

#1

**Coalition For A Safe Environment  
Community Dreams  
California Kids IAQ  
Pastor Alfred Carrillo  
California Safe Schools  
Action Now  
Del Amo Action Committee  
Society For Positive Action  
San Pedro & Peninsula Homeowners Coalition**

Date: 12-15-15  
Submitted in 16TJ Committee  
Council File No: 15-1332  
Item No.: 1  
Deputy: public

October 19, 2015

Los Angeles City Mayor  
Los Angeles City Council  
Board of Harbor Commissioners (BOHC)  
Port of Los Angeles (POLA)  
Los Angeles Harbor Department  
Christopher Cannon  
Director of Environmental Management  
Environmental Management Division  
425 S. Palos Verde St., San Pedro, CA 90733-0151  
ccannon@portla.org  
310-732-3675 Office  
310-547-4643 Fax  
Lisa Ochsner  
Environmental Manager  
ceqacomment@portla.org

Re: Notice of Preparation of a Draft Supplemental EIR for Berths 97-109  
(China Shipping) Container Terminal Project

Su: Submission of Public Comments

The Coalition For A Safe Environment et al co-signature organizations and individual respectfully file these Public Comments on behalf of our members, organization affiliations and the public regarding the Notice of Preparation of a Draft Supplemental EIR for Berths 97-109 (China Shipping) Container Terminal Project.

CFASE et al claim that its members, organization affiliations and the public's life, health, welfare, safety, public mobility, public transportation infrastructure, economic resources, community sustainability, quality of life, environment, wildlife and wildlife habitats are negatively and irreversibly impacted by the China Shipping Container Terminal Project operations and failure to comply with all mitigation measure requirements, Amended Stipulated Judgment and Port Lease Agreement terms and conditions.

## **1. Request For Extension of Public Comment Period**

On behalf of the Publics' Best Interests we request a 90 day Public Comment Period Extension due to the gravity of the Port of Los Angeles failure to comply with the Final EIR Mitigation and Lease Agreements.

## **2. Notification That The Proposed Draft Supplemental EIR Is Not The Proper Legal CEQA Document And It Should Be A Subsequent EIR and Must Also Comply With NEPA**

On behalf of the Publics' Best Interests we declare that a Subsequent EIR is the appropriate and proper legal CEQA document for the proposed reasons and actions stated in the NOP and for the reasons and requests stated in our public comments.

### **Subsequent EIR (Definition)**

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR or ND;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If changes to a project or its circumstances occur, or new information becomes available after adoption of a ND, the lead agency shall prepare a subsequent EIR if required under [14 CCR Section 15162(a)]. Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration or an addendum, or no further documentation.

A subsequent EIR or subsequent ND shall be given the same notice and public review as required under CEQA Guidelines Section 15072 or Section 15087. A subsequent EIR or ND shall state where the previous documents are available and may be reviewed.

On behalf of the Public's Best Interests we wish to advise and notify the Port of Los Angeles that the proposed NOP for a DSEIR must also comply with NEPA and must also be a US Army Corp of Engineers DSEIS.

**3. Request That The Los Angeles City Mayor & Los Angeles City Council Impose Disciplinary Actions Against Port of Los Angeles Executive Management & Protections To Prevent Future Violations of Legal Requirements**

It is appalling and disturbing that we the public have just now been informed of the Port of Los Angeles illegal activity and violation of the Breach of Fiduciary Duties, Public Trust Doctrine, Public Records Act, China Shipping Terminal FEIR, Mitigation Measures, Lease Agreement Amended Stipulated Judgment and CEQA law.

On behalf of the Public's Best Interests we request that the Los Angeles City Mayor & Los Angeles City Council Impose Disciplinary Actions Against Port of Los Angeles Executive Management for their illegal actions and violations of the Breach of Fiduciary Duties, Public Trust Doctrine, Public Records Act, China Shipping Terminal FEIR, Mitigation Measures, Lease Agreement and CEQA law (Also referred to as Public Policies in this document).

We request that the Los Angeles City Mayor & Los Angeles City Council immediately adopt new policies, procedures and safeguards to prevent any future Port of Los Angeles contractual and public policy violations.

