized in Table ES-1, Table 4.2-1 (see page 4.2-2), and Table 4.5-1 (see page 4.5-2). A more detailed discussion of the environmental impacts is found within each relevant subchapter following those tables, i.e., Subchapter 4.2 – Energy, and Subchapter 4.5 – Solid/Hazardous Waste. The potential environmental impacts identified for FVR-1 included: (1) a potential increase in electricity use; and (2) a potential increase in solid waste from spent carbon. See Chapter 4.0 and the related subsections for a more detailed discussion of the environmental impacts associated with FVR-1.

Control Measure FVR-1 is proposed to control emissions from above ground storage tanks associated with fuel storage, transport, and vehicle refueling. The control measure is expected to use enhanced vapor recovery (EVR) systems, similar to those used at gasoline stations to fuel vehicles from underground storage tanks (the current regulation for EVR on underground storage tanks does not apply to above ground tanks). Secondary air quality impacts were evaluated, but no impacts were identified because the control equipment that is expected to be used would be EVR system, would generally capture the vapors and return them to the tank. Alternatively, it was assumed that carbon adsorption could be used to comply, but is unlikely to be installed in favor of the EVR because of the economic value of the recovered product. As a result, no adverse secondary air quality impacts, hazard impacts or water impacts have been identified.

### **Response 1-38**

To the extent information is available, impacts from implementing this control measure were evaluated in the Draft PEIR. However, MARINE-1 proposed for U.S. EPA's implementation has been deleted by CARB from the 2003 AQMP, as the U.S. EPA has the jurisdictional authority to regulate these sources. Instead, CARB has identified possible concepts the federal government could pursue as part of the long-term strategies. One of those concepts identified is "More Stringent Emission Standards for New Harbor Craft and Ocean-Going Ships." The details of such a measure, including the details of the types of sources regulated, would be developed by the U.S. EPA.

The 2003 State and Federal Strategy for the California SIP (included as Appendix IV-B to the AQMP) includes a discussion of the U.S. EPA standards for new diesel engines that were adopted on December 29, 1999 (see Appendix IV-B, page II-F-6). The emission benefits associated with the marine diesel emission standards are included in Appendix IV-B and the emission inventory (see Appendix III).

There are currently no data to support the opinion expressed in this statement regarding the possible diversion of ships from ports in southern California to other ports. Since this control measure would likely be implemented on a federal basis, it is assumed that there would be no diversion of ships as all ships subject to United States Law would be equally affected. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

### **Response 1-39**

Note that MARINE-2 has been renumbered to MARINE-1 in the Modifications to the 2003 AQMP.

The inventory of sources within the district are included in the AQMP (see Appendix III). The description of the Control Measure in the AQMP (see Appendix IV-A) includes the expected emission reductions and legislative authority. MARINE-1 (formerly MARINE-2) will be implemented by the CARB. To the extent information is available this Control Measure was evaluated in the Draft PEIR. However, the AQMP also indicates that the sources subject to this Control Measure will be further evaluated during rule development to ensure that the same categories are not subject to multiple requirements and to identify the most feasible control strategy for each source category as a means of preventing any overlaps between control measures.

The use of reformulated fuels in harbor craft vessels is expected to result in emission reductions. Fuel for harbor craft vessels is currently stored, handled and distributed within the port/harbor areas. No increase in the amount of fuel use is currently expected. Therefore, no increase in impacts in and near the ports/harbors are currently expected, including environmental justice areas. In fact, CARB currently expects that “any emission reduction program would likely not require the use of any given technology, leaving it up to the vessel owner to choose the technology that best fits the particular vessel.” (see AQMP Appendix IV-B).

There are currently no data to support the opinion expressed in this statement regarding the possible diversion of ships from ports or harbors within the region to ports or harbors in other regions. This Control Measure will be implemented by the CARB and should equally affect ports within California. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures

will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

The use of additional oxygenates (ethanol) in fuel would require the additional transport of ethanol via railcar from the mid-western portion of the United States, or via marine vessel from other countries.” Currently, virtually all of the oxygenates are imported from the mid-western portion of the United States via railcar. Ethanol could come from other countries, e.g., South American countries and Middle Eastern countries. In virtually all cases, oxygenates from another country would be delivered via marine vessel to the ports of Long Beach or Los Angeles from the south or west and not from the north. There are currently no known ethanol plants located north of California so vessels would not be delivering ethanol and approach the ports from the north (and transit the coast of California).

The impacts associated with MARINE-1 are not necessarily the same as FSS-05 because the use of the collected fees has not yet been determined and could be used for different types of programs such as emission reduction programs at the ports etc. Further, FSS-05 is expected to apply to all federal sources including ships, aircraft, trains, and off-road farm and construction equipment less than 175 horsepower. MARINE-1 only applies to harbor craft fleets.

#### **Response 1-40**

To the extent information is available this control measure was evaluated in the Draft PEIR. However, MARINE-3, proposed for U.S. EPA implementation has been deleted by CARB from the 2003 AQMP, the U.S. EPA has the jurisdictional authority to regulate these sources. Instead, CARB has identified possible concepts the federal government could pursue as part of the long-term strategies. One of those concepts identified is “Clean Up The Existing Ocean-Going Ship Fleet Through Approaches Such as Cleaner Fuels, Incentives for Cleaner Ships, Moke (Opacity) Limits.” The details of such a measure, including the details of the types of sources regulated, would be developed by the U.S. EPA.

The evaluation of MARINE-3 has been deleted from the 2003 AQMP PEIR as a short-term control measure and has been included and evaluated as a potential long-term control measure for implementation by the U.S. EPA.

The voluntary programs and strategies currently underway at the Port may be valuable in the rule development process associated with long-term control measures for marine vessels. However, there is no guarantee that existing voluntary programs will produce emission reductions necessary to attain and maintain all standards. Consequently, state or federal regulatory programs may be warranted.

The 2003 State and Federal Strategy for the California SIP (included as Appendix IV-B to the AQMP) includes a discussion of the U.S. EPA standards for new diesel engines that were adopted on December 29, 1999 (see Appendix IV-B, page II-F-6). The

emission benefits associated with the marine diesel emission standards are included in Appendix IV-B.

As noted in the AQMP, the U.S. EPA has the authority to regulate federal sources (see Appendix IV-A) and this control measure would be implemented by the U.S. EPA. Implementation of this control measure by the U.S. EPA could apply on a nation-wide or regional basis to avoid any possible competitive disadvantage. Because the specific requirements of this control measure have not yet been developed, the physical environmental impacts are unknown and are considered speculative. There currently are no data to support the opinion expressed in this comment regarding the possible diversion of ships from this region. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

### **Response 1-41**

To the extent information was available this Control Measure was evaluated in the Draft PEIR. Note that MARINE-4 has been renumbered to MARINE-2 in the revised AQMP. The voluntary programs and strategies currently underway at the Port may be valuable in the rule development process associated with Control Measures MARINE-2. However, such voluntary programs do not guarantee necessary emission reductions that would be expected by state or federal regulatory programs.

The inventory of sources within the district are included in the AQMP (see Appendix III). The description of the Control Measure in the AQMP (see Appendix IV-A) includes the expected emission reductions and legislative authority. MARINE-2 (formerly MARINE-4) will be implemented by the CARB. The AQMP indicates that this measure outlines a three-step process for addressing port land-side emissions. First, port-specific inventories would be created for California ports. Therefore, the first step of the process is expected to be the development of a more detailed emission inventory than is currently available. Strategies that CARB is expected to evaluate for this control measure includes early introduction of cleaner new vehicles and equipment, expanded use of alternative fuels, repowering with cleaner new engines, add-on control equipment, electrification of diesel equipment, public education programs and operational changes such as idling limits.

There are currently no data to support the opinion expressed in this statement regarding the possible diversion of ships from ports or harbors within the region to ports/harbors in other regions. The Control Measure will be implemented by the CARB and should equally affect ports within California. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

**Response 1-42**

Comment noted and the word “lastly” will be replaced with “furthermore.”

**Response 1-43**

The SCAQMD disagrees with the opinion expressed in this statement. The Marine Vessels Emission Inventory study was conducted in 1999 by Arcadis, Geraghty and Miller (previously known as Acurex Environmental). The study included ocean-going vessels, tugboats, harbor vessels, fishing vessels and U.S. Navy and Coast Guard vessels (see Appendix III of the AQMP). As explained in Appendix III of the AQMP, air pollution regulations adopted or amended by the SCAQMD and CARB prior to October 31, 2002 with compliance dates after 1997 are listed in Tables 2-1 and 2-2 of Appendix III and included marine vessel standards. The impact of these rules/standards is included in the baseline emission forecasts by means of control factors (see Appendix III, page III-2-3). Regulations that have been imposed on marine vessels have been reflected in the emission inventories for the future years (e.g., national emission standards for new commercial marine diesel engines). Any emission studies conducted that result in permanent, verifiable, surplus, and enforceable emission reductions (relative to 2003 AQMP inventory) due to changes in inventory methodology or emission factor update, will be included in the SCAQMD’s SIP commitment for long-term measures. Further, since there is no guarantee that voluntary programs will produce emission reductions, possible benefits from such programs cannot be included in the SIP. No changes are required to the page in the Draft PEIR referenced in this comment.

**Response 1-44**

See Response 1-3 regarding the degree of specificity required in an EIR. To the extent that the impacts can be evaluated, they have been discussed in the PEIR. See Response 1-24 regarding analysis of environmental justice impacts. See Response 1-39 regarding the transport of ethanol into the region.

The impacts on ship delivery of various materials has been comprehensively addressed throughout the PEIR, including air quality impacts (see page 4.1-36), hazards (see page 4.3-24), and hydrology and water quality (see page 4.4-19). As indicated on page 4.3-22, the introduction of fuel additives into gasoline has resulted in environmental impacts (e.g., lead and MTBE). Before proposing future regulations that may require fuel additives, federal regulations require that the additives be evaluated for their toxic effects including human health impacts, secondary air impacts, hazard impacts and impacts on water quality. Because of these requirements and state requirements such as CEQA, if significant adverse impacts of fuel additives are identified, mitigation if available and feasible will be required as part of the environmental analysis and public agency approval.

**Response 1-45**

Descriptions and comparisons of the alternatives are provided in Table 5.4-2 (see page 5-6 of the PEIR). The term “carrying capacity” has been defined in the AQMP PEIR (see page 2-33). As explained in the PEIR, the carrying capacity is the final attainment target for each pollutant.

As further explained in the PEIR (see page 5-4), the carrying capacity varies with each alternative because the NOx carrying capacity and VOC carrying capacity are not linear. Therefore, it is possible to increase or decrease one carrying capacity relative to the other carrying capacity and still meet the ozone attainment objectives. As a result, Alternatives 2, 3 and 4 were developed based on varying either the NOx carrying capacity, the VOC carrying capacity, or both. Varying the carrying capacity means that the project alternatives will achieve different emission reduction results. This is accomplished by varying the control requirements of various specified long-term measures. As a result, the opinion expressed in this statement that the alternatives only address different carrying capacity and not alternative methods of control is inaccurate. The commentator is referred to Chapter 5 for more comprehensive descriptions of the project alternatives and discussions of the relative merits of the project alternatives.

**Response 1-46**

It is unclear what “recent federal actions” this comment refers to. However, see Response 1-43 regarding the emission inventory. As explained in Appendix III of the AQMP, air pollution regulations adopted or amended by the SCAQMD and CARB prior to October 31, 2002 with compliance dates after 1997 are included in the baseline emission forecasts by means of control factors (see Appendix III, page III-2-3). No changes are required to the page in the Draft PEIR referenced in this comment.

**Response 1-47**

See Response 1-3 regarding additional details related to FSS-05 and Response 1-23 regarding impacts associated with FSS-05.

There are currently no data to support the opinion expressed in this comment regarding the possible diversion of cargo off the Alameda Corridor to other transit routes or modes. As currently proposed, FSS-05 would apply to federal sources, regardless of the route taken. So even if rail traffic were diverted rail traffic from the Alameda Corridor it is not expected that fees would be avoided. The degree of specificity of the environmental analysis in this PEIR is commensurate with the degree of specificity of the proposed project. It is expected that subsequent projects to implement AQMP control measures will undergo an environmental analysis that tiers off of this PEIR pursuant to CEQA Guidelines §15152.

**Response 1-48**

The SCAQMD staff is pleased that the Port of LA is working on measures to reduce emissions from in-use off-road vehicles and equipment. It is not possible to quantify the cost associated with every control measure and all the benefits associated with clean air. Of the 40 control measures required for attainment demonstration, 36 have quantifiable costs. Costs for the remaining four measures such as FSS-06 are not available at this time because control methods, control efficiencies, emission reductions or the costs of control technology are not presently defined. Regardless, the 2003 AQMP does project cost of unquantified measures based on emission reductions in 2010 and average cost-effectiveness of quantifiable measures.

The inventory for sources potentially covered by Control Measure FSS-06 is included in Appendix III. As explained in Appendix III of the AQMP, air pollution regulations adopted or amended by the SCAQMD and CARB prior to October 31, 2002 with compliance dates after 1997 are included in the baseline emission forecasts by means of control factors (see Appendix III, page III-2-3). Any emission studies conducted that resulted in permanent emission reductions (relative to 2003 AQMP inventory) due to changes in inventory methodology or emission factor update, will be included in the SCAQMD's SIP commitment for long-term measures. The SCAQMD will work with the Port to use the best inventory available in future versions of the AQMP. However, the revised inventory was not provided by the ports in time to meet the deadlines for the 2003 AQMP.

Regarding costs of AQMP control measures, the commentator is referred to the Socioeconomic Report for the 2003 AQMP.

**Response 1-49**

See Responses 1-3 and 1-29 and 1-48 regarding FSS-07.

**Response 1-50**

Emission standards for port-related sources are generally under the jurisdiction of the CARB or U.S. EPA. The inventory for sources potentially covered by this control measure is included in Appendix III. As explained in Appendix III of the AQMP, air pollution regulations adopted or amended by the SCAQMD and CARB prior to October 31, 2002 with compliance dates after 1997 are included in the baseline emission forecasts by means of control factors (see Appendix III, page III-2-3), including the U.S. EPA standard for marine engines.

Note that MARINE-1 has been deleted as a control measure from the AQMP.

### **Response 1-51**

Information on the Carl Moyer program is provided in the AQMP, Appendix IV-B (see page II-F-8). From 1998-2000, marine vessel projects constituted about five percent of the overall emission reductions from the Carl Moyer Program. Specifically, during the 1998-1999 fiscal year, the Carl Moyer Program funded marine vessel projects that resulted in NO<sub>x</sub> emission reductions of 350 tons per year (tpy), and will continue to generate emission reductions over the estimated 20-year life of the projects. During the 1999-2000 fiscal year, additional marine vessel projects generated an additional 29 tpy NO<sub>x</sub> emission reductions. It should be noted that the effects of existing programs would be considered part of the existing setting, not effects from the 2003 AQMP requiring analysis in the PEIR for the proposed project.

