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Subject: Southern California International Gateway Draft Environmental Impact
Report Los Angeles County, California

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (Draft EIR) prepared to assess the potential environmental impacts from the proposed Southern California International Gateway Project (SCIG). The attached comments are intended to assist Los Angeles Harbor Department, Burlington Northern Santa Fe (BNSF), and decision-makers in identifying additional environmental impacts (and actions to reduce these impacts) for consideration. We note the importance of considering all feasible measures, above and beyond the advances already undertaken in support of the San Pedro Bay Ports' Clean Air Action Plan (CAAP), to reduce health and environmental impacts in this region, where the community is already heavily burdened by ongoing freight movement activities. In order for the South Coast region to meet national ambient air quality standards, low emission and zero emission technologies will need to be implemented within the goods movement sector on an expedited schedule.

At this time, there is a great opportunity for considering advanced technology and multi-modal interagency solutions to the challenges of moving freight in an efficient and environmentally sound manner. In addition to the proposed project, we understand that the Southern California Association of Governments is currently updating its Regional Transportation Plan/SCS. Caltrans is considering modifications to local highways (including I-710), and the Ports of Long Beach and Los Angeles are both assessing the environmental impacts of potential port expansions (Pier S and APL). Due to concurrent multiple planning efforts underway, cross-agency and cross-project coordination can result in greater efficiencies and reduced impacts within the area.

While the proposed project could result in benefits from removing a portion of the truck traffic (and associated additional emissions) currently going to the more distant Hobart yard, EPA has concerns about the close proximity of the proposed project to sensitive populations, including schools, residences, and the elderly. This project introduces another port-associated activity in close proximity to sensitive receptors, increasing the impacts to the adjacent community. Through our comments described below, we recommend further consideration of alternative sites to meet the anticipated goods movement needs and provide additional measures for consideration to further reduce the community's exposure and reduce community vulnerability.

We appreciate the opportunity to review this Draft EIR. When the Final EIR is released for public review, please send one hard copy and one electronic copy to the address above. If you have questions, please contact me at (415) 972-3856 or kelly.thomasp@epa.gov.

Sincerely,



Enrique Manzanilla, Director
Communities and Ecosystems Division

Enclosure: EPA Detailed Comments

cc: Mayor Antonio Villaraigosa, City of Los Angeles
Geraldine Knatz, Port of Los Angeles
Rick Cameron, Port of Long Beach
Susan Nakamura, South Coast Air Quality Management District
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Theresa Stevens, U.S. Army Corps of Engineers
David Sulouff, U. S. Coast Guard

EPA DETAILED COMMENTS ON THE SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG) ENVIRONMENTAL IMPACT REPORT, FEBRUARY 1, 2012

Air Quality and Zero Emission Technology

While the SCIG Draft EIR includes practical mitigation measures to reduce air quality impacts consistent with the Clean Air Action Plan (CAAP), it fails to build upon a subset of that plan, the Technology Advancement Plan's (TAP) initiative to move towards an emissions free port. We note that the mission of the TAP is to "...accelerate the verification or commercial availability of new, clean technologies, through evaluation and demonstration, to move towards an emissions free port." The Draft EIR references, and provides support for, future zero or near-zero emission technologies for trucks, cargo handling equipment or locomotives, but falls short of committing to demonstrate emerging technologies and accelerate implementation of zero emission technologies that would minimize community health impacts. While Los Angeles Harbor Department (LAHD) and BNSF have concluded that it is not yet feasible to incorporate zero emissions technologies into the proposed project, EPA proposes that specific commitments, as described below, be considered for the project, and where applicable, be incorporated into the lease agreements of future SCIG tenants. We urge the Los Angeles Harbor Department and BNSF to use the current needs for efficient and cleaner freight movement as a catalyst for initiating the most advanced technological solutions to freight movement, including zero emissions technologies.

