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Naval Architecture
Systems Engineering
Yacht & Ship Design



28 April 2009

Dr. Ralph Appy
Dr. Geraldine Knatz
Mr. David Mathewson
Members of the Board of Harbor Commissioners
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Ref: Probable "Hazardous Wastes" in Southwest Marine slip sediments (Berths 243-245)

Dear Dr. Appy:

Thanks to you, Dr. Knatz and Mr. Mathewson for your presentation and comments Monday morning at the special meeting of the Economic Council of the San Pedro Chamber of Commerce. It was interesting to learn some facts and figures from the Port management.

You made remarks regarding the high probability of "hazardous wastes" (not merely "contaminated") being present in the existing sediments at the Southwest Marine slips (referred to as Berths 243-245 in the Channel Deepening SEIR/SEIS), and stated that the quantity, composition and volumes of such hazardous wastes were unknown. In a prior statement, you estimated the total volume of sediments in the SWM slips at "40,000 to 50,000 cubic yards."

You also stated that Gambol Industries, in their Application for Discretionary Development (ADP), had specified a sheet-pile containment bulkhead in the Gambol proposal, and that we had included "break bulk" operations in the proposed operations. Neither remark was accurate or complete.

I have confirmed these remarks with several others present at Monday's meeting, but if your recollection differs, please let me know.

To correct your characterization of the contents of the ADP, specifically regarding containment and "break bulk"; I have just reviewed all of the documents submitted in the ADP package, and I was the principal drafter of these documents. I refer you specifically to Form 408 (dated 18 February 2009), as excerpted below. Please take note that no "break bulk", or dry bulk, operations are included in "Proposed use". As a side note - Mr. Mathewson's letter rejecting the ADP revolved largely on the proposed ancillary use of filming (which would merely have continued the past 20-plus years of filming at the site, and acknowledged the recent Filming Coordinator RFP issued by the Port), and also mentioned "not compatible with conceptual Port plans".

Project Need:			
<input checked="" type="checkbox"/> Proposed New Tenant/Use	<input type="checkbox"/> Administrative	<input type="checkbox"/> New Equipment	<input type="checkbox"/> Temporary/Special E
<input checked="" type="checkbox"/> Redevelopment of Existing Use	<input type="checkbox"/> Maintenance	<input checked="" type="checkbox"/> Safety Upgrades	<input checked="" type="checkbox"/> Repairs/Replace Exis
<input type="checkbox"/> Expansion/Change of Use	<input checked="" type="checkbox"/> Other: Historical Restoration and Revitalization of Shipyard		
Current Use of Property:			
<input type="checkbox"/> Container Terminal	<input type="checkbox"/> Passenger Terminal	<input type="checkbox"/> Marine Oil Terminal	<input type="checkbox"/> Other Liquid Bulk
<input type="checkbox"/> Breakbulk/Neobulk Terminal	<input type="checkbox"/> Dry Bulk	<input type="checkbox"/> Warehousing	<input type="checkbox"/> Storage Facility
<input type="checkbox"/> Marine Oil Service Station	<input type="checkbox"/> Public Facility	<input type="checkbox"/> Utility	<input type="checkbox"/> Rail Yard
<input type="checkbox"/> Office	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Retail/Service	<input type="checkbox"/> Commercial Fishing
<input type="checkbox"/> Recreational/Educational	<input checked="" type="checkbox"/> Industrial/Ship Yard	<input type="checkbox"/> Marina	<input type="checkbox"/> Parks/Open Space
<input type="checkbox"/> Vacant	<input checked="" type="checkbox"/> Other: Motion picture and TV production, dockside ship repair.		
Proposed Use of Property (if different from current):			
<input type="checkbox"/> Container Terminal	<input type="checkbox"/> Passenger Terminal	<input type="checkbox"/> Marine Oil Terminal	<input type="checkbox"/> Other Liquid Bulk
<input type="checkbox"/> Breakbulk/Neobulk Terminal	<input type="checkbox"/> Dry Bulk	<input type="checkbox"/> Warehousing	<input type="checkbox"/> Storage Facility
<input checked="" type="checkbox"/> Marine Oil Service Station	<input type="checkbox"/> Public Facility	<input type="checkbox"/> Utility	<input type="checkbox"/> Rail Yard
<input type="checkbox"/> Office	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Retail/Service	<input checked="" type="checkbox"/> Commercial Fishing
<input type="checkbox"/> Recreational/Educational	<input checked="" type="checkbox"/> Industrial/Ship Yard	<input type="checkbox"/> Marina	<input type="checkbox"/> Parks/Open Space
<input type="checkbox"/> Vacant	<input checked="" type="checkbox"/> Other: Motion picture and TV production		