Control Measure MARINE -2 has been renumbered to MARINE-1 in the revised AQMP. MARINE-2 includes a number of proposed control strategies including: (1) the use of add-on control equipment; (2) repowering of existing vessels or early introduction of new vessels; and (3) cleaner fuels such as low sulfur diesel, emulsified diesel fuels, biodiesel, compressed natural gas or liquefied natural gas. Relative to Rule 1631, the majority of tugboats have been or are scheduled to be repowered. Due to the diversity within the harbor craft category, specific emission reduction proposal may vary with the type of vessel, industry or other factors. There are potentially substantial emission reductions still available from other types of port vessels such as cruise ships that operate between the ports and Catalina, fishing boats, crew boats, etc. Several strategies would be evaluated to determine the most effective means to reduce emissions from in-use engines. Chapter 4 of the AQMP under "Marine Vessels and Portside Equipment" acknowledge the significant emission reductions of diesel powered marine vessels and portside equipment due to Carl Moyer, State Emission Mitigation, as well as RECLAIM Executive Order Emission Mitigation, RECLAIM AQIP and Rule 2202 AQIP. The primary reductions technology are engine repowering and engine manufacturing.

### **Response 1-52**

The opinion expressed in this statement that use of cleaner fuels is the easiest and cheapest control strategy may not be accurate because it does not take into consideration potential refinery modifications that may be necessary to produce cleaner fuels. Note that MARINE-3 has been deleted as a control measure from the AQMP and included as a potential long term strategy for the U.S. EPA to implement. The information from the voluntary programs underway at the Port may be useful in the future regulatory development process to reduce emissions from Port sources. Since voluntary programs do not guarantee emission reductions, state or federal regulatory actions will likely be necessary.

### **Response 1-53**

The DEIR analyses impacts from implementing Control Measures identified in the 2003. Actions undertaken by other public agencies, especially voluntary actions that are in the

early stages of development, may be outside the scope of the analysis in the PEIR. The first step of this control measure would be the development of port-specific inventories for California ports. CARB proposed to work closely with the ports, local air districts, regional transportation agencies, and the U.S. EPA to develop an inventory model that would encompass the broad range of emissions that occur at ports (see Appendix IV-B, page II-F-16). CARB further notes that “This work has already begun for the Ports of Los Angeles and Long Beach, and results are expected in 2003.” However, the data associated with the emission inventory was not available in time to include in the 2003 AQMP or the AQMP PEIR.

#### **Response 1-54**

SCAQMD staff disagrees with the opinion in this statement. The AQMP PEIR does not “defer” mitigation of potentially significant impacts. The mitigation measures and authority to impose the mitigation measures, especially on marine vessels, is discussed in detail in Subchapter 4.1 – Air Quality (see page 4.1-39 through page 4.1-45).

#### **Response 1-55**

Table 2.3-1 lists rules and regulations adopted by the SCAQMD between (October 1996 through October 2002) compare the SIP emission reduction commitment to the emission reductions achieved. These are the rules and regulations that are incorporated in the baseline emissions inventory. Emission reductions from implementation of rules adopted after October 2002 and control measures in the 2003 AQMP will be reduction from the baseline emissions. October 2002 was used as the cut-off date showing emission reductions to allow for the analysis the emission effects of the 2003 AQMP to proceed. Table 2.3-2 lists the state and federal measures adopted since the 1994 SIP. Generally, the environmental effects of effects of rules or rule amendments currently being promulgated that continue to be listed as control measures in the 2003 AQMP are included as part of the analysis in the PEIR.

#### **Response 1-56**

The table is organized by the emission reductions achieved per pollutant, i.e., VOC emission reductions are discussed first, NO<sub>x</sub> emission reductions are discussed next, and PM<sub>10</sub> and SO<sub>x</sub> emission reductions are discussed last. It is not clear what purpose would be served by the recommendation so no changes to the table will be made to avoid confusion for those comparing the table in the Draft PEIR to the same table in the Final PEIR.

#### **Response 1-57**

Appendix III of the 2003 AQMP provides the emission inventory associated with numerous sources including “Ships and Commercial Boats” and “Recreational Boats” both including marine vessels. Although not specifically listed under its own category, portside equipment is included in the inventory along with other off-road equipment. The

ports are currently working with state and local government on surveying and compiling inventory data specific to the equipment located at the ports. The project description acknowledges that the twin speed marine transmissions applies to a limited number of sources, e.g., crew, supply, pilot, fishing, recreational boats, and possibly barge towing tug boats (see page 2-45).

**Response 1-58**

Section 2.6.5 discusses potential new innovative control approaches. The Carl Moyer and State Mitigation Fund programs provide funding for control technologies. The 1190 series of fleet vehicle rules have already been approved and implemented. Section 2.6.5 of the Final PEIR discusses new control approaches (over and above those that have been approved) to achieve compliance with state and federal ambient air quality regulations. Please note that Section 2.6.5 was revised in the Final EIR to include a discussion of educational programs. Also, clarification of Marine Vessel speed reduction program has been included in Subchapter 4.1.

See also Section 2.6.4 – Advanced Technologies which includes a brief discussion of the Carl Moyer Program and other advanced technology programs.

**Response 1-59**

The Notice of Preparation/Initial Study (page 2-20) concluded the no storm water impacts would occur from the 2003 AQMP. Two comments on the NOP/IS were received regarding potential water quality impacts due to air deposition related to the 2003 AQMP, however, the implementation of the 2003 AQMP is expected to decrease in emissions (PM10 emissions reducing 2.0 – 6.0 tons per day) from a variety of sources in the Basin and thus, decrease the potential for transferring air pollutants into other environmental media, e.g., storm water. Further, the AQMP control measures would not be expected to generate in and of themselves new structures that would result in substantial erosion, siltation, or flooding on or off-site, increase the rate or amount of surface runoff that would exceed the capacity of existing or planned storm water drainage systems. Although minor modifications might occur at commercial or industrial facilities affected by the proposed 2003 AQMP control measures, these facilities have, typically, already been graded and the areas surrounding them have likely already been paved over or landscaped. As a result, further minor modifications at affected facilities the may occur as a result of implementing the 2003 AQMP are not expected to alter in any way existing drainage patterns or storm water runoff.

There is no requirement for an existing setting discussion of an impact that is not significant and since it was concluded that no significant impacts on storm water were identified, no existing setting for storm water issues was included in the PEIR.

**Response 1-60**

SCAQMD staff disagrees with the opinion in this statement. See Response 1-43. The marine vessel emissions inventory in the 2003 AQMP is based on the ARCADIS report, completed in 1999. The ARCADIS report, used as the basis for developing the emissions inventory for ships currently represents the best available information on ship emissions for the Basin. The ARCADIS report provides an inventory study that is sufficiently accurate to support balance planning and an appropriate consideration of control strategies. SCAQMD staff recognizes that refinements to the marine vessel inventory are certainly possible (e.g., updated methodology and activity data) and would be considered during rule development. However, the overall inventory for marine vessels is not expected to be significantly different than the current estimates and the marine vessels would still represent one of the largest under-controlled emission source categories. SCAQMD staff welcomes participation in refining the emissions inventory for this source category in the future.

**Response 1-61**

The locations of the Source/Receptor areas are shown on Figure A-1 of the AQMP, Appendix II. They are also shown in detail on the map “South Coast Air Quality Management District and Air Monitoring Areas” which is available from SCAQMD Public Information. See also Attachment 3 of SCAQMD Rule 701 – Air Pollution Emergency Contingency Actions.

**Response 1-62**

The name of the Santa Monica Bay Restoration Project has been changed to Santa Monica Bay Restoration Commission. Otherwise, this comment does not require additional changes to the PEIR.

**Response 1-63**

As clarified by the Metropolitan Water District (see Comment Letter dated May 23, 2003), the water demand forecasts account for projected implementation of California’s conservation BMPs, water savings resulting from plumbing codes, and savings due to price effects.

**Response 1-64**

The revisions suggested in this comment have been incorporated into the Final PEIR. These revisions do not constitute substantial new information.

**Response 1-65**

The first paragraph is an introductory/summary paragraph related to water recycling and is more appropriate as the first paragraph than in between the description of the East Valley Project and the Westside Water Recycling Project. No revisions were made since it is not clear what purpose would be served by the requested change.

**Response 1-66**

The revisions suggested in this comment have been incorporated into the Final PEIR.

**Response 1-67**

The revisions suggested in this comment have been incorporated into the Final PEIR. These revisions do not constitute substantial new information.

**Response 1-68**

The revisions suggested in this comment have been incorporated into the Final PEIR. These revisions do not constitute substantial new information.

**Response 1-69**

The revisions suggested in this comment have been incorporated into the Final PEIR. These revisions do not constitute substantial new information.

**Response 1-70**

The significance criteria used in the PEIR are listed at the beginning of each section, i.e., the air quality significance criteria are listed on page 4.1-4, the significance criteria for

energy begin on page 4.2-1, the significance criteria for hazards are on page 4.3-1, the significance criteria for hydrology/water quality are on page 4.4-1, and the significance criteria for solid/hazardous waste are on page 4.5-1. The significance criteria are those that the SCAQMD has developed, as a lead agency and has used in similar environmental documents.

**Response 1-71**

SCAQMD staff disagrees with the opinion in this statement. See Response 1-59 regarding storm water issues.

**Response 1-72**

The SCAQMD staff disagrees with the opinion expressed in this statement as explained in Responses 1-3 and 1-25 (FSS-05), and 1-30 (FSS-07), regarding the impacts of FSS-05 and FSS-07. See also Response 1-25 regarding diversion of traffic.

**Response 1-73**

See Response 1-39 regarding MARINE-2 and 1-51 regarding Carl Moyer Program. See also Appendix IV-B (page II-F-8) for additional information on the Carl Moyer Program. One of the identified control strategies associated with this measure is the replacement of older engines with cleaner new models (see Appendix IV-B, page II-F-13).

**Response 1-74**

See Response 1-3 regarding the level of details required in an PEIR. Additional supplies of ethanol could be required by certain control measures. However, the amount of ethanol would depend on many factors (e.g., the type of fuel it would be used in, compliance with federal requirements, etc.). Therefore, the amount of ethanol that may be transported is speculative at this time and a detailed calculation of the amount of emissions that could be generated is not known. Therefore, these impacts are considered speculative and no further environmental analysis is required (CEQA Guidelines §15145). Additional environmental analyses will be completed prior to adoption when a rule is drafted, workshopped and reviewed.

**Response 1-75**

The mitigation measures were identified in the PEIR (see page 4.1-39). The section on mitigation measures related to mobile sources has been revised to describe the agencies that have authority to regulate marine vessels and the details of the mitigation measures. As a result the measures regarding regulation of marine vessels could be implemented by agencies other than the SCAQMD.

**Response 1-76**

See Responses 1-43 and 1-50 regarding the emission inventory used in the AQMP.

**Response 1-77**

See Response 1-39 regarding ships that may carry oxygenates.

**Response 1-78**

This section has been clarified to indicate that within certain ranges (above 18 knots), the reduction of ship speeds (to about 12 to 15 knots) is effective to reduce emissions. However, as indicated in the PEIR, NO<sub>x</sub> emission reductions for ship speeds below five knots are not expected.

**Response 1-79**

Comment is noted and the clarification regarding the Vessel Speed Reduction Program has been incorporated into the PEIR. See also Response 1-78.

**Response 1-80**

See Responses 1-39 and 1-51 regarding the various control strategies that may be used to control emissions from harbor craft vessels.

**Response 1-81**

The revisions suggested in this comment have been incorporated into the Final PEIR. These revisions do not constitute substantial new information.

**Response 1-82**

If a project is an emergency project it may already be exempt from CEQA pursuant to CEQA Guidelines §15269-Emergency Projects. However, the revisions suggested in this

comment have been incorporated into the Final PEIR. These revisions do not constitute substantial new information.

### **Response 1-83**

Figure 4.1-3 presents data for the peak ozone levels in the district by date. Figure 4.1-7 provides data from several source receptor areas of the district, including the peak PM10 location (i.e., Rubidoux). These figures present different types of data so the recommended change will not be made.

### **Response 1-84**

Comment is noted. The use of renewable energy resources has increased as discussed in the PEIR (see page 3.2-9). Senate Bill 1078 requires utilities to increase their procurement of renewable energy resources by at least one percent per year so that 20 percent of the retail sales are procured from eligible renewables by 2017. Renewable energy sources (e.g., wind, solar, and geothermal) generally have less environmental impacts than conventional energy sources (e.g., natural gas fueled power plants). However, in order to provide a worst-case analysis, it is assumed that the increase in electricity will come from conventional energy sources.

### **Response 1-85**

The long-term control measures are already identified in Table 4.2-1 (please see page 4.2-3).

### **Response 1-86**

As indicated in the PEIR, certain emulsified diesel fuels have been approved by CARB. Emulsified diesel fuels are generally comprised of an additive package, purified water and diesel fuel. These components are mixed in a blending unit to produce a finished fuel. The water content promotes an atomization of the mixture during fuel injection and improves combustion, while lowering combustion temperatures, reducing NOx emissions.

According to CARB, water emulsion diesel fuels are more soluble in water than diesel fuel, therefore, releases of the emulsified diesel fuel would be more likely to dissolve in water, migrate with the water and be more difficult to remediate than diesel fuel (see PEIR page 4.4-12).

**Response 1-87**

The additional information regarding tree planting programs is appreciated.

**Response 1-88**

Mitigation measure HWQ 6 has been revised per the City's recommendation. This revision does not constitute substantial new information. See also Response 1-32.

**Response 1-89**

Comment is noted and the additional information regarding the City's tree planting programs is appreciated.

**Response 1-90**

Comment is noted. Mitigation measure HWQ 6 has been revised per the City's recommendation. See also Response 1-32 and 1-88.

**Response 1-91**

Regarding tree planting, refer to Responses 1-88 and 1-32.

**Response 1-92**

Regarding tree planting, refer to Responses 1-88 and 1-32.

**Response 1-93**

The significance criteria have been revised to clarify that the generation of waste, when combined with existing waste generation, would be considered significant if it exceeds the designated landfill capacity. The analysis in the PEIR was based on comparing the existing waste generation plus the estimated project increase with the existing landfill capacity so no change in the analysis or conclusions is required.