Recommendations:

- In order to clarify what is meant by zero emission equipment in the document, LAHD should consider adding a definition to Section 3.2.
- EPA recommends that the proposed project conditions and lease measures contained with Section 3.2.5 of the Draft EIR (as they pertain to the demonstration of zero and low emissions technologies) be included as measures in the final lease agreement with the SCIG tenants. These measures will generate invaluable in-use demonstration data on zero emission freight technologies, and will assist with the implementation of the TAP established by the San Pedro Bay Ports' CAAP. Specific recommendations for your consideration are provided below.

MM AQ-1 & MM AQ-2: Fleet Modernization for Construction Equipment and On-Road Trucks

The 200 mile vendor radius caveat may result in procurement issues for Tier 3 and Tier 4 construction equipment and on-road trucks during the relevant project timeframes. Thus, we suggest that LAHD expand the pool of vendors to include all those within the United States.

MM AQ-5: General Construction Mitigation Measure

U.S. EPA encourages LAHD to require the replacement of existing mitigation measures with superior, certified technologies once the LAHD has approved the technology for use.

LM AQ-8: Periodic Review of New Technology and Regulations

U.S. EPA encourages LAHD to require the SCIG tenants to conduct a feasibility review of new emissions-reduction technologies on a periodic basis throughout the term of the lease, instead of only when permits are amended or there is a facility modification. The findings of the review should be reported to LAHD and available to the public.

PC AQ-10: Zero Emission Technologies Demonstration Program

Adopt project conditions and lease measures within the SCIG facility lease that will require the demonstration of Zero Emission Container Movement System (ZECMS) technologies. These conditions and measures should include, but should not be limited to those listed in Section 3.2.5, PC AQ-10.

PC AQ-11: Low Emission Drayage Trucks

Adopt this proposed measure, which would require drayage trucks calling on the SCIG facility to meet an emission reduction in diesel particulate matter emissions (DPM) of 95% by mass relative to the federal 2007 on-road heavy-duty diesel engine emission standard (“low-emission” trucks). Furthermore, U.S. EPA suggests that the requirement for the percentage of zero emission trucks calling on the SCIG facility be revised to reflect a more aggressive implementation schedule. Zero emission technology for trucks is being demonstrated currently. Requiring this technology for 100% of the trucks operating between the ports and SCIG should be feasible before 2026.

PC AQ-12: San Pedro Bay Ports CAAP Measure RL-3

U.S. EPA strongly supports the goals of CAAP Measure RL-3, and recommends that LAHD establish additional goals that increase the percentage of switcher locomotives that are repowered with the cleanest nonroad engines available on an accelerated schedule.

National Ambient Air Quality Standards

Page 3.2-6 states that "USEPA currently designates the SCAB as an “extreme” nonattainment area for 1-hour ozone, a nonattainment area for 8-hour ozone, a nonattainment area for PM10, and a nonattainment area for PM2.5, and a maintenance area for CO1. The SCAB is in attainment of the NAAQS for SO2, NO2, and lead (USEPA, 2005). States with nonattainment areas must prepare a State Implementation Plan (SIP) that demonstrates how those areas will come into attainment." Regarding this statement, and other references to criteria pollutants, we provide the following recommendations.

Recommendations:

EPA recommends that the Final EIR reflect the following information:

- The South Coast air basin is classified as “extreme” nonattainment for both 1-hour and 8-hour ozone, "serious" nonattainment for PM10, and a maintenance area for CO and NO2. The southern portion of Los Angeles County is designated as a nonattainment area for lead.

- The PM2.5 portion of the South Coast 2007 Air Quality Management Plan (AQMP) and the corresponding portions of the 2007 State Strategy were approved on November 9, 2011 (see 76 FR 69928). The 8-hour ozone portion of the South Coast 2007 AQMP and corresponding portions of the 2007 State Strategy were approved on December 15, 2011. These are the applicable state implementation plans for the 1997 PM2.5 and 8-hour ozone standards for general conformity.

