



# Northwest San Pedro Neighborhood Council

"Your Community Voice"

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July 14, 2008

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division  
c/o: Spencer D. MacNeil, D. Env.  
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Los Angeles, CA 90053-2325

Ralph Appy  
Director of Environmental Management  
Port of Los Angeles  
425 S. Palos Verdes Street  
P.O. Box 151  
San Pedro, CA 90731-015

**Subject: Comments of the Northwest San Pedro Neighborhood Council  
Berth 97 -109 Container Terminal Project  
Draft Environmental Impact Statement/Environmental Impact  
Report**

Dear Dr. Appy and Dr. MacNeil,

We the elected Board of the Northwest San Pedro Neighborhood Council provided the comments below to the Berth 97 -109 Container Terminal Project Draft Environmental Impact Statement (EIS) Environmental Impact Report (EIR). Given the proximity of the proposed project to Northwest San Pedro we have developed the attached comments for your review and consideration in the final EIR/EIS to be considered by the Board of Harbor Commissioners. All of the comments below are related to the proposed project.

## **General Comments**

1. There are significant unmitigated air quality, noise, and traffic impacts from the proposed project. Some impacts, especially traffic west of Harbor Boulevard and Interstate 110, were not even considered. Additional litigation is both necessary and reasonable.

**Dan Dixon**  
President

**John Mavar**  
Vice President

**Sanni Wehbe**  
Treasurer

**Mary Hamlin**  
Secretary

2. All aspects of the project should meet and exceed the requirements of the San Pedro Bay Clean Air Action Plan, and No Net Increase Policy adopted by the Board of Harbor Commissioners.
3. During implementation of the project construction and operation the Port needs to evaluate air quality, noise and transportation impacts to test the modeling and basis for the mitigations proposed. Should actual air quality, noise, or transportation impacts be greater than estimated in the DEIR/DEIS/DIES then the Port should propose additional mitigations to reduce the impacts to acceptable levels.
4. Every five years during terminal operations verification of throughput projections stated in the Final EIR/EIS should be performed. Should these projections be exceeded then additional air quality and transportation mitigation should be required.
5. Biological Impact 4b/4c is considered significant with mitigation not available beyond regulatory compliance. We find this to be unacceptable and request that the Port and COE include specific language within the lease agreement for the treatment and management of ship water to reduce and/or eliminate the potential for invasive non native species to be released into San Pedro Bay Waters.

#### **Specific Comments - Air Quality**

1. **Environmental Impact AQ-1, AQ-2: Construction would produce unmitigated emissions that exceed South Coast Air Quality Management District (SCAQMD) emission significance thresholds.**

The amount of emissions from construction of the proposed project is unacceptable. The Port should explore additional opportunities to lower the pollutant emissions.

During construction of the proposed project, there will be significant unmitigated emissions of VOCs, CO, NO<sub>x</sub>, Sox and PM<sub>10</sub> and PM<sub>2.5</sub>. More specific air quality mitigations to control construction emissions need to be included as part of the DEIR/DEIS and in future construction specifications. Specifically, all construction equipment: should:

- 100% Use low sulfur diesel fuel
- Limit idling times to 5 minutes for all equipment and trucks
- Use diesel particulate filters on all equipment
- Use of electrical or natural gas equipment on-site where feasible.

In addition, we would expect that specific construction mitigations would be included on all Port projects to achieve no net increase in emissions.

- 2. Environmental Impact AQ-3: The proposed project and the project alternatives will result in operational emissions that exceed 10 tons per year of VOCs and SCAQMD thresholds of significance.**

According to the analysis in the DEIR/DEIS analysis the project will have significant impacts from VOCs, CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> through the project lease (40 years) even with mitigations. We understand that technical challenges exist in reducing air quality impacts while growing TEU throughput. However proposing a project that never over a 40 year time frame does not completely mitigate air quality impacts is a concern. Should mitigations not be available on this project we ask the Port to evaluate mitigation measures that could be applied to reduce emissions at other locations to further reduce the emissions from the terminal to below CEQA Thresholds.

- 3. Environmental Impact AQ-7: The proposed project or alternative would expose receptors to significant levels of toxic air contaminants (TAC).**

According to the analysis in the DEIR/DEIS analysis the project will exceed the cancer risk significance threshold with mitigations from 2004 -2074. The CEQA cancer risk increment is 20 in a million and is based on a location in Wilmington north of C Street and east of Figueroa. Given that the highest unmitigated CEQA impact is 200 yards west of Knoll Hill we would expect the highest CEQA mitigated impact to be within the boundaries of the NWSPNC. As with AQ-3 we understand that technical challenges exist in reducing air quality impacts while growing TEU throughput. However proposing a project that never over a 40 year time frame does not reduce cancer risk to the significance threshold is a concern. We ask the Port to evaluate mitigation measures that could be applied to reduce TAC emissions within the project area and at other locations in the Port to lower the acute hazard index to the significance threshold.