**Response 1-94**

The draft AQMP presented an Option 1 and Option 2 to illustrate optional VOC/NOx reduction strategy.

Essentially, all of the emission control strategies identified in the AQMP and some additional controls (referred to as “black box” or long-term control measures) are required to reduce emissions enough to comply with the ozone air quality standards by 2010. A comparison of the peak 1-hour ozone concentrations for each alternative is included in Figure 5.5-1- (see page 5-10). Also see Response 1-45 regarding the carrying capacity of the Basin

**Response 1-95**

The AQMP and the AQMP PEIR have been revised and certain control measures have been deleted by CARB from the 2003 AQMP, as the U.S. EPA has the jurisdictional authority to regulate federal sources. Instead, CARB has identified possible concepts the federal government could pursue as part of the long-term strategies. The details of these control measures, including the details of the types of sources regulated, would be developed by the U.S. EPA. These control strategies are reviewed as long term measures in the PEIR.

The “No Project” Alternative is addressed in Chapter 5 – Alternatives (see pages 5-2 and 5-3). As noted in the PEIR, the No Project Alternative is not a legally viable alternative as the federal and state Clean Air Acts require the SCAQMD to revise and implement the AQMP in order to attain ambient air quality standards. The No Project Alternative would not achieve the objective of the proposed project (i.e., the 2003 AQMP) of complying with the state and federal national ambient air quality standards. The No Project Alternative is not feasible since it is not a legally viable alternative (CEQA Guidelines §15126.6).

**Response 1-96**

SCAQMD staff disagrees with the opinion in this statement. The federal long-term black box measures are excluded from Alternatives 2 and 4. In addition, the Toxic-PM control measure is excluded from all the alternatives except Alternative 5. Also see Response 1-45 regarding the carrying capacity of the Basin.

**COMMENT LETTER 2**

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**County Sanitation Districts of Los Angeles County  
May 22, 2003**



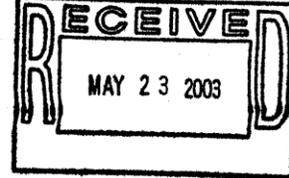
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JAMES F. STAHL  
Chief Engineer and General Manager

May 22, 2003  
File No: 31-380.10B

Mr. Michael Krause  
CEQA Section, Planning, Rule Development and Area Sources  
South Coast Air Quality Management District  
21865 East Copley Drive  
Diamond Bar, California 91765-4182



Dear Mr. Krause:

**Comments on the Draft 2003 Air Quality Management Plan**

2-1

The Los Angeles County Sanitation Districts (LACSD) welcome the opportunity for this review of the Draft Environmental Impact Report (EIR) for the 2003 Air Quality Management Plan (AQMP). LACSD is a confederation of independent special districts serving the wastewater and solid waste management needs of about 5.3 million people in Los Angeles County. Our service area covers approximately 810 square miles and encompasses 78 cities and unincorporated territory within the county. In our comments we discuss specific control measures and the broad impacts of the AQMP as they impact our agency.

2-2

- Proposed control measures CTS-07 and CTS-10 aim to lower VOC emissions from architectural coatings, thinning and clean-up solvents through product reformulation. We understand that with reformulation, discharges of toxins to the POTWs may actually decrease (p. 4.4-9), and therefore are generally supportive of product reformulation control measures. Nevertheless, the effectiveness, availability (for specific uses) and impacts on POTW operations (i.e. the presence of trace contaminants in receiving bodies of water could trigger new and restrictive POTW compliance limits) are still largely unknown. In light of this uncertainty, we raise the following points of concern:

2-3

1. The release of chemicals into the ground water or storm water drains may create or exasperate contaminant levels in the receiving waters if inappropriate reformulation substitutes are used. If maximum contaminant levels (MCL) are exceeded, the Regional Water Quality Control Board (RWQCB) will stipulate total maximum daily load limits (TMDL) on all dischargers to correct the situation. Although the sanitation agencies can place controls on most industrial discharges, they have no authority on direct discharges to ground water or stormwater, and no authority to mandate controls on residences. In keeping with recent practice which we encourage, the district should continue to work directly with stakeholders before proposing product reformulation measures.

- 2-4 2. The EIR states that state and federal regulations are expected to promote the development and use of coatings formulated with non-hazardous solvents. Nevertheless, there is no guarantee that the district will wait for these proposed safeguards to be in place before implementing their control measures. Both the air and water quality will be protected if product reformulation is done under the auspices of these proposed state and federal regulations.
- 2-5 3. Lastly, the success of these proposed control measures from an air emissions standpoint depends less on market penetration of existing, demonstrated technologies than on technological advances. Although it appears that adequate substitutes have been developed for architectural coatings (CTS-07), adequate product substitutes have NOT been developed for industrial applications (CTS-10). The previous coatings and solvents control measures were already technology-forcing and further controls may rush products onto the market without adequate testing in terms of effectiveness and cross-media impacts.
- 2-6
- For these reasons, we believe the wastewater impacts of proposed control measures CTS-07 and CTS-10 could be significant. Furthermore, in light of the fact that the technology has already been pushed to the limit for existing product development, and of the uncertain yet potentially significant consequences of product reformulation, we recommend that these measures be placed in the long term strategy. This treatment will allow proper time for complete consideration of product effectiveness, input from stakeholders, consistency with existing RWQCB requirements and protection under proposed state and federal reformulation limits.
- 2-7
- The same issues apply for proposed control measure BCM-07 (dust suppression). Each of the chemical dust suppression agents promoted by BCM-07 could have water quality impacts. Specifically, petroleum based suppressants may increase loadings of VOC to receiving bodies of water, merely shifting the burden from the air to water. The use of chloride-based dust suppressants may result in the leaching of chloride into groundwater supplies or directly to the Santa Clarita river (via storm water drains) which currently has chloride levels twice the allowable MCL. As mentioned in the EIR, information on the environmental effects of lignosulfonate dust suppressants is limited. Finally, the application of chemical stabilizers at landfills may have the potential to contaminate groundwater. Chemical stabilizers should be subject to RWQCB approval before they are advocated by the district. Considering that emission reduction credits will not be taken for BCM-07, and that this control measure may have potentially significant water quality impacts, we recommend that this control measure be placed in the long term strategy.
- 2-8
- One of the mitigation measures for the cumulative impacts calls for increased use of reclaimed water (p. 4.4-21). While this is a laudable goal which sanitation agencies support, this use is constrained by several factors including the economics of establishing a separate distribution network and the need for proximity to a reclaimed water source. The district unfortunately cannot rely on the use of reclaimed water as a basin-wide mitigation measure.

- 2-9
  - It is difficult to consider the impacts of the state and federal control measures for mobile sources when they are not expressed on a per engine basis. For example, it is not clear how the projected emissions reductions in tpd from OFF-RD CI-2 (retrofit controls for diesels) translate to lb-pollutant per brake horsepower-hour.
- 2-10
  - A significant number of proposed control measures will increase disposal of wastes to landfills. Although no single proposed control measure will have a significant impact, the sum of these measures may be significant in light of the decreasing landfill capacity in the basin. Additionally, increased disposal of spent filters, catalysts and unrecoverable scrapped vehicle and engine parts will make it more difficult for communities to meet their AB 939 diversion targets. The EIR concludes that no significant cumulative impact would result because any increased disposal is well below the permit capacity. This conclusion neglects to consider that this permit capacity is committed to the various communities who have long term contracts with the landfills. Therefore, we believe that the cumulative impact of the AQMP control measures will be significant with regards to solid waste disposal operations.
- 2-11
  - The vast majority of proposed control measures having energy impacts will result in increases in energy usage. The cumulative impact of these measures may be significant. Additionally, proposed AQMP and ARB retrofit controls on existing engines and turbines may diminish the available pool of energy generating units. Small and medium operations may opt to shut down as opposed to committing to costly retrofits. The combined impact of the overall increased energy requirement of the proposed control measures and the diminished supply may not be overcome by the increase in capacity the district anticipates from other sources.
- 2-12
  - Table 4.2-2 shows electricity impacts from the AQMP. The stationary source measures show a net impact of minus 709 million kWh, signifying an electricity use reduction. The text indicates that this total is solely due to electrical use reductions from proposed control measure MSC-01 (lighter color roofing and road materials, p. 4.2-5). The energy impact of MSC-01 depends upon the uncertain penetration of lighter coating roofing, pavement and building surfaces in the basin communities, most of whom have their coating and paving needs met by now. Also, this conclusion neglects the more certain increased electrical requirements of the 11 proposed control measures requiring add-on control technologies. Additionally, although a known electrical demand reduction is claimed for MSC-01, the emissions reductions resulting from reduced electrical use are mysteriously absent in the AQMP. The district should quantify the increased electrical demand required by the other source measures to obtain an accurate accounting of the energy impacts, re-quantify if necessary the energy savings from MSC-01 based on realistic re-surfacing assessments and quantify the proposed emissions reductions expected from MSC-01.
- 2-13
  - Considering that the impact of the 11 stationary source measures showing increased electricity demand were neglected, the total electricity impact, calculated as a 566 million kWh demand increase in Table 4.2-2, is understated. It follows that the percent of baseline electricity use (0.5%) is understated as well. These numbers should be

2-13  
cont.

recalculated to reflect the true impact of the proposed control measures as per the previous bullet item.

2-14

- Section 4.2.5 of the EIR states that the project-specific energy resources impacts evaluated in preceding sections are equivalent to a cumulative impact analysis. That statement would be true if the project-specific impacts were addressed in the EIR. Other than for MSC-01, which shows a net energy savings, none of the other proposed control measures show their specific, quantifiable energy impacts. The energy impacts for each of the proposed controls measures in Table 4.2-1 need to be enumerated so that a proper assessment of the AQMP energy impacts can be determined. It is likely that once this determination is reached, the conclusion will be that the AQMP may have significant energy impacts.

2-15

- Excluding refinery modifications, the EIR projects no significant hazards (section 4.3) with the AQMP. Nevertheless, we wish to remind the district that sanitation agencies will be called upon to respond to catastrophic events such as earthquakes to prevent public exposure to untreated sewage. These emergency efforts will require immediate action necessitating the use of portable equipment driven by internal combustion engines. In such a catastrophe, it is likely that there could be widespread electrical power outages as well as interruptions in fuel delivery if natural gas pipes are isolated to prevent fires. The best fuel for these circumstances is diesel which can be transported in bulk by land, sea or air, and can be readily shuttled in usable quantities to individual work sites. Neither the AQMP nor the EIR address realistic alternatives in the event that supplies of natural gas or electricity are cut off to essential public services during catastrophic events. Furthermore, the district should consider that essential services will have to maintain duplicate sets of equipment (diesel and alternative fuel) to account for such contingencies.

2-16

- The AQMP long term strategies depend greatly on electrification as an alternative to fossil fuels. To have the impact that is hoped by the district, electrification will require that large battery packs be installed in numerous devices. These batteries are made from heavy metals such as nickel, zinc, lithium, etc. Furthermore, the district hopes to advance the use of fuel cells which require small amounts of platinum group metals. Many of the stationary source control measures call for add-on controls which require the use of heavy metal catalysts. An unprecedented demand for the heavy metals needed to make these technologies work will be created by the AQMP proposed control measures. This demand will place a significant burden on the extraction of these non-renewable resources. Therefore, we disagree with the district's assessment that the AQMP will have no impact on mineral resources (section 4.7.8). We ask that the district consider in detail the mineral resource impact of their individual and collective control measures.

2-17

- The EIR concludes that there is no potential for significant adverse public service impacts from the AQMP proposed control measures. Public services have historically been the proving ground for many of the more progressive control measures including the ones that aim to switch from conventional to alternative fuels. In this conversion, it is likely that public services will share the cost burden of developing these emerging technologies. Furthermore, it is likely that in so doing, public service agencies will have on occasion

Michael Krause

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2-17  
cont.

overlapping sets of fleets, equipment, and re-fueling facilities to maintain and operate. Considering that public services will likely be the first in line to force-fit these technologies into their operations, we suggest that the AQMP long term control measures may have potentially significant adverse impacts on public services.

Thank you for this opportunity to comment. If you have any questions or need further information, please contact Mr. Patrick Griffith at 562-699-7411, extension 2117.

Yours very truly

James F. Stahl



for Gregory M. Adams  
Assistant Department Head  
Technical Services Air Quality Engineering

GMA:PG:tk

cc: Zorik Pirveysian  
Elaine Chang  
Laki Tisopulos

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**COMMENT LETTER # 2**  
**FROM COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY**

Gregory M. Allen  
May 22, 2003

**Response 2-1**

Comments are noted regarding the jurisdiction of the Los Angeles County Sanitation Districts (LACSD). Responses are provided below to specific comments regarding the control measures.

**Response 2-2**

The analysis of water quality impacts indicated that, based on past effluent monitoring that there was no detectable change in effluent constituents after implementing solvent rules that resulted in substantial conversion to aqueous based clean up solvents. This finding, plus implementation of the recommended mitigation measures are expected to ensure that water quality impacts from implementing AQMP control measures will not be significant.

**Response 2-3**

As noted in the comment, the SCAQMD will continue to work directly with stakeholders on new rules to implement the 2003 AQMP Control Measures, including measures that may rely on the product reformulations as a control strategy. Note that there is the potential for chemicals to release from product manufacturers into ground water or storm water and contaminant receiving waters currently exists under the baseline conditions. The reformulation of coatings is not be expected to result in an increase in the release of chemicals from product manufacturers as these manufacturers must adhere to wastewater discharge requirements, regardless of the project formulation. Furthermore as stated in Section 4.4.4, the reformulation of coatings could have a beneficial effect of reducing the levels of contaminants currently found in wastewater, as these coatings are expected to be formulated with less non-hazardous materials.

**Response 2-4**

See Response 2-3 above regarding coating reformulation. Rules proposed by the SCAQMD will be subject to additional CEQA review so that the details regarding the availability of specific coating reformulations can be fully evaluated. Also, please note that existing regulations are in place that discourage the use of more toxic and volatile materials including the Proposition 65 labeling requirements, AB2588 Toxic Hot Spot

Requirements, Business Plan requirements, the California Accidental Release Prevention (CalARP) Program regulation (CCR Title 19, Division 2, Chapter 4.5), and Process Safety Management (PSM) of Highly Hazardous Chemicals (29 CFR Part 1910.119 and Title 8 of the California Code of Regulations).

In addition to existing regulations, past analyses of SCAQMD rule-related projects that provide reformulated products, as well as the analysis of reformulated products in Subchapter 4.3, indicate that products tend to be reformulated with less toxic or hazardous materials. Refer to Subsection 4.3.4 for more information on this topic.