Children's Health

The Draft EIR identifies the location of several sensitive receptors (e.g., schools, parks, daycare centers, senior citizen healthcare facilities) within the vicinity of the proposed project area (pages 3.2-14 and 3.2-15; Sections 3.2 and 3.9). Sections 3.2 and 3.9 further state that air quality and noise impacts from the proposed project would result in significant impacts and that mitigation measures for air quality and noise impacts are not expected to reduce all of the identified impacts to less than significant. Children are more susceptible to environmental exposures than adults; therefore, EPA recommends that the Draft EIR clearly identify the range of potential impacts to children associated with the various project alternatives and project sites, and discuss appropriate mitigation measures for any adverse impacts to children and other sensitive receptors throughout the project's construction and operation.

Recommendations:

- Figure 3.2-1 shows locations of sensitive receptors in the vicinity of the proposed project site. EPA recommends that a list of the sensitive receptors identified in Figure 3.2-1 be provided in the Final EIR. This list should include the location of the sensitive receptors as well as their distance from the proposed project boundary.
- Figures 3.2-11 and 3.2-12 depict areas where the 24-hour and annual ground level PM₁₀ concentrations for the mitigated proposed project minus baseline exceed significance thresholds. To better elucidate where sensitive receptors are located relative to these areas where the 24-hour and annual ground level PM₁₀ concentrations will exceed significance thresholds, EPA recommends that the sensitive receptors shown in Figure 3.2-1 be included on Figures 3.2-11 and 3.2-12.
- The proposed project site is located within 550 feet or less of two schools (Mary Bethune School and Elizabeth Hudson K-8 School) and one daycare center (Cabrillo Child Development Center). Furthermore, the proposed project site is within 0.5 mile of a convalescent home (Loram Manor) and within one mile of a senior citizen healthcare facility (Santa Fe Convalescent Home). Moreover, the proposed project site is located near parks, residential neighborhoods, and other schools.

Chapter 2 of the Draft EIR discusses other potential project sites outside and within the Port of Los Angeles/Port of Long Beach Port Complex. Five alternate railyard sites inside the Port Complex were identified. Section 2.5.2.2 states that all five of the alternate sites inside the Port Complex would meet at least some of the project

objectives, and four of the five sites would likely have fewer community issues than the proposed project site because they are located further away from sensitive land uses and residences.

- EPA recommends that LAHD further evaluate the proposed project and alternative sites in order to compare potential impacts to children's health and other sensitive receptors. Clearly identify the project alternatives and alternate sites that have the least impact to children and sensitive receptors, as well as those alternatives that have the least impact on areas already significantly impacted by existing air pollution, high disease rates, and other indicators of social vulnerability. EPA recommends that the final decision give high priority to the site(s) that have the least impact to children and other sensitive populations.
- EPA recommends that LAHD require or encourage tenants to reduce backland footprints by densely stacking containers, creating more space for on-dock rail.
- EPA recommends that the Final EIR identify the mitigation measures that will be implemented throughout the construction and operation of the project to reduce the project's impacts to sensitive populations.

Environmental Justice

The Draft EIR provides an environmental justice analysis consistent with Executive Order 12898, although CEQA does not require this specific analysis. While we recognize the inclusion of this analysis, we note that the document does not provide mitigation to fully offset the significant project related impacts to the surrounding community. The Draft EIR recognizes in the EJ analysis that there will be disproportionately high and adverse effects on minority and low-income populations due to the proposed project's impacts to aesthetics, cultural resources, land use, and noise. The local community is already heavily impacted,¹ a condition that could be exacerbated by the many projects planned around the impacted communities. Therefore, all impacts, even seemingly small ones, are important to consider and mitigate in order to fully offset the adverse project-related impacts to the local community.

There is a growing body of evidence that environmental justice communities are disproportionately exposed and more vulnerable to pollution impacts than other communities.² As discussed in *EPA's Framework for Cumulative Risk*,³ disadvantaged,

¹ Final Report, Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES-III, September 2008, South Coast Air Quality Management District.

² Symposium on the Science of Disproportionate Environmental Health Impacts, March 17 - 19, 2010, see the fourteen scientific reviews commissioned by EPA and published in the American Journal of Public Health at:

<http://www.epa.gov/compliance/ej/multimedialbums/epa/disproportionate-impacts-symposium.html>.