We further request that all Port of Los Angeles projects with current mitigation programs and measures be reviewed by an independent 3<sup>rd</sup> party Auditor to verify legal compliance to all EIR and Lease Agreement requirements.

**4. Request That The NOP Be Rewritten To Include The Specific China Shipping Mitigation Changes**

On behalf of the Public's Best Interests we request that the NOP Section 2.0 Description of the Proposed Project and Section 3.0 Environmental Issues, include the letter or correspondence that China Shipping provided to the Port of Los Angeles regarding the POLA reference in the NOP, "China Shipping has requested that certain mitigation measures that were analyzed in the FEIS/FEIR (USACE and LAHD 2008) be reviewed and possibly revised."

The public cannot comment on the NOP or make recommendations for Draft SEIR/Draft SEIS without knowing the exact details of their request. The information stated in NOP Section 2 & 3 does not provide this information.

**5. Request That The NOP Be Rewritten To Include The LAHD Proposed Mitigation Measure Changes**

On behalf of the Public's Best Interests we request that the NOP Section 2.0 Description of the Proposed Project and Section 3.0 Environmental Issues include detailed information referenced in the NOP statement, "LAHD has also proposed that certain mitigation measures be reviewed and possibly revised based on feasibility, effectiveness, and other factors."

The public cannot comment on the NOP or make recommendations for the Draft SEIR/Draft SEIS without knowing the exact details of the LAHD statement. The ports reference to other factors is unacceptable, we request that the Port state and clearly define all factors. The information stated in NOP Section 2 & 3 does not provide this information.

**6. Request That An Independent 3<sup>rd</sup> Party Be Contracted For Administrating The Mitigation Monitoring and Reporting Program (MMRP)**

On behalf of the Public's Best Interests we request that an Independent 3<sup>rd</sup> Party be immediately contracted for Administrating the China Shipping Terminal Mitigation Monitoring and Reporting Program (MMRP).

**7. Request That The DSEIR/DSEIS Include Penalties & Sanctions For Failing To Comply With Legal Requirements**

On behalf of the Public's Best Interests we request that the DSEIR/DSEIS include a matrix of Penalties and Sanctions for failing to comply with the China Shipping Terminal Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Amended Stipulated Judgment (ASJ), Port Lease Agreement and CEQA law.

**8. Request That The DSEIR/DSEIS Be Required To Include All Current Feasible Mitigation Measures**

On behalf of the Public's Best Interests we request that the DSEIR/DSEIS update the Final EIR Mitigation Measures to include all current State-of-the-Art Feasible Mitigation Measures.

We would also like to state for the record that CEQA does not require that a technology proposed for mitigation be certified by any governmental regulatory agency. CEQA requires that a technology be feasible for the proposed application and be available upon completion of the construction of the project. A company can prove that a mitigation technology is feasible by providing independent 3<sup>rd</sup> party test validation and application demonstration verification, which can include governmental agency participation.

The Port of Los Angeles repeatedly states that a mitigation technology must be certified by the California Air Resources Board (CARB) for it to be adopted as a mitigation measure which is not true, the Port of Los Angeles has never submitted any comprehensive assessment or evaluation in an EIR to validate it claims that a public proposed mitigation technology was not feasible. It is a fact that the POLA has not included a mitigation technology that was certified by CARB.

For example, the BNSF SCIG Project Final EIR did not include the Vision Motor Corp Class VIII Tyrano Drayage Truck, which was certified by CARB as a zero emissions truck for sale in the state of California but was still not included in the Final EIR as mitigation measure. It had even passed a BNSF on-site railroad yard testing at their facilities.

For example, it is a fact that not all China Shipping fleet of ships serving the Port of Los Angeles are retrofitted and able to plug into POLA's AMP electric shorepower. The Advanced Maritime Emissions Control System (AMECS) is the only alternative technology mitigation that can capture over 90% of all ship exhaust emissions from all current size ships visiting the Port of Los

Angeles. It is also a fact that the AMECS technology can capture more emissions than the POLA AMP electric shorepower.

We request that the Advanced Maritime Emissions Control System (AMECS) be included as a feasible China Shipping Terminal Mitigation Measure for China Shipping

We request that Zero Emission Trucks Class VIII, Class VII, Yard Hostlers, Top Picks, Side Picks and Transtainers be included as a feasible China Shipping Terminal Mitigation Measure for China Shipping.