- 4. There should be periodic review and application of new technology and regulations.**

As part the project construction and operation the Port needs to include a post-project validation system that implements new technologies to reduce air quality impacts as soon as possible and take advantage of advances in air pollution control technologies. In addition, a formal review should be done every year to evaluate the state of the emissions control industry and how new technologies and devices could be applied to Port projects.

- 5. The DEIR/DEIS identifies small particle emissions as significant, adverse, and unavoidable.**

There is a difference between having an unavoidable result and an unmitigated impact. If it is true that small particle emissions are unavoidable, these impacts can be mitigated by more aggressive emissions control and mitigations. Among the mitigation that should be considered is by evaluating air quality within home and office spaces in the impacted areas. Based on analysis of the indoor air quality the Port can evaluate the need to supply air purifiers and other improvements for indoor air spaces impacted by small particle emissions from the Port.

**6. The DEIR/DEIS should evaluate Air Emissions at the maximum operations, three shifts at full capacity for the worst case scenario.**

Over the course of the terminal operations the throughput could increase if TEUs moved during the night and hoot shifts equals the day shift. To evaluate the maximum emissions from full terminal operation at its operational capacity the air quality analysis should be done for three shifts at operating at day shift levels.

**Specific Comments related to Transportation/Circulation**

**1. Figure 3.10-2 “Proposed Project Trip Distribution”.**

The project will generate 1.508 million truck trips annually. Of these, 754,400 [50%] will use the 110 Freeway and another 316,680 (21% will use Alameda Street via Harry Bridges Blvd. The impact of these large numbers on freeway congestion has not been evaluated in the DEIR/DEIS, including the addition of 714,000 trucks per year from the TraPac terminal project.

A comparison should be done showing the impact of both TraPac and the China Shipping project on the 110 Freeway. Further, and evaluation of truck traffic from the project using the proposed ACTA Alameda Flyway to reduce traffic on the 110 Freeway and Alameda Street should be performed.

**2. The DEIR/DEIS does not assess any traffic impacts west of the 110 Freeway.**

The DEIR/DEIS does not evaluate truck traffic from the proposed project west of the 110 Freeway along North Gaffey Street. Given the location of the Port of Los Angeles Distribution Center on North Gaffey Street at

Westmont Drive and the number of trucks that currently use the facility; we do not believe that there will be fewer than 43 project trips, the City of LA significance standard, at the following intersections:

North Gaffey and Channel Street  
North Gaffey and Capital  
North Gaffey and Westmont

Given the proximity of the Los Angeles Distribution Center to the Berth 97 -109 project we believe that truck traffic on N. Gaffey, Channel Street will increase with implementation of the proposed project.

As mitigation for the increase, we suggest that the Port evaluate additional on and off ramps to serve the Distribution Center as part of the West Basin Transportation Improvement program.

- 3. The DEIR/DEIS should evaluate transportation impacts at the maximum operations, three shifts at full capacity for the worst case scenario.**

Over the course of the terminal operations the throughput could increase if TEUs moved during the night and hoot shifts equals the day shift. To evaluate the maximum transportation impacts from full terminal operation at its operational capacity the traffic and rail analysis should be done for three shifts at operating at day shift levels.

### **Specific Comments to Section 3.1 Aesthetics/Visual Resources**

1. The addition and expansion of Berth 97 -109 terminal will increase the number of utility poles and add to the “cross-arms” on existing poles. This impact should be mitigated by putting all utilities underground along Front Street and John Gibson and by placing utilities underground along the boundary of the terminal. In addition, landscaping should be placed along the perimeter of the facility to reduce the visual impacts. The implementation of the NWSPNC China Shipping Mitigation project should be undertaken as part of the first phase of terminal construction.
2. The number and concentration of cranes within the proposed project area has reduced the aesthetics and visual resources of the surrounding area. This should be mitigated by adopting a crane painting program using a painting scheme designed to blend the cranes into the background.
3. The expansion of the container terminal at Berths 97-109 will result in large area lights and additional six cranes along the waterfront north of the Vincent Thomas Bridge. The Vincent Thomas Bridge can be seen many neighborhoods northwest of the project site. The view lines of the bridge

span and decorative light will be changed with the addition of the new cranes and light standards. To mitigate the loss of aesthetics we propose the following mitigations, in addition to the MM AES-2.

- Completion of Phase II – Gatun to Channel, of the Northwest San Pedro North Gaffey Beautification Project
- Removal of the EZ Smog along North Gaffey Street, across from the Department of Motor Vehicles and include in Phase I of the Northwest San Pedro Beautification project.

We look forward to release of the Final EIR/EIS with incorporation of our comments and recommendations as we work to develop a terminal project with the least impacts to the NWSP and Port community.

Dan Dixon  
President  
Northwest San Pedro Neighborhood Council

cc: Dr. Geraldine Knatz, Port of Los Angeles Executive Director;  
Ms. Janice Hahn, Council District 15  
Mr. David Freeman, Board of Harbor Commissioners President