

July 10, 2008

U.S. Army Corps of Engineers  
Los Angeles District, c/o Dr. Spencer D. MacNeil  
ATTN: CESPL-RG-2004-00917-SDM  
P.O. Box 532711  
Los Angeles, CA 90053-2325



Dr. Ralph G. Appy, Director Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Subject: Comments Submittal for the Draft Supplemental EIR/Subsequent EIS for Pier 400, Berth 408 Project

Dear Dr. Appy and Dr. MacNeil,

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our request that the Project be revised to implement the key elements of the Clean Air Action Plan as originally drafted and as described in the GENERAL and SPECIFIC COMMENTS listed below. We also state our acknowledgement and support of key mitigation measures also noted below.

#### GENERAL COMMENTS

Please note that we oppose the Project proceeding with statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. We remind the Port and the Corps of Engineers that the affected area remains a Federal non-attainment area for Air Quality and that the proposed Project as currently defined could only be implemented through consideration of "overriding importance" (reference Socioeconomic Impact) or through "Overriding Considerations (if necessary)" (reference Executive Summary and Introduction). We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. We believe that the Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

#### SPECIFIC COMMENTS

1. Measure MM AQ-14, Low Sulfur Fuel Use in Main Engines, Auxiliary Engines and Boilers, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP for Main and Auxiliary engines. The SEIR/SEIS currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) for in-bound Ocean Going Vessels of 20% in Year 4, 50% in Year 5, and 90% in Year 7 violates the CAAP commitment to implement 100% LSF compliance in terminal leases as they are renewed or modified. The SEIR/SEIS requires revision to impose 100% LSF implementation on start of operations for both in-bound and out-bound ships.

We noted that the CAAP included implementation of Measures OGV3, applicable to Auxiliary Engines, and OGV4, applicable to Main Engines, which required that, on lease renewal or revision, all ocean going vessels utilizing the leased facilities must burn  $\leq 0.2\%$  S MGO within

the current Vessel Speed Reduction program boundary of 20 nm, subsequently expanded to the 40 nm boundary. The schedule in the Draft SEIR/SEIS as proposed will never require all OGV to comply with the critically important CAAP OGV Measure.

We also noted that the recently published Fuel Availability Study, conducted by Tetrattech for POLA, established that regional LSF supply is sufficient such that the fuel would be available for Pier 400 ships in bunkering locations on inbound routes or that the inbound ships' routes can simply be planned in advance to ensure access to LSF prior to arriving at the San Pedro Bay ports.

We recognize and appreciate that the Draft EIR/EIS includes 100% LSF compliance for Hoteling and Outbound ships and extended the boundary zone to 40NM.

2. Measure MM-A Q15, Alternative Marine Power (AMP), requires revision to schedule full implementation based on currently available technology. The Draft SEIR/SEIS currently stated phase-in of AMP of 4% in Year 2, 10% in Year 3, 15% in Year 5, 40% in Year 10, and 70% in Year 16 violates the Port's commitments to Air Quality and to Public Health and requires revision to implement AMP at 100% on project start.

As technology advances may include potential for methods other than AMP to reduce emissions at dock, such as bonnet applications, we suggest that AMP implementation may be reduced as other methods such as bonneting result in proven reduced emissions that would achieve the reductions possible through 100% AMP.

3. We request that the Project Description requirements applicable to boiler operations specifically require use of .2% LSF within the 40 nautical mile boundary zone.

We recognize and appreciate that the current Project description includes use of distillate Marine Diesel Oil/Marine Gas Oil (MDO/MGO) at .5% LSF for boiler operations while close to Port. Please note that use of .5% LSF MDO/MGO achieves minimal emission reduction compared to .2% LSF and that the .2% LSF should be considered the minimum threshold of all fuel use within the 40 nm boundary zone, as consistent with the CAAP.

4. Measure MM AQ-16, Slide Valves requires revision to state the specific rate of implementation and to ensure compliance with the CAAP. The AQ-16 as currently worded, "Ships calling at Berth 408 shall be equipped with slide valves or a slide valve equivalent . . . to the maximum extent possible," provides the Port opportunity to demonstrate commitment to Slide Valves and the CAAP.

The CAAP Measure OGV5 stated that Slide Valve Technology shall be implemented through lease requirements as new leases are established or existing leases are revised. Specifically, OGV5 requires that immediately upon lease renewal, all ocean going vessels utilizing the leased facilities must employ slide valve technology.

5. Measure MM-AQ-21, Throughput Tracking, indicates the Port's recognition of the potential for exceeding throughput as planned in the Draft SEIR/SEIS yet requires revision to impose review of actual throughput through a defined process and on a more frequent basis than as currently stated. The current MM-AQ-21 defines no specific requirement for how the reviews will be performed and further definition for the Measure is required to ensure compliance. The Throughput reviews are required on no less than a five-year basis rather than in the currently stated cycle of "through the years 2015, 2025, or 2040."
6. The lease term stated in the SEIR/SEIS requires adjustment to reduce the term or to include re-opener clauses to allow for evaluation at ten year intervals to ensure application of best available technologies and mitigation measures.

7. The EIR/EIS requires revision to incorporate the mitigations required in the recent TraPac EIR/EIS Memorandum of Understanding established through Settlement with the Appellants to the TraPac EIR/EIS.

We look forward to release of the Final EIR/EIS with incorporation of our recommendations as we seek mutually to benefit from improved air quality.



Richard Havenick  
Chair, Air Quality Subcommittee  
Port Community Advisory Committee  
(for the Port of Los Angeles)

Copies to: Dr. Geraldine Knatz, Port of Los Angeles Executive Director; Mr. Henry Hogo, Deputy Executive Officer, South Coast Air Quality Management District; Todd Sterling, California Air Resources Board; Jayme Wilson, Chair, Port Community Advisory Committee; Air Quality Subcommittee Members; Port Community Advisory Committee Members