

PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE  
AIR QUALITY SUBCOMMITTEE

Port of Los Angeles  
425 S. Palos Verdes Street  
San Pedro, California

Minutes  
October 3, 2007

ATTENDEES

COMMITTEE / PCAC

Richard Havenick, Chair  
David Beeman, Voting Member  
Janet Gunter, Alternate Member  
Chuck Hart, Voting Member  
Jody James, Alternate Member  
John Miller, Voting Member  
Pat Nave, Voting Member  
Kathleen Woodfield, Alternate Member

PORT STAFF

Teresa Scognamillo

CONSULTANTS

Professor Ed Avol  
David Howekamp

PUBLIC PARTICIPANTS

Gwen Butterfield  
Julie Kercher  
Edward Kim  
Susan Nakamura  
Sharon Rubulcava  
Todd Sterling

- A. Call To Order: 4:40PM.
- B. Sign In/Introductions
- C. Agenda Approved
- D. The Minutes of the August 1, 2007 and September 5, 2007 Subcommittee meetings were approved.
- E. Public Comment:
  - 1. Dr. Miller introduced a letter, dated October 9, 2007, from the Natural Resources Defense Council (NRDC) that is being sent to the Board of Harbor Commissioners. The NRDC is demanding that TraPac stop its efforts to defeat the Port's Clean Truck Program, a key mitigation measure contained in the TraPac Draft EIR. The action by TraPac through PMSA is in direct conflict with the TraPac DEIS/DEIR. Mitigation measure (MM AQ-09) will ultimately rely on the Clean Trucks Program to reduce truck pollution impacts on this project. If there is no clean truck program in place, there is great concern on how they will comply with the MM AQ-09. NRDC is asking the Port and the Army Corp not to reward this type of behavior and recommend that these two agencies demand that TraPac withdraw its opposition to the Port's efforts to clean up truck pollution.

Dr. Miller requested that the Subcommittee weigh in on this issue. He pointed out that if there was to be no clean truck program, the whole TraPac EIR would have to be recalculated.

The consensus was that Richard Havenick, Chair of the Subcommittee, would write a letter to the Board of Harbor Commissioners supporting the substantive points raised by the NRDC and the efforts to implement emission reduction measures while overseeing Port operations in a manner that promotes mutual benefit for the Port and for Port tenants. As TraPac proposes expansion of Berths 136-147 and expresses opposition to the Clean Trucks Program and as well as the Air Resources Board, January 07 Rule, requiring .5% sulfur-content fuel in ship auxiliary engines, we request that you call upon TraPac to immediately withdraw all efforts to oppose such actions which would become key mitigation measures should the TraPac terminal expansion be approved.

2. Todd Sterling, from the California Air Resources Board, announced that the CARB's Commercial Harbor Craft Regulations is in its 45 day comment period, and that the Regulation will go to their Board on October 25, or 26, 2007. In addition, four other items are coming up:
  - October 19<sup>th</sup>, Dredge Truck Rule with a 45 Day Comment Period/to go to their Board December 5<sup>th</sup> or 6<sup>th</sup>, 2007.
  - October 19, 2007, Shore Power for Ships/Cold Ironing Regulation/ to go to their Board December 5<sup>th</sup> or 6<sup>th</sup>, 2007.
3. Kathleen Woodfield initiated a discussion with regard to the Economic Study done for the Port, by John E. Husing, Ph.D. She suggested that the Subcommittee examine the Study, which examines the economic impact of the proposed Clean Trucks Program. The Committee should request an explanation of how the Port is preparing to meet the projections in the CAAP? The committee agreed that Mr. Havenick would write a letter addressing the emission reductions planned for the CAAP, since the key measures included in the CAAP were not implemented as scheduled. The Committee also requested that the Port provide an updated emission reduction schedule to the Subcommittee and to the PCAC.

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F. POLA Updates:

Christopher Patton will provide various updates at the November Subcommittee meeting.

Mr. Havenick reported that the new Emissions Inventory had been released, and that a presentation had been given to the Board of Harbor Commissioners. He requested that Port staff respond to Subcommittee questions that would be forwarded to Mr. Patton in time to prepare his responses for the November Subcommittee meeting.