### **Response 2-5**

See Responses 2-3 and 2-4 above regarding coating reformulation. As noted in Section 4.4.4 of the EIR, the potential wastewater impacts associated with CTS-07 and CTS-10 are potentially significant due to reformulation of solvents that may result in increased discharge of wastewater which may contain contaminant levels exceeding regulatory effluent limits.. However, proposed mitigation measures HWQ1 and HWQ2 are expected to reduce the impacts to less than significant.

CTS-10 would be implemented in two steps. The first step would assess the various industrial coatings and solvent categories to determine where additional emission reductions may be feasible. Based on the results of the first step, the appropriate control strategies to reduce VOC emissions beyond existing rules and regulations would be developed based on the availability of near-zero or zero-VOC coating and solvent formulations and technologies (i.e., water-based, UV coatings, powder coatings, add-on controls). These near-zero technologies have been developed for architectural coatings and are expected to be available and feasible for industrial coatings.

### **Response 2-6**

See Responses 2-4 and 2-5 regarding CTS-10. As noted in Section 4.4.4, the wastewater impacts were considered potentially significant. CTS-07 would rely on near-zero or zero VOC formulations for several architectural coating categories. On-going technical evaluation of coating performance and research to further develop low-VOC and/or low-reactive coating or clean-up material is expected to further emission reduction opportunities. Further, substantial progress in coating reformulation has occurred since 1996, when the SCAQMD began imposing increasingly lower VOC content requirements on a variety of architectural coating categories.

This control measure was part of the 1999 Amendment to the 1997 Ozone SIP Revision for the South Coast Air Basin. The emission reductions associated with CTS-07 and CTS-10 are needed before 2010 if the district is to attain and maintain the state and

federal with ambient air quality standards. Pushing their compliance date beyond that date is not feasible.

### **Response 2-7**

As noted in the PEIR (see page 4.4-8), “Any increase (in the use of chemical dust suppressants) is expected to be limited for three reasons: (1) chemical dust suppressants are often used only near or at the end of projects; (2) in more cases, other control methods are available; and (3) chemical dust suppressants are already used for fugitive dust control and required from existing rules, regulations and local programs.”

Rules 403 and 403.1 do not allow the use of chemical stabilizers if they are prohibited by Regional Water Quality Control Boards (RWQCB), CARB; U.S. EPA; etc. If a user is unsure whether or not a product is prohibited by applicable public agencies, the SCAQMD staff recommends that the users of chemical dust suppressants contact the local RWQCB to determine whether or not a product is environmentally safe. The RWQCB evaluates dust suppressants on a case-by-case basis. The PEIR concluded that no significant impacts were expected on water quality from chemical dust suppressants because users must apply the suppressants in accordance with manufacturers’ and RWQCB recommendations. Further, alternatives to chemical dust suppressants are available (e.g., water, see page 4.4-16 of the PEIR) so there is no need to delay the implementation of this control strategy.

### **Response 2-8**

The SCAQMD staff concurs that there are limitations to the use of reclaimed water. However, mitigation measure HWQ 7 requires “the use of reclaimed water **where available and feasible** (emphasis added).” Therefore, the mitigation measure recognizes the limitations on the use of reclaimed water but will continue to encourage its use.

### **Response 2-9**

Note that OFF-RD CI-2 has been renumbered to OFF-RD CI-1 in the revised AQMP. Additional information regarding emission reductions from mobile sources is provided in Appendix IV-B of the AQMP, e.g., the estimated PM10 reduction from diesel compression engines is 85 percent or no more than 0.01 g/bhp-hr.

### **Response 2-10**

Cumulative impacts of the AQMP control measure are not expected to be significant in regards to solid waste disposal operations. As discussed in the PEIR (see Section 4.5.4), the solid waste that is expected to be disposed of in a landfill is small as many of the

waste streams that may be generated by AQMP control measures are recyclable, e.g., batteries, catalysts, scrap metal, and activated carbon. Further, control measures that would require new equipment will generally require that it occur when the old equipment is routinely replaced or at the anticipated end of the useful life of the equipment and new equipment is put into service. Therefore, the increase in solid waste is expected to be less than significant.

### **Response 2-11**

Implementation of the 2003 AQMP control measures is not expected to cumulatively result in significant energy impacts. As discussed in the PEIR (see Section 4.2.4), the increase in electricity associated with the AQMP is expected to be a small increase in the overall electricity requirements in the district (less than 0.3 percent). There are no control measures proposed in the 2003 AQMP that would directly control electrical generation facilities since virtually all of the power plants in the district use natural gas as a fuel. Control Measure CMB-10 proposes to further reduce NO<sub>x</sub> emissions from RECLAIM sources, which could include power plants. However, during the energy crisis in 2001, the RECLAIM rules were modified as they apply to power plants. Further, removing power generating facilities from the trading market and requiring all equipment to be brought up to best available retrofit control technology (BARCT) standards has resulted in many power generating facilities going from net RTC purchasing facilities to net RTC selling facilities. Therefore, any revisions to the RECLAIM regulations would be reviewed to assure that energy security concerns are addressed. The expected electrical demand and availability of electricity has been estimated by information developed by the California Energy Commission. As a result, the cumulative impact of the various control measures are expected to be less than significant on electricity demand.

### **Response 2-12**

The electrical demand impacts associated with add-on control equipment are discussed on page 4.2-3 of the AQMD PEIR. The amount of electricity to run the add-on controls is currently unknown. However, alternative processing equipment is expected to be the primary method of control for some of the control measures. For example, the primary method of control for PRC-03 is expected to be the installation filters, scrubbing device and process design.

No emission reductions were calculated for the potential reductions in electricity demand associated with MSC-01 because the power plants generally have emission caps. No regulations are proposed that would alter the emission caps or reduce the allowable emissions generated by the power plants. Therefore, no emission credit or reductions were estimated.

Overall an estimated increase in electrical demand of 566 million kWh is expected due to implementation of the AQMP. The PEIR provides estimates of electricity use where data are available.

### **Response 2-13**

SCAQMD staff disagrees with the opinion in this statement that impact of “increased electricity demand were neglected.” See Response 2-12. Refer also to Response 1-3 regarding the level of detail of an environmental analysis required under CEQA.

### **Response 2-14**

See Response 2-12 and regarding the specifics of the energy analysis in the PEIR and Response 1-3 regarding the degree of specificity of an environmental analysis under CEQA.

### **Response 2-15**

The SCAQMD staff continues to recognize that diesel fuel is needed as an emerging back-up fuel. None of the control measures included in the 2003 AQMP or existing SCAQMD rules would or do prohibit diesel for use in emergency equipment. One of the CARB control measures (FUEL-2) would reduce the sulfur content of diesel that would be allowed to be sold in California. If approved, only low-sulfur diesel would be available for purchase and use, and would not require duplicate sets of equipment. A number of other control measures would apply to diesel engines in mobile sources but would generally not apply to stationary equipment and specifically not to emergency equipment.

The hazards associated with earthquakes would exist in southern California, with or without implementation of the 2003 AQMP. The AQMP would not increase the hazards associated with earthquakes. Further, emergency projects are specifically exempt from CEQA pursuant to CEQA Guidelines §15269. Finallay Rule 118 allows the Executive Officer to suspend certain SCAQMD rules, regulations, or orders during state of federally declared states of emergency.

### **Response 2-16**

The AQMP includes a number of potential long-term strategies that may include electrification of mobile sources but are not limited to electrification. Other technologies include fuel cells powered by hydrogen, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and methanol. Batteries are generally composed of lead acid or nickel/cadmium (NiCad). Recycling is already well established for the battery

technologies that are currently in wide use. The development of other battery technologies is encouraging in that promising technology includes nickel-metal-hydrate batteries and other types of batteries that are expected to be less hazardous and completely recyclable, especially because of the economic value of many of the metal components.

Most of the add-on control equipment proposed in the AQMP would be for the control of VOCs (e.g., afterburners or carbon absorption) or particulates (e.g., filters) and would not use heavy metals.

Converting to electric batteries or other technologies will result in a concomitant decrease in the use of internal combustion engines and a reduction in the impacts of such engines. Decreased use of internal combustion engines will also result in a decrease generation in the use of engine oil, since electric motors do not employ oil as a lubricant. Converting to electric batteries would also reduce the amount of crude oil required to produce gasoline. Therefore, the overall impact of the AQMP on mineral resources is expected to be less than significant.

#### **Response 2-17**

Control Measures that would require new equipment will generally require that it occur as the life of the old equipment is exhausted and new equipment is put into service. However, during the transition, public facilities could experience overlapping sets of fleets, equipment and re-fueling facilities.

The 1997/1999 AQMP PEIR analyzed potential adverse impacts to public services as a result of implementing AQMP control measures and concluded that existing resources at services such as fire departments, police departments and local governments would not be significantly adversely affected as a result of implementing AQMP control measures. The proposed project would not result in the need for new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Adopting the proposed 2003 AQMP would not induce population growth or alter the distribution of existing population. Thus, implementing AQMP control measures would not increase or otherwise alter the demand for schools and parks in the district. No significant adverse impacts to schools or parks are foreseen as a result of adopting the proposed 2003 AQMP. Adopting the proposed 2003 AQMP is not expected to create significant adverse public service impacts.

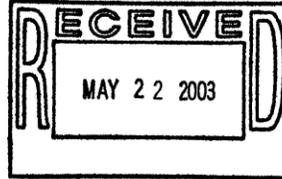
**COMMENT LETTER 3**

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**Gatzke Dillon & Balance LLP**  
**May 21, 2003**

**GATZKE DILLON & BALLANCE LLP**

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May 21, 2003

Mr. Michael Krause  
CEQA Section  
Planning, Rule Development and Area Sources  
South Coast Air Quality Management District  
21865 East Copley Drive  
Diamond Bar, California 91765-4182

*By Telecopier and  
U.S. First Class Mail*

Re: *Comments on Draft Environmental Impact Report for 2003 Revisions to Air Quality Management Plan*

Dear Mr. Krause:

3-1

This letter is submitted on behalf of the County of Orange ("County") in its capacity as the owner and operator of John Wayne Airport, Orange County ("JWA") located in Costa Mesa, California. This letter contains the County's written comments on the Draft Environmental Impact Report ("DEIR" or "Draft EIR") for the proposed 2003 revisions to the Air Quality Management Plan ("2003 AQMP"), issued by the South Coast Air Quality Management District ("SCAQMD" or "District"). The County appreciates the opportunity to provide comments on the Draft EIR.<sup>1</sup>

3-2

Our comments on the Draft EIR are intended to serve the following principal objectives:

1. First, we appreciate the opportunity to continue to work constructively and cooperatively with the SCAQMD in evaluating and developing realistic airport emission reduction strategies for the proposed 2003 AQMP and analyzing the potential environmental impacts of the proposed measures. We hope that our past comments, our comments in this letter, and our continued cooperation in this process will allow us to make meaningful contributions toward resolving and addressing the

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<sup>1</sup> The County has previously submitted comment letters on both the Notice of Preparation of the EIR as well as on the draft 2003 AQMP. Please see enclosed comment letters to Mr. Michael Krause from Ms. Lori Ballance, dated September 27, 2002, and to Mr. Zorik Pirveysian from Ms. Lori Ballance, dated March 28, 2003.

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South Coast Air Quality Management District  
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cont.

difficult and complex airport regulatory issues associated with air quality in the Basin.

3-3

2. Second, we are concerned with a number of the responses that the SCAQMD provided to our September 27, 2002, comment letter on the Notice of Preparation ("NOP") of a Draft EIR for the 2003 AQMP. These responses warrant further comment and discussion at this time.

3-4

3. Third, we are concerned with the failure of the Draft EIR to carefully evaluate and address the impacts of the proposed regulations on the air transportation industry and the potentially significant environmental impacts that may result from their adoption. There are important questions and issues which must be addressed in the EIR which have not been addressed, including the accuracy of the baseline emissions inventory, the potential transportation and traffic impacts of proposed control measures, and the cost effectiveness of any regulatory strategy with respect to the EIR's alternatives analysis. Without careful attention and response to these issues, the District will be unable to structure appropriate and effective air quality regulations which might affect the operations of the air carrier airports in the Basin while minimizing the environmental impacts of those regulations.

3-5

4. Fourth, and finally, the EIR fails to comply with several requirements mandated by the California Environmental Quality Act ("CEQA") (PUB.RES.CODE §§21000, *et seq.*). Although we believe that the EIR is inadequate as written and that the document will have to be supplemented with additional discussion and analysis, these CEQA requirements warrant comment and discussion at this time.

**GENERAL COMMENTS**

**EMISSION INVENTORY**

3-6

In our September 27, 2002, written comments to the District on the NOP, JWA expressed concern with the District using 1997 as the baseline year for possible air quality regulations and the current failure of this method to provide some type of "credit" to the airports for past efforts.<sup>2</sup> In response to our concerns, the District indicated that the 2003 AQMP provides an emissions inventory using 1997 as the baseline. *See*, Response 8-4. The District did not provide a direct response to our

<sup>2</sup> A copy of this letter and the District's response to this letter are included in Appendix B to the Draft EIR beginning at page B-42.

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cont.

question regarding whether some type of "credit" would be provided to "sources" for past efforts; rather, the District indicated that "[i]t is not feasible to provide 'credit' to all sources that have implemented air quality reductions in the past and ensure that the ambient air quality standards will be achieved in the future. Past control efforts are reflected in the baseline inventory and further reduction potential would be assessed based on technical feasibility and cost-effectiveness." See, Response 8-7.

3-7

The District's response regarding the baseline year is inconsistent with the data provided in Appendix III, Attachment A. Contrary to the District's response, the annual average emissions are provided for 1995, not 1997. In addition, we remain very concerned with the District's unwillingness to provide some type of "credit" to the airports for the significant and voluntary emission reduction measures that have already been, and continue to be, implemented which reduce air quality impacts associated with airport operations. As previously indicated, the District's approach will result in penalizing those who voluntarily implement significant air quality reduction measures prior to or during the baseline year. In order to maintain equity, the County continues to believe that the 2003 AQMP must provide some type of "credit" to "sources" for past efforts.

3-8

The District also did not respond to our concerns that many projections in the AQMP are based upon inaccurate State Implementation Plan ("SIP") emission projections and travel trends/projections. We are particularly concerned with this issue because the baseline year is not only used to determine future year air quality projections, as indicated in the District's response 8-4, but also appears to be used in the development of AQMP control measures. Specifically, any measure that is directed toward reducing emissions from vehicles traveling to and from the airports in the Basin will likely use 1995 as the baseline year to measure estimated vehicle miles traveled ("VMT") reductions and emission reductions that will be required. Although it does not appear that the District or the California Air Resources Board ("CARB") has actually established an annual allocation and facility specific rates of reduction, by projecting the reduction in the number of airport generated trips using 1995 as the baseline, the District has essentially provided the foundation for the future adoption of annual allocations and facility specific rates of reduction that are consistent with these numbers. This creates serious problems for the following reasons.