**9. Request That The 2008 Emissions Inventory Be Updated To Include Excess Emissions That Were Not Mitigated**

On behalf of the Public's Best Interests we request that the DSEIR/DSEIS update the 2008=2015 China Shipping Emissions Inventories to include the illegal excess emissions that were not mitigated due to the failure of the Port of Los Angeles and China Shipping Terminal to implement agreed upon mitigation measures.

We further request that an additional Public Health Mitigation Fund be established at a penalty rate of \$ 10,000. per metric ton to be given to the Harbor Community Benefit Foundation for public mitigation administration. These funds shall be used exclusively for public health research, with the priority for a conducting a Los Angeles Harbor Community Health Impact Assessment and Public Health Survey.

We further request that the emissions inventory be based on actual emission data from all sources to include the annual increases in emissions due to the aging of equipment and not be based on modeling and assumptions which have now been discovered to have been falsified.

We further request that an independent 3<sup>rd</sup> party engineering firm be hired to replace the previous consulting firm working on the China Shipping Emissions Inventory and that the previous consulting firm be banned from future Port of Los Angeles contracts.

We further request that an investigation be conducted of the engineering consulting firm (Starcrest) to determine if it knowingly participated in the falsification of emission data.

**10. Request That The Supplemental Draft EIR/Draft EIS also Include Information Previously Omitted in The Final EIR/EIS**

On behalf of the Public's Best Interests we request that the Draft SEIR/Draft SEIS include information, assessments and mitigation that were omitted in the Final EIR that were required by CEQA. We request that the following as a minimum be included:

**a. Freight Transportation Public Safety & Risk Assessment**

On behalf of the Public's Best Interests we request that a Freight Transportation Public Safety & Risk Assessment be included in the SDEIR/SDEIS. The Port of Los Angeles in the certified China Shipping Container Terminal Project EIR failed to contain a Freight Transportation Public & Student Safety & Risk Assessment to identify Train Rail and Truck Transportation Corridors (TRFTC) off-tidelands property. TRFTC's exist throughout the Harbor Environmental Justice

Communities of Wilmington, San Pedro and neighboring cities. TRFTC's have never been identified, inventoried, mapped and assessed to determine the safety and risk to the public and students en route to public and private schools, child care centers, public libraries, public parks, youth recreational facilities, local medical clinics, churches, supermarkets and numerous other destinations.

The public and students must cross railroad tracks, truck routes, sidewalks and bridges which have become major port transportation corridors. The port has failed to provide appropriate mitigation for these yearly increasing public safety dangers and hazards risk impacts.

For example, Port trucks run over corner sidewalks trying to make a right turn from the right lane to a street that was never built as a major truck route in order to get to container storage yards. There is no warning sign advising residents to take caution. There are no painted yellow lines on the sidewalks for residents to know how far back they should stand and wait.

#### **b. Project Truck Driver Workforce Assessment**

On behalf of the Public's Best Interests we request that a Project Truck Driver Workforce Assessment be included in the SDEIR/SDEIS. The Port of Los Angeles in the certified China Shipping Container Terminal Project EIR failed to contain a Project Truck Driver Workforce Assessment to determine the number of truck drivers that would have to be trained and hired over the period of time to meet the China Shipping Container Terminal growth.

The Port of Los Angeles has on numerous occasions recently in 2015 stated to elected officials, the public and media that there was and continues to be a shortage of truck drivers, thus causing the inability of the port and terminals to unload ships on their schedule and in a timely manner. This has caused an increase in toxic ship emissions that were not identified, inventoried and mitigated. This has also caused an increase in freight traffic congestion and freight transportation impacts throughout the Harbor Environmental Justice Communities of Wilmington, San Pedro and neighboring cities that were not identified, inventoried and mitigated.

The Port and Shipping Industry additionally failed to disclose that the primary reason that there is a shortage of truck drivers is because truck drivers refuse to work for minimum wage while big box retailers like Walmart, Kmart, Costco etc, reap hundreds of millions annually in net profits.

The Port of Los Angeles failed to disclose the truth of the inadequacies of the approved project and certified an EIR in identifying all environmental, transportation, public health and public safety impacts.