³ Available at: <http://cfpub.epa.gov/ncea/Jraf/recordisplay.cfm?deid=54944>.

underserved, and overburdened communities are likely to come to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases, unacceptably, burdensome. Thus, certain subpopulations may be more likely to be adversely affected by a given stressor than is the general population.⁴ Identifying additional mitigation measures supported by the community will further protect the community from the disproportionate and adverse health impacts of the proposed project.

The proposed project is located in communities that are already heavily impacted from the cumulative effects of port activities, diesel truck traffic, and surrounding industrial facilities. These existing conditions along with the potential localized impacts from the project, including increased truck traffic, rail traffic and a 24 hour a day operating schedule, will impact the surrounding community. EPA recognizes that the “Zero Emissions Container Movement System” and the alternative sites inside the port have been eliminated from further consideration, although these two options would be more protective of the sensitive, environmental justice communities surrounding the proposed project. Considering the protective elements from these two alternatives, including clean technologies and siting the project on land further removed from sensitive receptors and EJ communities, could improve the environmental and public health implications of the proposed project.

Recommendations:

- Chapter 3 of the Draft EIR discusses air quality impacts from the construction and operation of the proposed project that will be significant and unavoidable. Chapter 6 of the Draft EIR identifies minority and low-income communities residing near the proposed project site. Section 6.4.2.2 further states that significant air quality impacts in the form of exceedances of concentration thresholds would occur, but concludes that those exceedances are not linked to result in localized health effects and would not disproportionately affect communities of concern.
 - In the Final EIR, EPA recommends further justification to support the above conclusion negating localized health effects and disproportionate effects in the Final EIR, including the methodology used to assess whether the project’s air quality impacts would contribute to localized health effects, and the methodology used to determine whether the project’s air quality impacts would result in a disproportionate impact to minority and low-income communities.
- In Section 6.5 the Draft EIR describes BNSF outreach efforts. Although outreach activities, including public meetings, are described, it is unclear how public feedback was responded to and incorporated into the decision-making process. EPA recommends providing more information on the community outreach and involvement process including a summary of community concerns and community-recommended mitigation measures, and the responses to this input.

⁴ Sacks, Jason D. et al. 2010. *Particulate Matter-Induced Health Effects: Who Is Susceptible?* Environmental Health Perspectives 119(4).

- EPA recommends additional mitigation measures in the Final EIR to further reduce the community's exposure and reduce community vulnerability, such as:
 - Fund anti-idling enforcement measures in neighboring impacted communities;
 - Fund proactive measures to improve air quality in neighboring homes, schools, and other sensitive receptors;
 - Provide public education programs about environmental health impacts to better enable residents to make informed decisions about their health and community; and
 - Engage in proactive measures to train and hire local residents for construction or operation of the project to improve their economic status and access to health care.

Impacts to Waters of the United States

While the EIR was completed to comply with state California Environmental Quality Act, we encourage the Los Angeles Harbor Department to further clarify potential impacts to jurisdictional waters of the United States and possible analysis pursuant to National Environmental Policy Act that may be required. The DEIR states that the proposed project will have impacts to the Dominguez Canal and that the Dominguez Canal is considered jurisdictional waters of the United States (Page 3-3.9). As such, a CWA Section 404 Permit may be required from the Army Corps of Engineers for the projects impacts to waters of the United States. During a phone conversation with Port of Los Angeles in December 2011, EPA was informed that the project's impacts to waters of the US would be permitted with a Nationwide Permit, and would therefore not require additional analysis pursuant to the National Environmental Policy Act. Communication with the Army Corps of Engineers indicated that U.S. Coast Guard may be involved in bridge construction over Dominguez Canal.

Recommendation:

EPA recommends that the estimated impacts to jurisdictional waters of the United States be disclosed in the Final EIR, as well as the Clean Water Act Section 404 permitting strategy, including accompanying National Environmental Policy Act analysis and a schedule for its completion (if required).