3-9

As we have stated in our previous comments to the District, the District needs to be seriously concerned about both the accuracy and completeness of the existing data that it relied upon for these estimates. Specifically, it appears that the draft AQMP relies, at least in part, on data obtained from Los Angeles International Airport ("LAX") for purposes of estimating the percentage change that will result in airport generated trips through implementation of proposed measures. The data from LAX, however, is clearly inapplicable to the other airports in the Basin. See, our comment letter of March 28, 2003, to Mr. Zorik Pirveysian.

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3-10

In addition, the County has reviewed the SCAQMD's projection of annual average emissions for aircraft and would like to note the difficulty in following how the modeling was performed, and in determining the figures used. The information provided in Appendix III fails to clarify how the analysis was conducted and there appear to remain a number of inaccuracies and inconsistencies in the numbers provided. The information provided is inadequate and does not provide an adequate public disclosure of how the annual average emissions were determined. A full revision discussion should be presented in the 2003 AQMP and the County recommends that the Draft EIR be revised to accommodate such a discussion.

3-11

Finally, the technical documentation supporting the conclusions in the AQMP has many discrepancies that prevent reviewing agencies and the public to arrive at the same conclusions as the SCAQMD. The inventories, in particular, seem mismatched to the numbers used in the modeling and are inconsistent with one another. In addition, the numbers used appear to be inconsistent with the actual data provided to the District with respect to JWA's current and projected future operations. Revision is required to accurately reflect the baseline and projected future activity levels at JWA.

3-12

In summary, the Draft EIR must be revised to include a discussion regarding the accuracy and completeness of the existing data that it has relied upon for the emissions inventories and for the estimated projected reductions in airport generated trips that could occur through implementation of the proposed control measures. In addition, if the projected reductions stated in the AQMP will not be used by the District as the performance standards for proposed measures, the EIR must be revised to accurately indicate what performance standards or objectives the District will adopt for the air transportation industry. The EIR must also be revised to include a discussion of whether some type of "credit system" should be provided for airports that have already implemented significant emission reduction measures.

3-13

**AIR QUALITY IMPACTS**

The Draft EIR concludes that there will be no significant impacts to transportation and traffic. EIR at 4.7-9-4.7-10. Specifically, the Draft EIR concludes that "[a]dopting the proposed 2003 AQMP is not expected to substantially increase vehicle trips or vehicle miles traveled in the district." EIR at 4.7-9. In the case of airports, this conclusion may not be true. As we have previously discussed with the District, any regulation by the District which may affect the operational capacity of one or more of the airports in the Basin might be perceived as providing air quality impacts reductions at the constrained airport, but this does not mean that there has been a net air quality benefit in the Basin generally. If passenger traffic is reduced at one airport in the Basin because of regulatory constraints, that traffic may be served at another basin airport or the displaced passengers may choose to drive to their ultimate destination. For environmental purposes, the significant difference is that those passengers will have to either drive further to reach the second airport to

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3-13  
cont. obtain the air service they desire or they will have to drive to their final destination; thereby, increasing regional VMT and traffic congestion - with the concomitant negative impacts on air quality.

3-14 The Draft EIR does not analyze these potentially significant transportation and traffic issues with the concomitant air quality impacts. The EIR must be revised to include a discussion and detailed analysis of these potential impacts. In addition, the EIR should be revised to include a discussion of whether the proposed regulations that may apply to airports in the Basin will "balance" the air traffic among the Basin airports in a manner which best serves air quality objectives.

3-15 In addition, one of the significant criteria identified for transportation and traffic is whether air traffic will be substantially altered. The Air Transportation Association ("ATA") has previously indicated that implementation of many of the control measures that continue to be pursued will have a significant impact on the ability of air carriers to provide service in the Southern California Basin. This potential substantial alteration of air traffic has not been addressed in the EIR. The EIR must be revised to discuss and analyze this significant impact.

**POTENTIAL INCONSISTENCIES BETWEEN EXISTING AND PROPOSED NEW CONTROL MEASURES**

3-16 One of the long term control measures to be considered by CARB continues to be to pursue approaches to reduce emissions from vehicles traveling to and from airports, including alternative fuels, particulate filters, infrastructure for alternative fuel/electric vehicles, entry fees and increased transport options. We continue to be concerned about these long term control measures to be considered by CARB for a number of reasons, as follows.

As you know, the SCAQMD already has a number of regulatory rules governing vehicle fleets (e.g., AQMD Rules 1191, 1194, and 1195). Any future regulatory measures should be consistent with these existing regulations. In addition, airports should not be required to regulate or administer emission reduction programs for vehicle fleets that they do not own or operate. Finally, any regulatory measure to reduce vehicular emissions must necessarily take into account the mandatory parking restrictions, curbside access restrictions, vehicle and luggage inspections, and related security measures that have been implemented since September 11, 2001.

3-17 In addition to these concerns, one of the suggested control measures continues to include "entry fees." As the District knows, we have concerns regarding the imposition of any type of circulation fee on vehicles that enter the airports in the Basin. Although this "toll booth" concept might be perceived as providing air quality impact reductions by reducing the number of airport vehicle trips that are made, this does not mean that there has been a net air quality benefit generally.

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Although the number of airport vehicle trips that are made may be reduced at airports in the Basin, a conclusion of arguable validity, creating what would amount to a "toll booth" at airports in the Basin would necessarily increase traffic congestion at and around the airports - with the associated negative impacts on air quality. This increase in traffic congestion may, in fact, result in an increase in air emissions in the Basin, rather than the decrease that the control measures are designed to accomplish. Certainly, on a localized basis, delays and queuing at any proposed "toll booths" will create adverse air quality impacts. This is particularly true at newer airports facilities, such as JWA, which have deliberately designed facilities and roadways to minimize slow-speed idling, queuing, *etc.*, near the terminal or in the parking structures to reduce localized CO impacts and potential "hot spots."

3-17  
cont.

Although we do not believe that imposing any type of circulation fee on all vehicles entering airports in the Basin or imposing parking time limits for vehicles entering the airports will provide air quality impact reductions, JWA has implemented measures which we believe meet the District's objectives. These measure include: (i) providing shuttles on a fifteen minute schedule to service the North Main Street lot; (ii) modifying the lower level roadway and the taxi pick-up area in order to provide for more efficient curbside operations; (iii) installing integrated parking structures, an upper and lower roadway system, and depressed roadway and crossover bridges in order to maximize traffic circulation and capacity; (iv) installing a curbside traffic management program to reduce idling, minimize traffic merge conflicts and better accommodate high occupancy vehicles; and (v) installing a computerized, electronic Automatic Vehicle Indicator System ("AVI") in the airport access loop system. This AVI facilitates management of HOV traffic flow and accounts for trips. In addition, this system discourages unnecessary "loops" of the access roadway.

The proposed "entry fee" control measure is neither feasible nor reasonable; therefore, table ES-1 and other applicable section of the EIR should be revised to delete the "entry fee" measures as a proposed mitigation measure. In addition, the EIR should discuss the possible traffic implications of this measure in subchapter 4.7.13 dealing with transportation impacts. Alternative measures should be considered including those measures already implemented at JWA.

**SOCIOECONOMIC ANALYSIS**

3-18

In the District's response to our comments of March 28, 2003, regarding the requirement that the District determine that the AQMP is a cost-effective strategy that will achieve attainment of the state standards by the earliest practicable date and the requirement that the AQMP include an assessment of the cost effectiveness of available and proposed measures and a list of the measures ranked from the least cost-effective to the most cost-effective, the District simply indicated that "[a] socioeconomic analysis is being prepared that examines the cost of implementation of the control measures in the 2003 AQMP." See, District Response 8-12. Without this analysis, it is impossible

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South Coast Air Quality Management District  
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cont.

to determine whether the overall costs associated with regulations affecting airports in the Basin are justified in terms of expected emissions reductions. When will the socioeconomic analysis be completed? Will the public have an opportunity to provide comments on this analysis?

3-19

A cost analysis must be prepared which analyzes the full costs of any possible regulatory program on the airports and airline industry in terms of the increase in TONS of emissions reduced versus program and improvement costs. In addition to the program and improvement costs, the cost effectiveness analysis must take into account the effect any emission reduction strategies will have on new entrant air carriers, and the importance of maintaining a competitive airline environment in the Basin. A regulatory scheme which would inhibit competition would probably result in significantly higher air fares to and from the Basin than other parts of the county, which could in turn have a seriously negative effect on the local economy. This issue must also be taken into account when addressing the cost effectiveness of the proposed measures. Once the analysis has been completed, the analysis should be circulated for public review and comment.

**SPECIFIC COMMENTS**

**INTRODUCTION/1-1 - 1-8**

3-20

1. Section 1.4 of the Draft EIR indicates that the Draft EIR is a program EIR because it "... examines the environmental effects of the proposed control measures that will ultimately be issues as rules or regulations and promulgated as part of a continuing ongoing regulatory ..."<sup>3</sup> Although a program EIR may properly focus on "broad policy alternatives and program wide mitigation measures," as well as "regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole" (Cal.Code Regs. §§15168(b)(4), (d)(2)), the agency should adopt performance standards or objectives that can then be translated into site specific measures or regulations when site-specific CEQA analysis is prepared. The Draft EIR fails to comply with this requirement.

3-21

Although the 2003 AQMP has identified a number of control measures for the airport and airline industry, the EIR, in many cases, fails to discuss any performance standards and objectives for these measures. For example, the proposed control measures for commercial aircraft includes measures to lower emission standards, reformulate jet fuel, and provide for retrofit controls. However, the EIR has not provided any performance standards that the District or CARB feels are appropriate for commercial aircraft. Have performance targets been established for these control

<sup>3</sup> This sentence as provided in the Draft EIR is incomplete.

**GATZKE DILLON & BALLANCE LLP**

Mr. Michael Krause  
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3-21  
cont. | measures? The EIR must address any performance targets that have been established so that they can be translated into specific control measures for the airline industry.

3-22 | 2. CEQA Guidelines require an EIR to contain a discussion of the areas of controversy known to the lead agency, including issues raised by agencies and the public and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. Cal.Code Regs. §15123(b)(2)(3). Although the Introduction provides a brief discussion regarding "areas of controversy," this discussion is incomplete and must be revised. Specifically, this section must include those issues raised by the County in connection with its comment letters submitted on both the NOP and the AQMP including, but not limited to, issues relating to the accurateness of the baseline data used and the cost effectiveness of the measures proposed.

**ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES/4.1-1 - 4.1-62**

3-23 | 1. In general, many of the mitigation measures contained in the Draft EIR fail to comply with CEQA. The mitigation measures fail to provide a clear analysis, thus impermissibly precluding the meaningful public participation contemplated by CEQA. Agencies should not rely upon mitigation measures of unknown efficacy in concluding that significant environmental impacts will be avoided or lessened to a degree of insignificance. *See, Mira Monte Homeowners Ass'n v. San Buena Ventura County, et al.* (1984) 165 Cal.App.3d 357, 365. The control measures provided are often vague, not enforceable as currently written, or cite compliance with local, state or federal laws or regulations. Compliance with such measures is not considered "mitigation" under CEQA. Additionally, much of the impact analysis appears to be based upon a "best-case" analysis, since it is assumed that agencies would choose what SCAQMD considers the most appropriate control option, although the Draft EIR consistently contends that the AQMP provides other agencies with flexibility to choose control measures from a menu of options. Much of the impact analysis is not based upon a reasonable analysis which assesses potential impacts resulting from implementation using the entire menu of options. This overstating of the mitigation, or overly optimistic analysis, inappropriately skews the analysis in violation of CEQA. The impact analysis and mitigation measures should be further examined in a revised and recirculated Draft EIR that is both comprehensive and accurate.

3-24 | 2. Subchapter 4.3 discusses hazards including the increase in use of compressed natural gas. As noted in the discussion provided at page 4.3-10, natural gas can be directly shipped via pipelines to the compressor station, rather than by on-road delivery trucks. However, earthquakes can disrupt natural gas supplies for extended periods of time. County vehicles, if powered by natural gas; therefore, could be taken out of service as a result of the unavailability of fuel just at a time when they are needed most to restore critical services and maintain the County's infrastructure. In

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3-24  
CONT.

addition, CNG fueled vehicles are still undergoing development difficulties. The Draft EIR should expand its discussion of issues associated with the use of CNG in mobile sources.

**CONCLUSION**

3-25

It is crucial that we understand the administrative and procedural process for discussing and presenting possible regulatory strategies during the rulemaking process. We would like to continue to work closely with the District in formulating any regulatory strategies relating to airport and aircraft emissions. In the meantime, if you have any questions regarding the issues addressed in this letter, please do not hesitate to contact us at your convenience.

Very truly yours,



Lori D. Ballance  
of  
Gatzke Dillon & Ballance LLP

LDB/lgh  
Enclosures

cc: Airport Director, John Wayne Airport  
Assistant Airport Director, John Wayne Airport  
Deputy Director, Public Affairs, John Wayne Airport  
Deputy Director, Operations, John Wayne Airport  
Deputy Director, Finance and Administration, John Wayne Airport  
Deputy Director, Facilities, John Wayne Airport  
Deputy Director, Business Development, John Wayne Airport  
Manager, Environmental and Facilities Planning, John Wayne Airport  
County Counsel, County of Orange  
(w/enclosures)

**COMMENT LETTER # 3  
FROM GATZKE DILLON & BALLANCE LLP**

Lori D. Ballance  
May 21, 2003

**Response 3-1**

The SCAQMD staff understands that this comment letter is submitted on behalf John Wayne Airport, Orange County.

**Response 3-2**

The SCAQMD staff appreciates the comments provided on the AQMP.

**Response 3-3**

Responses are provided below to the specific comments raised regarding the comment letter provided on the NOP from Gatzke, Dillon & Balance.

**Response 3-4**

The SCAQMD staff disagrees with the opinion expressed in this statement that the Draft PEIR failed to evaluate potentially significant environmental impacts associated with the AQMP. The Draft PEIR complies with all relevant CEQA requirements. Regarding the degree of specificity of the analysis in a Program EIR, refer to Response 1-3. Responses are provided below to the specific issues identified in this comment.

**Response 3-5**

The SCAQMD staff disagrees with the opinion expressed in this statement that the PEIR fails to comply with the CEQA requirements. The Draft PEIR complies with all relevant CEQA requirements. Regarding the degree of specificity of the analysis in a Program EIR, refer to Response 1-3. Responses are provided below to the specific comments raised regarding this issue.

