



South Coast Air Quality Management District

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December 15, 2005

Dr. Ralph G. Appy
Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151

Dear Dr. Appy:

Notice of Preparation of a Draft Environmental Impact Report for Southern California International Gateway

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff understands the importance of efficient port activity and goods movement. However, the proposed scope and location of the Southern California International Gateway (SCIG) project should not be assumed acceptable since it has the clear potential to significantly impact local and regional air quality. The location of this project is in a non-attainment area, adjacent to already-impacted residential communities that have raised environmental justice concerns, and in close proximity to several schools. Thus a thorough assessment of environmental and public health impacts is needed. In addition, in order to comply with CEQA, the port must apply its creative energies to identify emission control measures and project alternatives—including alternative sites and the no project alternative—to mitigate significant adverse impacts identified through the impact analysis.

We submit the following comments regarding the analysis of potential air quality impacts, mitigation measures and project alternatives that must be included in the Draft Environmental Impact Report (DEIR):

Characterization of Emissions. The EIR must thoroughly characterize the types of air contaminants that will be emitted from equipment, and their health and environmental impacts. Of particular concern, the project will result in emission of diesel particulate matter, a complex mixture of gases and fine particles that contains many carcinogenic compounds, including arsenic, benzene, formaldehyde, 1-3-butadiene, and ethylene dibromide.¹ In 1998, the California Air Resources Board (CARB) identified diesel

¹California Environmental Protection Agency, Air Resources Board and Office of Environmental Health Hazard Assessment, 1998 Executive Summary for the "Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant."

exhaust as a Toxic Air Contaminant (TAC) based on its cancer causing potential. The lead agency must conduct a thorough health risk assessment to quantify the potential health risks from sources associated with the proposed project and its alternatives, including alternative sites (discussed below).

Project Location, Objectives and Alternatives Analysis. The SCAQMD is concerned about the site selected for the proposed SCIG project. The community adjacent to the Terminal Island Freeway is already heavily impacted by neighboring refineries, diesel truck traffic on the Terminal Island Freeway, and the intermodal facility north of the proposed SCIG project. The SCAQMD has examined elemental carbon contained in the inhalable particulate fraction (PM10) in the Long Beach and Wilmington area. Based on SCAQMD sampling data, average elemental carbon at Hudson Elementary School (7.0 ug/m³) was 59 percent higher² than any other study sites evaluated in the Long Beach and Wilmington area. Hudson Elementary School is within a quarter-mile from the project site and would likely be significantly impacted. The environmental analysis should thoroughly consider effects on this sensitive receptor, and among others.

The SCAQMD is pleased that the lead agency has added Alternative #3: Alternative Site Location. The SCAQMD staff is concerned, however, that the proposed SCIG project objective still includes construction of a “near-dock” intermodal rail facility. Such a foregone conclusion or objective should not be reached at this stage of the environmental review process. It is essential that this statement of project objectives not constrain consideration of alternative sites. As required in the CEQA Guidelines, the lead agency must thoroughly consider alternative site locations that will result in reduced public health impacts to residences and sensitive receptors. “The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines §15126.6(b) (emphasis added). Due to the magnitude of the proposed rail project and proximity to sensitive receptors, the SCAQMD believes that the lead agency must consider an on-dock or on-port alternative that could minimize diesel truck emissions and localized impacts to residences and sensitive receptors. An on-dock or on-port facility is also potentially more efficient as cargo is loaded from the ships more directly to the trains, eliminating many heavy-heavy duty diesel truck trips.

The Draft EIR must thoroughly analyze the ability to alter historical operating practices, land use agreements and any other impediments to implementation of an on-dock or on port alternative before rejecting such a possibility as infeasible. While CEQA Guidelines list a number of factors, which may be considered in determining the feasibility of an alternative, “no one of these factors establishes a fixed limit on the scope of reasonable alternatives.” CEQA Guidelines §15126.6(f)(1). The fact that an alternative may even require legislative change does not necessarily make it infeasible. Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal3d 553, 573. Thus, the fact that an alternative may require changes to the project, changes to port operations such as leases, or impede some project objectives, does not make it infeasible.

Mitigation of Emissions from Line Haul Locomotives. The proposed project lacks sufficient mechanisms to minimize diesel particulate emissions from line-haul locomotives. The CARB railroad MOUs and recently approved regulation for Cargo Handling Equipment at Ports and Intermodal Rail Yards also will not adequately address public health and air quality impacts. Line haul locomotives will clearly cause significant emissions impacts, yet the NOP identifies no mitigation measures or alternatives to be analyzed to mitigate these impacts. The Port of Los Angeles No Net Increase report included measures directed to the line haul locomotives that must be included in the EIR and implemented as feasible measures to mitigate identified significant impacts. "An EIR shall describe feasible mitigation measures which could minimize significant adverse impacts." (CEQA Guidelines §15126.4(a)(1).) These measures, at a minimum, should be included as required mitigation in the Draft EIR. "(A)n adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible." Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1029.