#### **c. Project Chassis Need Assessment**

On behalf of the Public's Best Interests we request that a Project Chassis Need Assessment be included in the SDEIR/SDEIS. The Port of Los Angeles in the certified China Shipping Container Terminal Project EIR failed to contain a Project Chassis Need Assessment to determine the

number of chassis that would be needed over the period of time to meet the China Shipping Container Terminal growth.

The Port of Los Angeles has on numerous occasions (recently in 2015) stated to elected officials, the public and media that there was and continues to be a shortage of chassis, thus causing the inability of the port and terminals to unload ships on their schedule and in a timely manner. This has caused an increase in toxic ship emissions that were not identified, inventoried and mitigated. This has also caused an increase in freight traffic congestion and freight transportation impacts throughout the Harbor Environmental Justice Communities of Wilmington, San Pedro and neighboring cities that were not identified, inventoried and mitigated.

The Port of Los Angeles failed to disclose the truth of the inadequacies of the approved project and certified EIR in identifying all project needs and environmental, transportation, public health and public safety impacts.

#### **d. Project Comprehensive Truck Traffic Route Destination Assessment**

On behalf of the Public's Best Interests we request that a Project Comprehensive Truck Traffic Route Destination Assessment be included in the SEIR. The Port of Los Angeles in the certified China Shipping Container Terminal Project EIR failed to contain a Project Comprehensive Truck Traffic Route Destination Assessment to determine all of the truck destinations of the China Shipping Container Terminal.

The Port of Los Angeles failed to include all project truck travel destinations in the Transportation Study:

- On/Off Tidelands Property Container Inspection Facilities
- On/Off Tidelands Property Container Storage Yards, Maintenance & Repair Facilities
- On/Off Tidelands Property Chassis Storage Yards, Maintenance & Repair Facilities
- On/Off Tidelands Property Chassis 40' to 53' Modification & Painting Facilities
- On/Off Tidelands Property TRU Storage Yards, Maintenance & Repair Facilities
- On/Off Tidelands Property Truck Storage Yards, Maintenance & Repair Facilities
- On/Off Tidelands Property Yard Hostler Storage Yards, Maintenance & Repair Facilities
- On/Off Tidelands Property Container Fumigation Facilities
- On/Off Tidelands Property Container Transloading Facilities
- On/Off Tidelands Property Truck Class VIII Fueling Facilities
- On/Off Tidelands Property Truck Yard Hostler Fueling Facilities

This has caused an increase in toxic truck emissions that were not identified, inventoried and mitigated. This has also caused an increase in freight traffic congestion and freight transportation impacts throughout the Harbor Environmental Justice Communities of Wilmington, San Pedro and neighboring cities that were not identified, inventoried and mitigated.

The Port of Los Angeles failed to disclose the truth of the inadequacies of the approved project and certified EIR in identifying all project needs and environmental, transportation, public health and public safety impacts.

**e. Project Truck Emissions Inventory Failed to Include All Traffic Route Destinations**

The Port of Los Angeles failed to include all project truck emissions from all truck travel destinations in the China Shipping Terminal Final EIR/EIS:

- On/Off Tidelands Property Container Inspection Facilities.
- On/Off Tidelands Property Container Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Chassis Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Chassis 40' to 53' Modification & Painting Facilities.
- On/Off Tidelands Property TRU Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Truck Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Truck Detours (Extra driving distance) and Idling (Waiting for accidents to clear-up) at location or through the community due to accidents on bridges and freeways. Which do occur frequently.
- On/Off Tidelands Property Yard Hostler/Top Picks/Side Picks/Transtainers Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Container Fumigation Facilities.
- On/Off Tidelands Property Container Transloading Facilities.
- On/Off Tidelands Property Truck Class VIII Fueling Facilities.
- On/Off Tidelands Property Truck Yard Hostler Fueling Facilities.
- On/Off Tidelands Property Truck Emissions from idling waiting for lift bridges to go up and come down. Shuyler Heim Bridge & Badger Bridge.