**Response 3-6**

For the purposes of the analysis of environmental impacts analyzed in the Draft PEIR, past actions, including those that may have been undertaken at local airports, are part of the existing setting Pursuant to CEQA Guidelines §15125, the existing setting is the “physical environmental conditions in vicinity of the project, as they exist at the time the notice of preparation is published...”

The 1997 aircraft emissions inventory in the 2003 AQMP is based on the 1999 inventory study by Energy and Environmental Analysis for the District. The study relied on the 1997 activity data from commercial airport operators and the FAA as well as the U.S. EPA’s Emission Dispersion Modeling System (EDMS) model. For future years, SCAG’s projected emission inventories for commercial airports and growth factors for general aviation airports were utilized (see Appendix III – Base and Future Year Emission Inventories). Some of the airport improvements are already considered in the inventory (e.g., those resulting in improved airport-specific taxi time). Other past efforts and improvements which may have air quality benefits, are primarily implemented for operational reasons and need to be further evaluated before SIP emission reduction benefits can be claimed. In designing future regulatory approaches to reduce emissions from airports, including establishing emission baselines and reduction targets, early and voluntary reductions may be taken into account to ensure fair and equitable treatment of all regulated entities in this source category. However, given the potential shortfall in emission reductions necessary to achieve all standards and the uncertainty in the emission reduction commitment from federal sources, further emission reductions will be necessary from all sources, including airports.

**Response 3-7**

The SCAQMD staff disagrees that the baseline year is inconsistent with the data provided in Appendix III. The 1997 emissions data are indeed provided in Appendix III. As previously mentioned in the response to comment #3-6, the emissions were based on 1997 activity data from airport operations from the FAA.

Please refer to the response to comment #3-6 for a response on credits for voluntary measures.

**Response 3-8**

The emissions projections in the 2003 AQMP are based on demographic growth forecasts incorporated in the 2001 Regional Transportation Plan (RTP) developed by SCAG, which represents the latest available forecasts. Future Aircraft emissions included in the AQMP are also based on the projected aircraft operations in the 2001 RTP. SCAG is currently in the process of developing the 2004 RTP which will also incorporate the impact of the events of September 11, 2001, as well as an updated forecast of the economy. These updated projections will be reflected in the next SIP revision (expected in 2007).

The preliminary projections of aircraft operations, which take into account the recent economical conditions as well as the impact of September 11, 2001, indicate the overall passenger travel (i.e., millions of air passengers) in 2025 is expected to be approximately 10 to 15 percent less compared to previous estimates. Despite this anticipated trend, aircraft emissions would continue to represent a significant portion of the remaining emissions in the Basin in 2010. Considering the level of reductions needed for attainment demonstration with the federal 1-hour ozone standard in 2010, all sources need to contribute their fair share toward the attainment goal. During any future rulemaking activity, the latest available emissions data will be utilized, as is currently the case.

### **Response 3-9**

Please see the response to comments #3-6 through 3-8. In particular, see Response 3-6 for information on emissions inventory for aircraft.

### **Response 3-10**

The SCAQMD disagrees with the opinion that inventory information is somehow deficient or inadequate. The SCAQMD staff considers the presentation of aircraft emissions in Appendix III to be sufficiently adequate for meeting the requirements of the 2003 AQMP. The commenter is referred to Appendix III, "Special Studies Section" for the methodology used for estimating the aircraft emissions. Additional detailed information (e.g., 1997 South Coast Aircraft Emission Inventory Study) is available through a Public Records Act request.

### **Response 3-11**

Please see the response to comments #3-6 through 3-8 and 3-10. For 1997, emissions are based on specific activity data provided by commercial airports (including JWA). Future emissions are based on SCAG's projected activity and emissions in the 2001 RTP.

### **Response 3-12**

The draft 2003 AQMP includes one control measure that may affect the air transportation industry. Control Measure FSS-05 would establish a mitigation fee for federal sources, including aircraft. The reductions from this measure have not been quantified so no performance standards from any of the AQMP emissions inventories have been used. For discussion of giving credits to airlines please refer to the response to comment #3-6.

### **Response 3-13**

Measures that would be implemented by the federal government would be expected to apply to all airports. Therefore, the concern that regulatory constraints at one airport

within the District could increase traffic at another airport in the District is not supported by the proposed control strategy in 2003 AQMP.

**Response 3-14**

The SCAQMD disagrees with the opinion that the Draft PEIR does not analyze traffic and transportation issues. As discussed in the PEIR, adopting the proposed 2003 AQMP is not expected to substantially increase vehicle trips or vehicle miles traveled in the district. Included as part of the proposed 2003 AQMP are SCAG's transportation and related control measures. These transportation control measures include strategies to enhance mobility by reducing congestion through transportation infrastructure improvements, mass transit improvements, increasing telecommunications products and services, enhanced bicycle and pedestrian facilities, etc. Specific strategies that serve to reduce vehicle trips and vehicle miles traveled, such as strategies resulting in greater reliance on mass transit, ridesharing, telecommunications, etc., are expected to result in reducing traffic congestion. Although population in the district will continue to increase, it is expected that implementing the transportation control measures (in conjunction with the Regional Transportation Plan) will ultimately result in greater percentages of the population using transportation modes other than single occupant vehicles. As a result, relative to population growth, existing traffic loads and the level of service designation for intersections district-wide would not be expected to decline at current rates, but could possibly improve to a certain extent. Therefore, implementing the AQMP is, overall, expected to ultimately provide transportation improvements and congestion reduction benefits.

See Response 3-12, 3-13 and 3-18 regarding control measures that apply to airports.

**Response 3-15**

See Responses 3-12, 3-13, and 3-18 regarding control measures that apply to airports. Neither air traffic nor air traffic patterns are expected to be directly or indirectly affected by adopting the proposed 2003 AQMP. Controlling emissions at existing commercial or industrial facilities and establishing mobile source exhaust and fuel specifications do not require constructing any structures that could impede air traffic patterns in any way.

**Response 3-16**

See Responses 3-12, 3-13, and 3-18 regarding control measures that apply to airports. In general the Health and Safety Code requires that a finding of consistency be made with

other regulations laws, etc. Therefore, it is expected that future mobile source control measures will be consistent with existing regulations such as the SCAQMD's fleet rules, parking restrictions, curbside access restrictions, vehicle and luggage inspections and related security measures.

### **Response 3-17**

See Response 3-12, 3-13, and 3-18 regarding control measures that apply to airports. FSS-05 would impose fees on federal sources not private passenger vehicles. Therefore, the potential congestion impacts described by the commentator are not anticipated to occur as a result of implementing FSS-05. Table ES-1 has been revised to indicate that the airport measure is a potential long-term concept to be implemented by the U.S. EPA.

### **Response 3-18**

The Draft Socioeconomic Report for the 2003 Air Quality Management Plan (AQMP) was released on May 20, 2003. Upon its release the public has an opportunity to comment upon the Socioeconomic Report for 30 days following release of the document. The SCAQMD staff has received comments from Gatzke Dillon & Balance on June 27, 2003 regarding comments of the Draft Socioeconomic Report. Please refer to the Draft Final Socioeconomic analysis for additional information on the socioeconomic analysis. The air transportation industry, including airports, is expected to incur an average annual cost of \$19 million from implementation of the potential long-term EPA concept strategy (formerly AIRPORT-1) and some SCAG transportation control measures. The long-term strategy would require the retrofit of engines and more stringent standards for new aircraft. AQMP Control Measures have been ranked by cost effectiveness, if cost information is available. See Chapter 6 of the AQMP.

### **Response 3-19**

Please refer to the socioeconomic analysis for more information on cost and benefits associated with implementing the 2003 AQMP. The 2003 AQMP addresses general strategies for how the SCAQMD will meet its air quality attainment goals for 2010 and beyond. Many of its strategies will require a great deal of coordinated effort among various agencies. The cost of the latter represents the commitment of local airports to arterial improvements for ground access. As a possible means of encouraging air carriers to purchase and operate aircraft with lower emission engines, revenue-neutral emission based landing fees were mentioned and have been implemented already at other airports worldwide. In order for the SCAQMD to meet its air quality attainment goals, federal sources of pollution will need to be regulated to a greater degree than they have been previously. During the rule development process additional analysis will be conducted to

determine cost and competitiveness impacts upon affected industries. See also Response 3-18 regarding anticipated costs to the air transportation industry.

**Response 3-20**

The SCAQMD staff disagrees with the opinion expressed in this statement that the PEIR fails to comply with the CEQA Guidelines. The CEQA Guidelines that apply to Program EIRs (§15168(b)(4), (d)(2)) do not require that performance standards be developed. See Response 3-21 for a further discussion.

**Response 3-21**

See Responses 3-12, 3-13, and 3-18 regarding control measures that apply to airports. In the case of the AQMP, the emission reduction goals that are necessary to comply with the ambient air quality standards have been developed (see PEIR Tables 2.6-1 and 2.6-2). The specific performance standards for each control measure are generally described in the individual control measure discussions where the overall goals of the AQMP have been also established. Emission reduction targets for most control measures have been included in the AQMP (see Appendices IV-A, IV-B, and IV-C). The AQMP and the PEIR seek to provide the available control measures that may provide sufficient emission reductions to meet the ambient air quality standards by 2010. For more detailed information regarding the estimated emission reductions from airplanes and airports, see Appendix IV-B of the AQMP.

**Response 3-22**

The “Areas of Controversy” section in Chapter 1 of PEIR included the areas of controversy identified prior to release of the Draft PEIR. As additional areas of controversy are identified, they will be added to this section prior to release of the Final PEIR to the public. Therefore, the additional issues raised by Gatzke Dillon & Balance LLP regarding airport issues have been included in Table 1.6-1 of the PEIR.

**Response 3-23**

The SCAQMD staff disagrees with the opinion expressed in this statement that the mitigation measures contained in the AQMP PEIR fail to comply with CEQA. This comment opposes the mitigation measures in the PEIR but provides no specific information regarding which mitigation measures are believed to be inappropriate. None of the mitigation measures identified in the PEIR are required by existing regulations. In a number of instances where mitigation measures have been applied, the PEIR has

concluded that the environmental impacts are still significant, e.g., secondary air emissions associated with construction activities, and hazard impacts at refineries.

The commentator also concludes that the impact analysis appears to be based on “best case” or not based on a reasonable analysis but provides no information on where the environmental analysis is inappropriate. Where data is available, “worst-case” analyses are conducted and this has been discussed throughout the PEIR. In general, control options are identified that will provide “worst-case” impacts to each environmental topic. This means that the control option generating “worst-case” secondary air quality impacts may not be the same as the control option that generated “worst-case” water quality impacts. This approach generally provides the most conservative analysis of environmental impacts.

Please note that the PEIR has been revised due to public comments and due to changes to the AQMP. Changes to the AQMP and resulting from comments received on the Draft PEIR have been evaluated and they do not meet any of the conditions described in CEQA Guidelines §15088.5 that would require recirculation.

### **Response 3-24**

The opinion expressed in this statement regarding the disruption of the natural gas pipeline system applies to the existing environment and is not an impact associated with the AQMP. Under the existing environment, an earthquake could disrupt operations at refineries and fuel supplies. Refineries are particularly vulnerable because they currently operate at full capacity and an interruption at a refinery can affect the fuel supply throughout the state. Petroleum products are frequently transferred via pipeline and would be subject to potential damage as would any pipeline in California.

An earthquake that would damage a pipeline containing either petroleum products or natural gas could cause a disruption in service. In either case, petroleum products as well as natural gas could be transported via trucks until the pipeline was repaired. Please note that more detailed information regarding potential emission reductions from vehicles is discussed in Appendix IV-B of the AQMP. Natural gas is currently used in a variety of applications including buses, trucks, and cars.

The CARB has developed Low Emission Vehicle standards that require increasingly stringent exhaust emission standards. Car manufacturers are required to phase-in a progressively cleaner mix of vehicles from year to year with a specified percentage of those vehicles to be zero emission vehicles. The exact technology to meet those standards is not specified. The regulations allow manufacturers to meet the standards through a number of different options. Manufacturers have generally used modified engine designs

and electric vehicles to comply with the CARB standards. Fuel cell vehicles are expected to be phased-in by 2008. No control measure is currently being proposed that would require the use of CNG fueled vehicles, although this fuel is expected to be widely used. CARB is currently proposing replacement and upgrades to emission control systems on existing passenger vehicles and improvements to the smog check program.

In general, CARB is not expected to prescribe the emission control strategies to comply with engine standards. The choice of control strategy will be up to the operator but the operators must have verified emission reductions or involve the use of CARB-certified engines and must meet the applicable standards.

### **Response 3-25**

The SCAQMD staff will follow its current rulemaking process which generally includes public workshops, drafting of the proposed rules, CEQA evaluation of the rules, public comment, revisions to the rules and review of the rules for potential adoption by the Governing Board. CARB and the U.S.EPA follow a similar procedure (although CEQA evaluation is not required for federal rules). The regulatory strategies relating to airport and aircraft emissions are expected to be promulgated by the U.S. EPA.

**COMMENT LETTER 4**

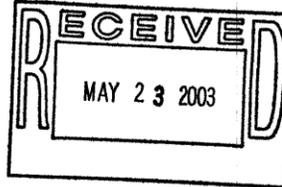
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**Metropolitan Water District of Southern California  
May 23, 2003**



**MWD**  
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office



May 23, 2003

Mr. Michael Krause  
c/o CEQA Section, Planning, Rule Development and Area Sources  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765-4182

Dear Mr. Krause:

Notice of Completion of a  
Draft Program Environmental Impact Report for the 2003 Air Quality Management Plan

4-1

The Metropolitan Water District of Southern California (Metropolitan) has received and reviewed the Draft Program Environmental Impact Report (Draft PEIR) for the South Coast Air Quality Management District (SCAQMD) 2003 Air Quality Management Plan (AQMP). The SCAQMD is proposing short-term and long-term control measures for stationary and mobile sources to be implemented with a cooperative partnership of governmental agencies at the federal, state, regional and local levels to achieve federal and state ambient air quality standards in the region. The Draft PEIR identifies potential impacts from the implementation of these control measures. This letter contains Metropolitan's views, as a potentially affected public agency.

4-2

3.4.2 EXISTING WATER SOURCES AND USES

*Page 3.4-4; Paragraph 2:*

The second to last sentence needs to include Lake Perris, Silverwood Lake, and Diamond Valley Lake to the list of reservoirs identified.

4-3

3.4.2.1 Surface Water Resources

*Page 3.4-5; Paragraph 2:*

The second sentence in this paragraph needs to be changed as follows: "Supplemental supplies are also available in some areas through the State Water Project (SWP), the Colorado River Aqueduct (CRA), and the Los Angeles River Aqueduct." The third sentence in this paragraph should be deleted.