As for containment, this was not addressed in the ADP, other than our statements in the Project Summary, excerpted from the ADP as follows. Please note the phrase "...will include sheet pile and/or concrete bulkhead containment..." I also appreciated your stated adoption on Monday of our estimate of "40,000-50,000 cubic yards of contaminated sediments", as this appears nowhere in the SEIR/SEIS documents, and was an estimate developed independently by Gambol, and included in the ADP.

The existing concrete and steel piers will be inspected and reviewed by a qualified engineering consultant, and repairs as necessary undertaken to restore the piers to useable condition. Within the Proposal, we intend to make volume available to capture the projected 80,000 cubic yards of "too-contaminated" dredge spoils from the Channel Deepening Project, and the estimated 40,000-50,000 cubic yards of contaminated sediments within the drydock slips. We have two available fill volumes within the site – a landfill area of approximately 220-foot length at the east end of the south slip, necessary to form rail-yard area for a small shiplift, and within the envelope of the existing under-pier areas. Both capture options will include sheet pile and/or concrete bulkhead containment, so as to completely contain and isolate the contaminated materials.

I have a few issues with the points raised by your comments; first, allow me to address the stated-by-you probable "hazardous wastes" in the existing in-slip sediments.

We have reviewed all of the publicly available (as published) documents embodied in both the Draft and Final SEIR/SEIS for Channel Deepening. We are unable to locate where the Port reveals either the existence or the probability of hazardous wastes being present in the in-slip sediments. Rather, we see repeated mention of the estimated 80,000 cubic yards of "contaminated spoils" deriving from elsewhere in the Main Channel, and casual and non-specific references to 90,000 cubic yards of in-slip sediments to be dredged to form the foundation (key) for the proposed rock dike at the mouth of the slips. In a meeting with Brian Moore, the Deputy District Engineer for Project Management at the US Army Corps of Engineers, the USACE engineer supposedly most knowledgeable about this project told us that these 90,000 cubic yards were to be excavated with a bucket dredge and moved further inside the Southwest Marine slips.

Please take note that in the Gambol proposal drawings (forwarded to and reviewed by your engineering department for the very first time on 20 April 2009, at their request, yet claimed by you Monday, and by Dr. Knatz previously, to have already been reviewed and rejected), and in all of our proposal drawings, we have included an exterior-to-the-slips temporary containment before any dredging in the slips, or at the mouth of the slips, occurs. The USACE and the SEIR/SEIS specifically does not include such a protection.

My questions are manifold, but I'll keep them brief here. First, if as stated today by the Environmental

Director of the Port of Los Angeles, there are, or probably are, dangerous and financially burdensome "hazardous wastes" contained in the SWM slip sediments, why was this not disclosed and/or addressed in the supposedly "complete and final" SEIR/SEIS?

Second, if you are aware, or suspect, that such "hazardous wastes" exist, do you have such a definitive location of these materials that you can allow them to be scooped up with a bucket dredge, and moved deeper inside the SWM slips, then dumped on top of other either "contaminated" or probably "hazardous" sediments? What provision are included in the SEIR/SEIS for sampling, mitigation, and containment during dredging operations?