**f. Project Emissions Inventory Failed To Include All Non-Tailpipe & Greenhouse Gas Emissions**

The Port of Los Angeles failed to include all project Non-Tailpipe & Greenhouse Gas Emissions in the China Shipping Terminal Final EIR/EIS:

- Ships idling out of Inner Harbor due to lack of trucks, chassis, labor contract negotiations and other reasons.
- Harbor Line Train operation, maintenance & repair.
- On/Off Tidelands Property Truck Air Conditioner Units HFC's which escape during truck usage, maintenance & repair. Leakage increases with age.
- On/Off Tidelands Property Truck Air Conditioner Units HFC's which escape when trucks are put out of service. The HFC's are not evacuated before going to junk yards.
- On/Off Tidelands Property Refrigerated Container "Reefer" TRU's HFC's which escape during container usage, maintenance & repair. Leakage increases with age.
- On/Off Tidelands Property Refrigerated Container "Reefer" TRU's HFC's which escape when units are put out of service. The HFC's are not evacuated before going to junk yards.
- Lift Bridges emissions when bridge diesel power generator turns-on and operates when a ship travels under bridges. Shuyler Heim Bridge & Badger Bridge.

- Volatile Organic Compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs) out-gassing from asphalt & modified bitumen used for China Shipping Terminal streets, parking areas and roof tars.
- Dust (Particulate Matter-PM) from uncovered dirt stored at the China Shipping Terminal and sludge materials dredged and deposited at Consolidated Slip. The Public reported to the South Coast AQMD fugitive emissions from wind storm at the China Shipping Terminal north-end which resulted in an AQMD fugitive dust violation and citation.
- On/Off Tidelands Property Truck, Yard Hostler/Top Picks/Side Picks/Transtainers brake dust, tire rubber and tire metal particles.
- On/Off Tidelands Property release of Methyl Bromide during set-up and fumigation of containers and release of residual fumigants in containers when opened at warehouses and distribution centers.
- On/Off Tidelands Property release of VOC's, PAHs & PM from paints, coatings, sealers and insulation materials used on buildings, railings, structural materials and equipment.
- On/Off Tidelands Property release of PM, Dust and Chips from deteriorating lead paint, coatings and sealers from Containers, Chassis and TRUs at storage yards and scrap metal recycling yards.

**g. Project Noise/Ground Vibration Was Underestimated Due To The Failure To Identify All Noise Sources**

The Port of Los Angeles failed to include all project noise from all port operations and truck travel destinations, freeways, highways, bridges and special equipment in the China Shipping Terminal Final EIR/EIS:

- On/Off Tidelands Property Container Inspection Facilities.
- On/Off Tidelands Property Container Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Chassis Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Chassis 40' to 53' Modification & Painting Facilities.
- On/Off Tidelands Property TRU Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Truck Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Truck Detours (Extra driving distance) and Idling (Waiting for accidents to clear-up) at location or through the community due to accidents on bridges and freeways. Which do occur frequently.
- On/Off Tidelands Property Yard Hostler/Top Picks/Side Picks/Transtainers Storage Yards, Maintenance & Repair Facilities.
- On/Off Tidelands Property Container Fumigation Facilities.
- On/Off Tidelands Property Container Transloading Facilities.
- On/Off Tidelands Property Truck Class VIII Fueling Facilities.
- On/Off Tidelands Property Truck Yard Hostler Fueling Facilities.
- On/Off Tidelands Lift Bridges when bridges go up and down and related sirens. Shuyler Heim Bridge & Badger Bridge.
- On/Off Tidelands Lift Bridges when bridge diesel power generator turns-on and operates when a ship travels under bridges. Shuyler Heim Bridge & Badger Bridge.
- On/Off Tidelands Property Freeways, Highways and Bridges. As a minimum Los Angeles Harbor Freeway I-110, Long Beach Freeway I-710, Terminal Island Freeway 104, Shuyler Heim Bridge & Badger Bridge.

- Port Police, City Police & Coast Guard cars, boats, ships and helicopters

#### **h. Include A Truck Short Hall Destinations Assessment**

On behalf of the Public's Best Interests we request that a Truck Short Hall Destinations Assessment be conducted to identify how many Zero Emission Trucks can be phased-in over a short period of time 1-5 years to replace diesel fuel trucks for hauling containers to destinations of less than 5 miles. Reference e. above, the Union Pacific ICTF Terminal and Proposed BNSF SCIG Terminal.