Mr. Havenick stated that next month, the discussion of the Emissions Inventory would include reference to the last emissions inventory report that showed a decrease in emissions from harbor craft, an increase from ships and an increase from

trucks. Dave Howekamp recommended that the Committee review Section 8, of the inventory, which provides a comparison of the changes from the last inventory to the new inventory.

G. Discussion of Request For Proposal (RFP) for Upcoming Air Quality Mitigation Incentive Program (AQMIP) Cycle

Teresa Scognamillo, the Environmental Mitigation Coordinator, distributed copies of the draft RFP that she reviewed with the Committee. The 2007-2008 RFP is the final RFP to be circulated for Air Quality Mitigation Incentive Program (AQMIP) funding. Highlights for this RFP are as follows:

- This years program encourages harbor craft projects
- Category 1 project applicants must submit with their application, supporting/ detailed documentation demonstrating that the proposed project is surplus to the California Air Resources Board's (ARB's) regulations. Grant funding will only be provided for projects that provide emission reductions that are surplus to all types of requirements.
- Break down of the additional funds from throughput overage: 40% allocated for the AQMIP, 20% for Gateway Cities, and 40% for Aesthetics
- Ms. Scognamillo clarified that applicants with pending EIRs are still able to apply for AQMIP funding if the proposed project is not required through their lease or the CAAP.
- AQMIP Funds to be allocated as: 50% for Harbor Craft and Other and 50% for R&D

Mr. Havenick initiated a discussion on the technical feasibility of implementing low sulfur fuel, which was not included in the TraPac EIR. He raised a question as to whether the AQMIP funding could be used to help resolve the technical infeasibility issues. Pat Nave suggested starting with a terminal and a notice to proceed after the technical answers to the problem has been resolved. The committee agreed.

The Subcommittee directed Ms. Scognamillo to forward the finalized RFP to Mr. Havenick for review before releasing it to the public.

H. Discussion of Staff Response to Motion AQ-014 Regarding Application of Overriding Considerations (recommendation to deny; "conflicts with Board's discretionary authority under CEQA") with Potential Action  
Item H was not discussed and was deferred to a future meeting.

Kathleen Woodfield made a correction to the language stated above in Item H. She stated that the Board of Harbor Commissioners specifically said that they were not denying the motion based on the staff recommendation, but that they were denying it based on a statement from Thomas Russell, of how it was an illegal motion and it put the Port in a position of liability with the tenants who are involved with them in the EIRs. She further explained that the motion did not eliminate the use of overriding considerations, but that its intent was to encourage the Board to not

approve EIRs that don't mitigate to a level of insignificance. If you make a policy that you are only going to approve EIRs that mitigate to a level of insignificance then don't accept any EIRs that don't mitigate to a level of insignificance.

Mr. Nave stated that Port staff had addressed this issue with the neighborhood council, and that staff was not allowed to bring an EIR to the Board that exceeded the health risk parameters of 10 cancer cases per million. He stated further that they had established the precedent for doing mitigation as a matter of policy.

Ms. Woodfield stated that she would revise and send to Mr. Havenick, a finalized letter for City Attorney, Tom Russell, requesting specific clarification on the denial of Subcommittee motion AQ-014.

- I. Discussion of Baseline for Health Risk Standard  
Item I was not discussed and was deferred to a future meeting.
- J. Discussion of Need/Method for Adjustments to Affected Baselines Applicable to Impacts from Pier Pass July 05 Implementation  
Item J was not discussed and was deferred to a future meeting.

Mr. Havenick stated that the issue was not how PierPass affected the baseline, but that it was what year to use to define the baseline? Previously the baseline was 2001. Now it is 2005.

- K. Items for Future Meetings (e.g., Worker Exposure Study, Questions Regarding Relationship Between CAAP, Growth, and EIR Projects, Future Big Reductions Opportunities, OGV3 and OGV4 Regulatory Efforts)
  - Discussion of Baseline for Health Risk Standard
  - Discussion of PierPass and an Applicable Baseline
  - Emissions Inventory
- L. Adjournment: 6:30PM

Signature on File  
Richard Havenick, Chair  
Air Quality Subcommittee

Signature on File  
Debra Babcock-Doherty, PCAC Secretary