Mr. Michael Krause  
Page 2  
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3.4.3 WATER DEMAND AND FORECASTS

4-4 The discussion in this section alternates between Metropolitan's service area, Southern California Association of Governments (SCAG) service area, California Department of Water Resources (DWR) South Coast District and all of Southern California. These jurisdictional areas vary and may mislead the reader with respect to water supply and demand forecasts. This section needs to clarify the differences between the governmental jurisdictions and the sources of water, demands, and other aspects of water supply that they manage, regulate, and/or plan.

4-5 *Pages 3.4-4 through 3.4-14:*  
The discussion relating to water supply and demand within existing conditions is excessive in light of potential impacts to this environmental category as described in the proposed 2003 AQMP. Because the discussion is misleading as mentioned in the previous comment, the Draft PEIR's discussion in the existing conditions should be limited to those areas which could be affected by the AQMP.

4-6 *Page 3.4-6; Paragraph 1:*  
Does the statement, "In the SCAG area, 74% of potable water is provided from imported sources" account for water going to San Diego County?

4-7 *Page 3.4-6; Paragraph 3:*  
This paragraph should begin as follows: "The Metropolitan Water District of Southern California (Metropolitan) monitors demographics in its service area using official SCAG and San Diego Association of Governments (SANDAG) growth projections."

4-8 The third sentence of this paragraph needs to be replaced with the following: "Based on official SCAG and SANDAG growth projections, the population in Metropolitan's service area is expected to be 21.3 million people by 2020, reflecting an annual increase of 223,000 per year."

*Page 3.4-6 – 3.4-7; Paragraph 5:*  
Changes to sentences 1, 3, and 4 in this paragraph should be made as follows:

4-9 *Sentence 1:* "Based on the SCAG and SANDAG official growth projections, total water use is expected to grow from a projected 3.8 million acre-feet in 2000 to 4.8 million acre-feet in 2020."

*Sentence 3:* "The water demand forecasts account for projected implementation of California's conservation BMPs, water savings resulting from plumbing codes, and savings due to price effects."

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4-9 cont. *Sentence 4:* “Per capita water demand in Metropolitan’s service area has decreased significantly since the 1980s, but is expected to remain relatively constant as rising affluence and growth in hot and dry areas dampen the effects of intense conservation efforts.”

3.4.4 IMPORTED WATER SUPPLIES

4-10 This section misrepresents water entering into Metropolitan’s service area with water going to Imperial Irrigation District (IID), Palo Verde Irrigation District (PVID) and other non-Metropolitan member agencies. In various places, this section also mixes its discussion with various imported supplies.

*Page 3.4-7 – 3.4-8; Paragraph 1:*

This paragraph should clearly state that the current supply of more than six million acre-feet of water per year includes IID, PVID, Desert Valley Water Agency (DVWA), San Bernardino Valley Municipal Water District (SBVMWD), Coachella Valley Water District (CVWD) and other water districts outside of Metropolitan’s service area.

4-11 The sentence stating, “Access to water in the southern California region has traditionally been a potential constraint to growth...” is misleading and needs to be changed to state, “Imported water supplies have historically been developed to accommodate Southern California’s original agricultural economy and more recently, its fast growing urban population. This population growth, driven by a fast growing economy and immigration has outstripped locally available water supplies, as in many cities around the country and California.

The last sentence in this paragraph that states, “The California Aqueduct, completed in the 1970s, delivers water from the Sacramento Delta...” needs to be changed to “The California Aqueduct, completed in the 1970s, delivers water from the Owens Valley ...”

*Page 3.4-8; Table 3.4-1 2000 – 2020 Water Demand and Forecast:*

This table seems to mix imported and local demands and supplies that could be confusing to readers. This table should be clarified.

4-12 The entry in this table for Metropolitan should add another footnote to clarify that the 2000 demands include the filling of Diamond Valley Lake and that it occurred in a dry year.

The information identified in footnote 3 is available in Metropolitan’s 2002 Water Supply Report and can also be found in other Metropolitan reports. Metropolitan requests the referencing of personal communication be removed and replaced with the documented source of this information.

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- 4-13 3.4.4.1 State Water Project  
*Page 3.4-8; Paragraph 1:*  
The first sentence in this paragraph that states: "One source of water for MWD is the SWP, which is owned by the state and operated by the DWR" needs to delete the phrase "by the state" and should be "...owned and operated by the DWR." Also, at the end of this paragraph "...Lake Perris..." needs to be changed to "...Lake Perris..."
- 4-14 *Page 3.4-9; Paragraph 2:*  
The 2001 example of 1.098 million acre-feet from the SWP should be replaced with the five-year average as a more realistic figure.  
  
The second sentence in this paragraph should delete "In California..." and begin with "DWR is contracted to..."  
  
The fourth sentence should state, "...supplies as determined by DWR, as well as demand within Metropolitan's service area."  
  
The last sentence needs to be corrected as follows: "(Personal communication, Nancy Quan, DWR 2002)." Delete "(MWD, 2002)" at the end of this sentence.
- 4-15 3.4.4.2 Los Angeles Aqueduct  
*Page 3.4-9; Paragraph 1:*  
The 2001 example of Los Angeles Aqueduct supplies needs to be replaced with a five-year average as a more realistic figure. The 2001 figure is low and therefore not an adequate indicator of future water supply.
- 4-16 3.4.4.4 Supply Inventory  
The Interim Surplus Guidelines were suspended on January 1, 2003, and may or may not be reinstated by the Secretary of the Interior. Therefore, to be more generic, the document could state that over the next 20 years, Metropolitan will receive available surplus water as determined by the Department of the Interior.
- 4-17 *Page 3.4-10; Paragraph 1:*  
The first sentence should delete the word "historical."  
  
*Page 3.4-10; Table 3.4-2:*  
This table doesn't really provide any valuable information and could be removed.

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4-17  
cont.

*Page 3.4-11; Paragraph 1:*

While it was true Metropolitan essentially had access to a full CRA for each of the prior 20 years, in 2003, California for the first time received no surplus water, and Metropolitan was cut back to 592,000 acre-feet.

4-18

3.4.4.5 Tentative Agreement Reached on Colorado River Water Accords

Recently, Metropolitan published its 2003 Report on Metropolitan's Water Supplies (Water Supplies Report) which indicated the water supply inventory for the Southern California region is adequate and reliable for the foreseeable future. Southern California's water supply reliability is based on a mix of local supplies, water storage and imported supplies. A portion of the region's imported water supply portfolio includes water from the Colorado River. As part of an effort to increase the reliability of Southern California's Colorado River water supply, the Colorado River Board for the State of California released the working draft California Colorado River Water Use Plan (California Plan) in 2001. A part of the California Plan is contingent upon completion of a water transfer between IID and San Diego County Water Authority (SDCWA) and completion of a Quantification Settlement Agreement (QSA) among Metropolitan, IID and Coachella Valley Water District. Both the IID/SDWA Transfer and the QSA have been delayed due to a number of factors and it remains unclear when or if those transactions will be completed. In addition to uncertainty over the IID/SDCWA Transfer and the QSA, a record setting drought in the Colorado River Basin has further complicated ensuring reliability of Colorado River water supply for the near future. Negotiations are continuing on both the QSA and the IID/SDCWA Transfer and it remains possible that agreement may be reached on those programs before October 2003. Regardless of the status of the QSA, the IID/SDCWA Transfer or hydrologic conditions on the Colorado River, Metropolitan's water supply portfolio has adequate supplies to meet regional demands from other sources as documented in its Water Supplies Report.

4-19

3.4.6 WATER RESOURCE ALTERNATIVES

Metropolitan's numerous transfers and storage programs are not addressed sufficiently in this section.

4-20

3.4.7 WATER RECYCLING

The last paragraph in this section discusses a specific recycling project by the West Basin Metropolitan Water District (WBMWD). It appears that a heading needs to be added for this paragraph similar to the preceding sub-sections that described specific projects. It is not clear why the projects identified in this section were included in the discussion and why many other recycling projects were not included. Clarification needs to be provided regarding why the projects that were discussed in the sub-sections (3.4.7.1 Reclaimed Water by LADWP, and 3.4.7.2 Orange County) were included or those sub-sections should be eliminated.

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4-21 3.4.8 WATER CONSERVATION  
This section should be expanded in its discussion on water conservation. A discussion regarding Metropolitan's funding of 2.0 million Ultra-Low Flush (ULF) toilets should be included in this section along with LADWP's 950,000 ULF toilets. Information regarding Metropolitan's conservation programs can be obtained from Metropolitan's Urban Water Management Plan and Senate Bill 60.

4-22 4.4.3 SIGNIFICANT CRITERIA  
*Page 4.4-1; 1<sup>st</sup> Bullet:*  
The stated Significance Criteria refers to 5,000,000 gallons per day. The source of this significance criteria needs to be referenced and the criteria itself further explained.

4-23 4.4.4 POTENTIAL HYDROLOGY/WATER QUALITY IMPACTS AND MITIGATION MEASURES  
*Page 4.4-18*  
Metropolitan applauds Project-Specific Mitigation Measure HWQ 6, which requires the use of native and drought resistant species in tree planting programs to minimize water consumption as part of the AQMP.  
Metropolitan continues to support a multi-faceted campaign launched in July 2002, encouraging outdoor water conservation and promoting the use of native and drought-tolerant plants in gardens.  
We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation on the AQMP. If we can be of further assistance, please contact Ms. Carissa Dunn of the Environmental Planning Team at (213) 217-5652.

Very truly yours,

  
Laura J. Simonek  
Manager, Asset Management  
and Facilities Planning Unit

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(Public Folders/EPU/Letters/23-MAY-03F.doc - Michael Krause)

**COMMENT LETTER # 4  
FROM METROPOLITAN WATER DISTRICT**

Laura J. Simonek  
May 23, 2003

**Response 4-1**

The SCAQMD understands that the comment letter contains Metropolitan Water District's (MWD's) views as potentially affected agency.

**Response 4-2**

The revision suggested in this comment has been incorporated into the AQMP PEIR.

**Response 4-3**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-4**

The comment is noted and clarification regarding the various jurisdictions has been added to the PEIR.

**Response 4-5**

See Responses 4-4 regarding the various jurisdictions. Implementing 2003 AQMP Control Measures is expected to result in incremental increases in water demand. A discussion of the existing water resources in the district is appropriate for the environmental analyses in the PEIR. The discussion reflects the fact that water comes into the district from a number of different sources and that the distribution of the water is complicated.

**Response 4-6**

The SCAG region referred to in this comment does not include San Diego County.

**Response 4-7**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-8**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-9**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-10**

The revisions suggested in Responses 4-11 and 4-12 regarding current water supply address this issue and have been incorporated into the PEIR.

**Response 4-11**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-12**

Table 3.4-1 was developed to show the estimated water demand in the District which includes both imported and local water supplies. No attempt was made to distinguish between local and imported supplies.

The revisions suggested in the second and third paragraphs of this comment have been incorporated into the AQMP PEIR.

**Response 4-13**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-14**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-15**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-16**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-17**

The revisions suggested in this comment have been incorporated into the AQMP PEIR.

**Response 4-18**

Additional and updated information provided in this comment has been incorporated into the AQMP PEIR.

**Response 4-19**

Additional information regarding MWD's transfer and storage programs have been added to this section of the PEIR.

**Response 4-20**

A subheading has been added above the last paragraph in this section. Information regarding additional recycling projects has been added to the PEIR.

**Response 4-21**

The section on water conservation has been expanded and information regarding ULF toilets has been included.

**Response 4-22**

This significance criterion is a standard significance criterion that the SCAQMD has used since approximately 1990. It is based on the analysis of water impacts in a desert environment (Final EIR for the Coachella Valley PM10 SIP; SCAQMD, 1990).

**Response 4-23**

The SCAQMD understands that the MWD supports the use of native and drought resistant species. The SCAQMD appreciates the information provided by the MWD, which further improves the accuracy of the information contained in the PEIR. Modifications to the PEIR based on recommendation in the MWD's comment letter do not constitute substantial new information requiring recirculation of the Draft PEIR pursuant to CEQA Guidelines §15088.5.

**COMMENT LETTER 5**

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**The Port of Long Beach**  
**May 21, 2003**

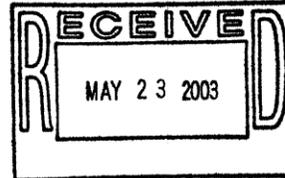


*The Port of Long Beach*

P.O. BOX 570 · LONG BEACH, CA 90801-0570 · TELEPHONE (562) 437-0041 · FAX (562) 901-1725

May 21, 2003

Michael Krause  
South Coast Air Quality Management District  
21865 East Copley Drive  
Diamond Bar, California 91765-4182



Subject: Comments on Draft Program Environmental Impact Report for the  
2003 Air Quality Management Plan

Dear Mr. Krause:

5-1

The Port of Long Beach (Port) appreciates this opportunity to comment on the Draft Program Environmental Impact Report (DPEIR) for the 2003 Air Quality Management Plan (AQMP). We look forward to working with you and your staff to ensure that the final AQMP is based upon the best applicable data and analytical techniques and that the measures ultimately proposed represent the best possible combination of feasibility and cost-effectiveness. I am confident that, by working together, the maritime industry, the South Coast Air Quality Management District (District), the California Air Resources Board (CARB), and the United States Environmental Protection Agency (EPA) can achieve significant reductions in port-related emissions.

5-2

The Port has many concerns regarding the presentation of AQMP impacts in the DPEIR. As we will discuss below, several areas lack clear descriptions of proposed measures (e.g., FSS-05) while the impacts of other measures (e.g., MARINE-3) are not fully disclosed. In addition, the format of the document is confusing in that it does not lead the reader to understand what measures are being discussed. For example, Table ES-2 identifies Impacts, Mitigation Measures, and Residual Impacts of proposed AQMP measures, but does not identify which proposed AQMP measure causes which impact. In Chapter 4, impacts from various measures are aggregated into umbrella sections that cover large sectors such as stationary sources or mobile sources. As a result, it is impossible to discern what measures any given paragraph is discussing; the discussion of impacts of port-related measures, beginning on page 4.1-36, is a clear case in point.

5-3

In Table ES-1 (p. ES-15) and in Table 4.0-2 (p. 4.0-3) of the DPEIR, District staff consider the impacts of FSS-05 and FSS-07 too speculative to address because at this time it is unknown what mitigation fees would be proposed or how the funds collected would be spent. However, a clear and stable project description is at the heart of the California Environmental Quality Act (CEQA) and in this case the DPEIR not only fails to describe the project impacts, it fails to describe the project. Accordingly, the District should either clearly define the proposed measures and assess their impacts in a recirculated DPEIR or remove them entirely from the 2003 AQMP. In either case, it is

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AWARDS FOR EXCELLENCE IN EXPORT



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cont.

inappropriate for such vague measures to be included in what will be a federally-enforceable AQMP without public disclosure through CEQA.