Proposed Emissions Control Strategies Identified in NOP. The SCAQMD staff commends BNSF Railway and the lead agency for their initial plans to incorporate alternatives to diesel-powered railroad switch engines and yard hostling trucks, electric cranes, and plans to evaluate alternative non-diesel delivery systems for containers. However substantial uncertainties regarding the scope of these plans remain, that must be better defined. The project proponent apparently is still evaluating the feasibility of alternative technologies, and the proposed project thus lacks commitment to implement them. In addition, it is unclear in the NOP which cranes will be electric, or whether other cargo handling equipment such as sideloaders, chassis stackers, etc. will be electric.

The Draft EIR must definitively specify where alternative technologies will be used throughout the project, and quantify the potential emissions impact associated with their use. In addition, the Draft EIR must quantify emissions associated with all equipment associated with the proposed project such as rail maintenance of way equipment (anchors, ballast regulators, ballast sweepers, compactors, locomotive cranes, spike reclaimers, etc.), hy-rail trucks or other rail-related equipment. Agencies may not defer the formulation of mitigation measures until some future time. (CEQA Guidelines §15126.4(a)(1)(B); Sundstrom v. County of Mendocino (1988) 202 Cal.App.3rd 296, 308-309.

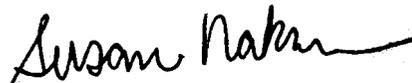
In short, the project must use the cleanest technologies feasible for *all* equipment in order to mitigate identified significant impacts. To the extent that low emitting technologies may not be immediately feasible, the project approval must include enforceable commitments and schedules to implement such technologies when they become feasible, as necessary to mitigate identified significant adverse effects. "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." CEQA Guidelines §15126.4(a)(2).

Buffer zones, Grade Separations, etc. A full review of alternative sites and consideration of the no project alternative must occur prior to proceeding with the proposed project. If BNSF Railway continues to pursue the currently proposed location, the revised NOP states that the lead agency will be assessing the feasibility of a new grade separation from the Terminal Island Freeway directly into the proposed SCIG site. Although this approach may reduce localized impacts to those residents adjacent to the Terminal Island Freeway from trucks, impacts from the trucks, locomotives, and intermodal equipment within the proposed SCIG site will continue to impact an already impacted area. The SCAQMD staff recommends that the lead agency design the project to minimize exposure of all emissions to residents and sensitive receptors by locating truck entrances and exits away from receptors, building a buffer zone to protect sensitive receptors, locating fueling stations and service and maintenance areas away from receptors, and any other design features to minimize exposure of emissions to receptors. In addition, the grade separation may enable an increase in traffic onto the site. These impacts should be analyzed and mitigated, if impacts are significant. CEQA Guidelines §15126.4(a)(1)(D).

Additional comments relating to air quality analyses, data sources and mitigation guidance are included in Attachment I.

The SCAQMD staff appreciates the opportunity to comment on this project. Please send the SCAQMD a copy of the Draft EIR upon its completion. In addition, please send with the Draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files. The SCAQMD staff plans on commenting on the Draft EIR, including selection of the most appropriate of the project alternatives contained in the analysis. If you have any questions, please call me at (909) 396-3105.

Sincerely,



Susan Nakamura
Planning Manager

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Attachment I

The SCAQMD staff recommends that the lead agency follow the procedures, guidelines and methodologies described below to assess potential air quality and health impacts from the proposed project.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the SCAQMD Website at: www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts for this type of project will typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment), equipment to build the rail line, and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, locomotive emissions, intermodal equipment, emissions from stationary sources (e.g., generators, boilers, internal combustion engines), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust) including delivery trucks.

CEQA Guidelines Sections 15130 and 15355 require lead agencies to evaluate cumulative impacts, i.e., emissions from the proposed project as well as those from existing or approved projects in the immediate vicinity of the proposed project.

Consistent with the SCAQMD's environmental justice enhancement I-4, in October 2003, the SCAQMD Governing Board adopted a methodology for calculating localized air quality impacts and localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

Regarding health risk assessment, SCAQMD staff has developed guidelines for estimating emissions from railyards and for conducting health risk assessments as part of the Rule 3503 – Emissions Inventory and Health Risk Assessments for Railyards. SCAQMD staff recommends that the lead agency utilize these guidance documents when estimating the health risks from the proposed project. In addition, the SCAQMD staff recommends that the lead agency refer to the SCAQMD’s “Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis” which can be found on the SCAQMD’s CEQA webpages at the following internet address:

http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

Since the proposed project is expected to generate significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD’s Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address:

<http://www.aqmd.gov/prdas/aqguide/aqguide.html>. Additional mitigation measures for emissions from railyards and delivery trucks can be found in:

- SCAQMD’s “Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis”
- Riverside Air Quality Task Force “Good Neighbor Guidelines”
- Report to Mayor Hahn and Councilwoman Hahn by the No Net Increase Task Force, June 24, 2005.

Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD’s World Wide Web Homepage (<http://www.aqmd.gov>).