Again referring to the Final SEIR/SEIS, what is the potential of a toxic plume developing in the Main Channel during the excavation and moving of these probable "hazardous wastes"? When I review the current data for the Port of Los Angeles, I note that the current velocity at Reservation Point is typically among the highest in the Port. When I also review published data on dredged sediment behavior in the water column during dredging operations, I note that a substantial percentage remains in the water column for some length of time, allowing the probable "hazardous wastes" to move directly into the Main Channel.

Given the stated probable existence of "hazardous wastes" (*I apologize for the quotations, but I do not know what definition you used on Monday for 'hazardous', and cannot find it in the SEIR/SEIS*) within the 90,000 cubic yards of foundation material being dredged in open water, what percentage of contaminants and toxins is foreseen as migrating into the Main Channel? Will these toxins from the "hazardous wastes" be greater than, equal to, or less than, the toxins from the "contaminated spoils" (*again, I use the quotations because the term contaminated is not well defined in the SEIR/SEIS*)?

The reference to the in-slips sediments that seems most germane is found at page 3.7-20 of the SEIR:

The contaminated sediments at Berths 243-245 are similar to the sediments within the Main Channel and berths that remain to be dredged (Kinnetic Labs & Fugro, 2007), where the contaminant levels were found to be well below State of California Title 22 Total Threshold Limit Concentrations (TTLC) (Kinnetic Labs & Fugro, 2007). As such, these sediments are not considered a hazardous waste under state or federal regulatory standards (Kinnetic Labs & Fugro, 2007).

This appears to be in direct contrast to your statements on Monday that it is "probable" that there is dangerous "hazardous waste" in the slip sediments that could cause a serious financial risk to the Port or to Gambol.

Lastly on this item, has your knowledge of "hazardous materials" at SWM been included in the data provided to the other commenting and reviewing agencies, for example Fish and Game, so that a full assessment of the true impact of these "hazardous wastes" is included in the Final SEIR/SEIS?

Again, if we have missed something already contained in the Final SEIR/SEIS, please correct our misunderstanding.

There are several other questions raised in the Final SEIR/SEIS, which we will address in depth separately. These include, but are by no means limited to, the following issues:

- The demolition of the piers requires either destruction or removal of the existing (4) Portal Cranes located on the piers surrounding the slips. These cranes are referenced in the SWM

Buildings Demolition EIR, but are not mentioned in the Channel Deepening SEIR/SEIS documents. Our understanding is that these cranes are the subject of historical designation discussions included with the site buildings. Why are these historical assets not addressed?

- There are several in-pier electrical substations (specifically identified as Substations #7 through #13), which contain transformers, circuit breakers and other electrical assemblies. Have these substations been tested for PCBs or other hazardous chemical compounds contained in this equipment, and what provisions are included in the SEIR/SEIS for such testing and mitigation during the demolition of the piers?
- The existing storm drain system on the Southwest Marine property includes a substantial number of outfall lines leading into the slips, ranging from 4" to 18" in size. Other than vague references to "best management practices", what provisions are included in the SEIR/SEIS for diversion of storm-water and other runoff from the remaining 30 acres of the site after the slips are filled? We note that there are references elsewhere in Port-generated EIR/EIS documents regarding extensive landside pollution, both known and suspected, over the extent of the Southwest Marine site. We do not see any mitigation for toxic runoff addressed within the Channel Deepening SEIR/SEIS. Are there further probable "hazardous waste" deposits within this runoff area?
- The existing south pier bordering the slips appears to be buttressing the north side of the U.S. Coast Guard station, which is located above the grade level of the piers. Is there any provision in the SEIR/SEIS or the project documents to investigate and/or mitigate the potential collapse of the Coast Guard retaining wall during the demolition of the piers?

Thank you in advance for your attention to these issues.

Sincerely;

Maillian Associates Design, N.A.

A handwritten signature in black ink, appearing to read 'J. Maillian', with a horizontal line extending to the right.

Jeffrey J. Maillian, Principal