5-4

In recent years the Ports of Long Beach and Los Angeles have invested heavily in on-dock rail, grade separations, and the Alameda Corridor, in order to encourage the use of rail over truck, reduce cargo congestion, and reduce the impacts of cargo-handling on the port-area. While little is known about proposed measures FSS-05 and FSS-07, the application of fees to train movements in the Port could result in the diversion of cargo from trains back to trucks, resulting in thousands of additional truck trips. This could have a significant detrimental impact on air quality since trains are less polluting on a cargo ton-mile basis than trucks. In addition, cargo diversion from trains to trucks could result in increased congestion on local freeways, further impacting air quality. None of these potential impacts has received even a cursory review in the DPEIR.

5-5

Also absent from the section on FSS-05 and FSS-07, in particular, and throughout the DPEIR, in general, is a discussion of Environmental Justice. In September 2002, the District Governing Board approved 23 Environmental Justice Enhancements. The District's proposals in FSS-05 and FSS-07 could result in significant increases in truck trips through identified Environmental Justice communities as a result of cargo diversion from trains. The DPEIR also alludes to increased ethanol shipments, particularly through the port area, without any discussion of impacts on the environment or nearby Environmental Justice communities. In contradiction of District Environmental Justice policies I-3 and I-4, the DPEIR does not contain any discussion of these issues.

5-6

In Table ES-2 (p. ES-23), Table 4.1-3 (p. 4.1-8), and throughout the discussion of impacts associated with measures MARINE-3 and LONG-TERM, there is no disclosure of either of the need for additional power generation to meet the demands of cold-ironing or of the resultant impacts. In fact, the only reference to the future power needs resulting from MARINE-3 comes on p. 4.1-10 where the District discloses the potential increased use of electric vehicles associated with the measure; however, MARINE-3 targets marine vessels, not land-side vehicles. Yet, the proposed cold-ironing of ocean-going vessels is likely to impose large, unknown, power demands on the local grid which the District has failed to assess and disclose. The DPEIR argues that the incremental power needs and peak demand use in 2010 are negligible to total power needs in 2010. However, the cursory examination contained in Section 4.2.4 does not include any assessment of the future power needs of cold-ironed vessels. As a result, their examination ignores the potential impacts of the measure that may have largest impact on future energy demand. Cargo vessels require large amounts of power to cold-iron at berth and power demand is expected to grow as vessel size continues to grow over the coming years. Accordingly, we request that the District fully examine the impacts of

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cont. each proposed measure individually and cumulatively, and identify each measure's future power demands, particularly for MARINE-3 and LONG-TERM. In addition, the difficulty of siting new power generation facilities and the recent energy crisis in California require the District to take a serious look at the increased power consumption and peak demand that would be caused by the proposed measures.
- 5-7 The DPEIR's description of Mobile Source Impacts and Mitigations is confusing and does not clearly attribute impacts or mitigation to specific proposed measures. In that section, the DPEIR describes a 25-Mile Off-Shore Shipping Lane as an alternate control measure/mitigation measure and links its infeasibility to shipment of oxygenates and blending stocks. However, there is no relation between an off-shore shipping lane and the shipment of oxygenates through the Port. An accurate description of the issues associated with a proposed off-shore shipping lane can be found in *Air Quality Impacts from NOx Emissions of Two Potential Marine Vessel Control Strategies in the South Coast Air Basin*, prepared by the CARB and the SCAQMD. Accordingly, we request that staff review the report and that the DPEIR be revised to reflect this information.
- 5-8 Also under the mobile source section, the DPEIR discusses Reducing Ship Cruising Speed. Unfortunately, this section does not reflect shipping realities. The estimated speeds for cargo vessels are incorrect and the potential emission benefits from a vessel speed reduction strategy are also incorrect. Once again, we refer you to *Air Quality Impacts from NOx Emissions of Two Potential Marine Vessel Control Strategies in the South Coast Air Basin*, prepared by the CARB and the SCAQMD, to develop an accurate description of the existing setting and potential emission reduction benefits. In addition, the description does not include any reference to the Memorandum of Understanding that was created as a result of the findings contained in your study and to which the District is a signatory. Through the MOU, the Vessel Speed Reduction Program has been implemented in San Pedro Bay and has achieved over one ton a day in NOx reductions.
- 5-9 The Reducing Ship Cruising Speed section also contains, for reasons that are not clear, a discussion of harbor craft retrofits (page 4.1-45). This description is also inaccurate: most of the harbor craft retrofits occurred as a result of the Carl Moyer Program, not Rule 1631. So, while the program is voluntary, no credits were ever envisioned and emission benefits were to be allocated to the benefit of the environment, not RECLAIM. The Carl Moyer Program represents an excellent method of significantly reducing emissions from otherwise unreachable sources. Since mitigation is not limited to regulatory powers, the DPEIR statement regarding lack of jurisdiction to require the repowering of harbor craft or other state and federal sources is incorrect. The District can continue to support the Carl Moyer Program and allocate other funds for incentive

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cont.

programs to reduce emissions. With this in mind, the Port recommends that the text in the DPEIR be revised and that harbor craft be given their own section.

5-10

Again for reasons that are not clear, the Reducing Ship Cruising Speed section (page 4.1-45) contains a discussion of locomotives. Neither in this section or under the section on project impacts is there any assessment of the potential impact of the proposed fees on locomotives. The proposed fees could result in the diversion of cargo from trains to trucks to the detriment of the environment. To meet the requirement of CEQA, the DPEIR should examine this issue. Furthermore, locomotives should be placed in a separate section and the discussion should be revised and expanded.

5-11

As a result of the deficiencies listed above – a failure to assess the impacts of cold-ironing on energy production; the potential for fees to divert cargo from trains to trucks with resultant environmental impacts; inaccurate descriptions of the off-shore shipping lane, vessel speed reduction, and harbor craft; the lack of assessments of the impacts of FSS-05 and FSS-07; and the generally confusing structure of the document, which prevents the reader from linking impacts and mitigation with the proposed measures that produce the impacts – the District should revise and recirculate the DPEIR.

If you have any questions regarding our comments, please call Thomas Jelenić at (562) 590-4160.

Sincerely,



Robert Kanter, Ph.D.  
Director of Planning

TAJ:s

cc: John McLaurin, Pacific Merchant Shipping Association  
Marc MacDonald, Pacific Maritime Association  
Tim Parker, Steamship Association of Southern California  
Larry Keller, Port of Los Angeles  
T.L. Garrett, Port of Los Angeles  
Jim McGrath, Port of Oakland  
Kathleen Metcalf, Chamber of Shipping of America  
Tom Chase, American Association of Port Authorities  
Tim Schott, California Association of Port Authorities

**COMMENT LETTER # 5  
FROM THE PORT OF LONG BEACH**

Robert Kanter  
May 21, 2003

**Response 5-1**

The SCAQMD staff understands that the Port is interested in working with the various agencies to achieve significant reductions in port-related emissions.

**Response 5-2**

The SCAQMD disagrees with the opinion expressed in the statement that the PEIR is unclear or that impacts of measures are not fully disclosed, as discussed in more detailed Response 5-3, 5-4 and 5-6 below. Note that Table ES-1, Table 4.0-1 (no impacts), Table 4.0-2 (speculative impacts), Table 4.1-3 (air quality impacts), Table 4.2-1 (energy impacts), Table 4.3-1 (hazard impacts), Table 4.4-1 (hydrology/water quality impacts), and Table 4.5-1 (solid/hazardous waste impacts) identify the impacts associated with each control measure.

The comment regarding port-related measures on page 4.1-36 is not clear. The discussion in the Draft PEIR under mobile sources included discussion of impacts from FSS-06, ON-RD HVY DUTY-3, OFF-RD CI-1, OFF-RD CI-2, OFF-RD LSI-1, OFF-RD LSI-2, MARINE-1, MARINE-2, MARINE-3, MARINE-4, AIRPORT-1 and FUEL-2. The list of control measures was provided in the Draft PEIR. This section has been revised to reflect changes to the AQMP (i.e., elimination of certain control measures). The descriptions of the AQMP and the Control Measures in the Draft PEIR were only summaries of the proposed project. The 2003 AQMP and Appendices with the full descriptions of each Control Measure were available during the public comment period for the Draft PEIR. The commentator, therefore, had other sources of information to supplement the information in the Draft PEIR.

**Response 5-3**

The SCAQMD staff disagrees with the opinion expressed in this statement that the PEIR fails to describe the project or impacts from the project. Chapter 2 of the Draft PEIR included a comprehensive project description, consistent with CEQA Guidelines §15124, which states in part that the description of the project “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” As noted in Response 5-2 additional sources describing the AQMD and Control Measures were available during the comment period for the Draft PEIR to supplement the information in the Draft PEIR. Similarly, there are extensive and comprehensive analyses on potential adverse environmental impacts from implementing AQMP Control Measures in Chapter 4. The commentator has not provided any information on how the analysis of impacts is deficient.

See Response 1-3 regarding FSS-05 and FSS-07. See also Responses 1-23 through 1-25 regarding FSS-05 and Responses 1-28 through 1-30 regarding FSS-07. Based on the 1997 Average Annual Inventory, on-and off-road mobile sources represent more than 80 percent of the NOx emissions inventory. The SCAQMD staff considers the need to develop additional mobile source control strategies in the Plan to be significant because of the significant level of emission reductions required to demonstrate attainment with the 1-hour ozone standard by 2010. The actual specifics of how a mitigation fee for port-related sources would be structured, is beyond the scope of the control measure write-up. The details of such a program would be thoroughly evaluated and analyzed during the rule development process. However, the control measure has been revised to include criteria for establishing the emissions fee and for selecting emission reduction projects.

**Response 5-4**

See Responses 1-3 and 1-23 through 1-25 regarding impacts associated with FSS-05. See Response 1-47 regarding diversion of cargo onto trucks.

**Response 5-5**

See Response 1-24 regarding environmental justice issues. See Response 1-47 regarding diversion of cargo onto trucks.

The lack of a specific discussion on the subject of environmental justice (EJ) in the Draft PEIR is not indicative of the SCAQMD's level of commitment to the SCAQMD Governing Board's EJ Enhancements approved in September 2002. Environmental Justice issues the SCAQMD has been and continuing to be proactive in developing and implementing Environmental Justice Programs. As such, in September 2002, the SCAQMD Governing Board approved 23 Environmental Justice Enhancements. One of the 23 enhancements approved by the SCAQMD's Governing Board is the commitment to adopt a rule to reduce the emissions from off-road equipment such as yard tractors at intermodal sites throughout the Basin. The first phase of this commitment is being proposed as Proposed Rule 1198 – Intermodal Equipment which will affect off-road equipment at the Ports. The intent of the draft 2003 AQMP is to submit an update to the attainment demonstration plans for the federal 1-hour Ozone, PM10, and CO standards. EJ discussions, though important, are not required by CEQA and therefore are not included in any of the PEIR. However, during promulgation of some of the AQMP Control Measures into rules or regulations EJ consideration is likely to be one criterion proposed for establishing emission fees and selecting specific projects for funding.

The impacts from Control Measures FSS-05 and FSS-07 on rail traffic is speculative and there is no justification for stating that the measures would result in increased truck traffic to and from the Ports.

**Response 5-6**

Note that MARINE-3 has been deleted as a short-term control measure, however, cold ironing remains a potential scenario for implementation by the U.S. EPA. The potential increase in emissions associated with generation of additional electrical supplies is addressed in the PEIR (see PEIR pages 4.1-5 though 4.1-13). As indicated in this comment, the proposed cold-ironing of ocean-going vessels is likely to impose unknown power demands on the local grid. Additional information will be added to Section 4.2.4 to indicate that additional electricity may be required associated with cold ironing. The potential increase and amount of electricity is unknown in part because many vessels are not configured to use cold ironing. Because the control measure is general in nature, it is difficult to determine what, if any, impacts could be expected. Therefore, the electrical impacts of cold-ironing are considered speculative and no further environmental analysis is required (CEQA Guidelines §15145). The Port of Los Angeles and DWP are currently investigating cold ironing with several cargo ship operators. The overall energy impacts may be beneficial as the use of cold-ironing will reduce the amount of fossil fuels used by the marine vessels for onboard power.

**Response 5-7**

The use of additional oxygenates (ethanol) in fuel would require the additional transport of ethanol via railcar from the mid-western portion of the United States, or via marine vessels from other countries.” Currently, virtually all of the oxygenates are coming from the mid-western portion of the United States. Ethanol could come from other countries, e.g., South American countries and Middle Eastern countries. In virtually all cases, oxygenates from another country would approach the ports of Long Beach or Los Angeles from the south or west and not from the north as implied by this comment. There are currently no known ethanol plants located north of California so vessels would not be delivering ethanol and approach the ports from the north (and transit the coast of California). This section of the Draft PEIR, however, has been revised to clarify issues associated with the mitigation measures and the agencies responsible for implementing the measures. Also, refer to Response 1-39.

**Response 5-8**

This section has been clarified to indicate that within certain ranges (above 18 knots), the reduction of ship speeds (to about 12 to 15 knots) is effective to reduce emissions. However, as indicated in this section, NO<sub>x</sub> emission reductions for ship speeds below five knots are not expected.

**Response 5-9**

This section has been revised and clarified. See also Response 5-8.

**Response 5-10**

A heading has been added to the beginning of this section to indicate that the discussion of mitigation measures is for locomotives. The impacts associated with the locomotives are discussed in the impact section and the section on page 4.1-45 is discussing mitigation measures. See also Responses 1-3, 1-23, 1-24, 1-25, 1-28, 1-29, and 1-30 regarding emission fees associated with FSS-05 and FSS-07.

**Response 5-11**

As discussed above, the modifications and clarifications have been added to the PEIR. However, the commentator has provided no substantive support for the alleged deficiencies described in this comment. Based on modifications to the 2003 AQMP and recommendations received by the public, including the Port, minor modifications have been made to the PEIR. These modifications have been evaluated and they do not constitute significant new information (CEQA Guidelines §15088.5), i.e., does not include: (1) a new significant environmental or a new mitigation measure; (2) a substantial increase in the severity of an environmental impact; or (3) a feasible project alternative or mitigation measure that would lessen the impacts of the project but was not implemented. Therefore, the PEIR did not require re-circulation (CEQA Guidelines §15088.5).