



South Coast Air Quality Management District

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Mrs. Ruth B. Villalobos
U.S. Army Corps of Engineers
Chief, Planning Division
P. O. Box 532711
Los Angeles, CA 90053-2325

**Draft Environmental Assessment (DEA) for the
Los Angeles River Estuary Maintenance Dredging Project
(July 2005)**

Dear Mrs. Villalobos:

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Environmental Assessment.

Please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Assessment. The SCAQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS: CB

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Control Number

**Draft Environmental Assessment (DEA) for the
Los Angeles River Estuary Maintenance Dredging Project**

1. **Project Air Quality Emissions:** On page 21 of the DEA, the NEPA lead agency states that emissions from the use of the dredging equipment, namely a hydraulic cutter head dredge, a hopper dredge, or a mechanical dredge, for the proposed project “are expected to cause minor short-term adverse impacts on air quality. However, the overall impact of the project on local ambient air quality is not expected to be significant.”

The lead agency provides no data to support the above statements. The lead agency does not provide any quantitative estimates of project emissions or control efficiencies associated with the mitigation measures identified on page 22 of the DEA.

Without quantifying air quality impacts from the proposed project, the lead agency has not demonstrated that the proposed project’s air quality impacts are not significant. To calculate emissions, the NEPA lead agency needs to identify all emissions sources in addition to the dredge motor drive including but not limited to marine vessel emissions from the vessel on which the dredge motor is operating, marine vessel cruise emissions to and from the dredge site, barge emissions to dispose of the dredge material at the LA Borrow Pit Placement Site and the LA-2 Ocean Dredge Material Disposal Site, worker commute trips to the marina, etc. Marine vessel emissions can be derived from the SCAQMD’s Marine Vessel Emissions Inventory and Control Strategies Final Report prepared by Arcadis, Geraghty & Miller (23 September 1999) or from U.S. EPA sources such as Best Practices in Preparing Port Emission Inventories (http://www.epa.gov/ispd/bp_portemissions.pdf, etc).

Once daily emissions are calculated, the SCAQMD requests that they be compared to the SCAQMD’s air quality significance thresholds found at the following SCAQMD web site (<http://www.aqmd.gov/ceqa/handbook/signthres.doc>). Air quality impacts should be considered significant if any daily emissions exceed the SCAQMD’s recommended air quality significance thresholds.

2. **Temporary Dredging Emissions:** On page 21 of the DEA, the NEPA lead agency qualitatively dismisses potentially significant adverse air quality impacts from the proposed project stating, “The proposed dredging activities would be temporary in nature, and subject to Federal, State and County air quality regulations and standards.” First, it is irrelevant if emissions are temporary as an area’s attainment status is based on daily exceedances of the California and national ambient air quality standards. Second, marine vessels are, in general, relatively uncontrolled emissions sources. Further, there are no federal, state or local regulations that limit mass emissions from these sources. Finally, the courts in California rejected the notion that complying with a standard adopted by a public agency will not create significant adverse environmental effects (Citizens for a Better Environment et al. vs. the California Resources Agency [C039944, 3rd App. Dist. Oct. 28, 2002]).

3. **Project Vs. Regional Emissions:** On page 22 of the DEA, the NEPA lead agency again qualitatively dismisses the potentially significant adverse air quality impacts stating, “Compared to the hundreds of tons of pollutants emitted in the Los Angeles County each day, the limited levels of drive exhaust pollutants are small, but still adverse.” This type of rationale to determine insignificance was rejected by the court in *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) 221 cal. App. 3rd 692 [270 Cal. Rptr. 650]. In this case, in reference to ozone precursor emissions, the court stated that this approach to determining insignificance was flawed. As the court explained, “the EIR’s analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project’s impacts.” therefore, please delete this statement from the Final EA.
4. **Air Quality Impacts Mitigation:** On page 22 of the DEA, the NEPA lead agency states further, “Impacts ... would be mitigated as necessary by measures required by the SCAQMD. Such measures may include (1) retarding injection timing of diesel powered equipment for NO_x control, and (2) using reformulated diesel fuel to reduce reactive organic compounds (ROC) and sulfur dioxide (SO₂).” First, for dredging operations, such as the one proposed, the SCAQMD has little authority to regulate marine vessel emissions and emissions from auxiliary equipment used on marine vessels. Second, the SCAQMD requests that the lead agency make a firm commitment to implement the two mitigation measures described above, as well as any other mitigation measures in the event air quality impacts remain significant after implementing the two measures listed here.
5. **Health Risk Assessment:** On page 22 of the DEA, the NEPA lead agency notes that the project includes diesel-powered equipment. The dredge vessel is also likely to use diesel as a combustion fuel. Combustion of diesel fuels produces particulate matter, which has been deemed carcinogenic by the California Air Resources Board. Therefore, the SCAQMD requests that a mobile health risk assessment be prepared pursuant to the SCAQMD’s guidance, which can be found at:
www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html.