#### **i. Include A Zero Emission Truck Assessment**

On behalf of the Public's Best Interests we request that a Zero Emission Truck Assessment be conducted to identify all Zero Emission Truck Manufacturers and truck model availability. We request that Zero Emission Trucks be the # 1 priority for replacing diesel trucks and other petroleum based fuel trucks traveling to and through the Environmental Justice Communities of Wilmington, San Pedro, Harbor City, Carson, West Long Beach, other Port Freight Transportation Corridor Communities, the Union Pacific ICTF Railyard and future BNSF SCIG Railyard.

The Coalition For a Safe Environment has identified as a minimum the following Zero Emission Class VIII Drayage Trucks:

- Transportation Power, Inc. (TransPower), ([www.transpowerusa.com](http://www.transpowerusa.com)) offers a Zero Emissions Class 8 Truck Model TransPower ElecTruck Internatrional ProStar.
- US Hybrid ([www.ushybrid.com](http://www.ushybrid.com)) offers two Zero Emissions Class 8 Truck Models, eTruck and H2Truck. <http://www.ushybrid.com/documents/PDF/2/eTruck.pdf>
- BYD Motors, Inc. ([www.byd.com](http://www.byd.com)) offers a Zero Emissions Class 8 Truck Model J9D.
- BMW Group/SCHERM Group ([www.bmwgroup.com](http://www.bmwgroup.com)) ([www.scherm.com](http://www.scherm.com)) offers a Zero Emissions Class 8 Truck Model Terberg YT202-EV.

#### **j. Include A Near Zero Emission Truck Assessment**

On behalf of the Public's Best Interests we request that a Near Zero Emission Truck Assessment be conducted to identify all Near Zero Emission Truck Manufacturers and truck model availability that can haul containers long distance of over 25 miles and up to 500-600 miles.

The Coalition For a Safe Environment has identified as a minimum the following Near Zero Emission Class VIII Drayage Trucks:

- Freightliner Trucks ([www.freightlinertrucks.com](http://www.freightlinertrucks.com)) offers a Near Zero Emissions Class 8 Truck Model Cascadia 113 Natural Gas Tractor which uses a Cummins Westport ISX12 G Heavy-Duty Natural Gas Engine
- International Trucks ([www.internationaltrucks.com](http://www.internationaltrucks.com)) offers a Near Zero Emissions Class 8 Truck Model TRANStar Compressed Natural Gas which uses a CWI ISL-G Natural Gas Engine
- Volvo Trucks ([www.volvotrucks.com](http://www.volvotrucks.com)) offers 2 Near Zero Emissions Class 8 Truck Models Volvo VNM and Volvo VNL which uses a Cummins Westport ISL G or ISX12 G Heavy-Duty Natural Gas Engine.

- Mack Trucks ([www.macktrucks.com](http://www.macktrucks.com)) offers a Near Zero Emissions Class 8 Truck Model Mack TerraPro which uses a Cummins Westport ISX12 G Heavy-Duty Natural Gas Engine.

**k. Include An Environmental Justice Analysis**

On behalf of the Public's Best Interests we request that an Environmental Justice Analysis be conducted and included in the Draft SEIR/EIR as a result of the illegal activities and failure to initiate all legally required mitigation measures to protect Environmental Justice Communities and the public.

**11. Request Disclosure Of All Documentation & Correspondence Regarding Mitigation Measures & Lease Agreement**

On behalf of the Public's Best Interests we request the Port of Los Angeles and China Shipping release to the public all Documentation, Correspondence, Waivers, Inter-Department Memos, Notes and Text Messages regarding Mitigation Measures & the Lease Agreement.

**12. Request Disclosure Of All Non-China Shipping Containers Now Being Imported & Transported**

We are now aware that other foreign companies and Port of Los Angeles terminals such as Yang Ming a Chinese company and UASC United Arab Shipping Company are using the China Shipping Terminal which was not included or approved in the China Shipping Terminal Final EIR/EIS, Mitigation Measures and Port Lease Agreement.

We request that a full investigation be initiated to disclose why these two companies were not included in the Final EIR/EIS, Mitigation Measures and Port Lease Agreement and whether they have been included in all project assessments and mitigation.

**13. Request The Suspension Of Christopher Cannon, Director of Environmental Management**

On behalf of the Public's Best Interests we request the suspension of Christopher Cannon, Director of Environmental Management, all staff and consultant contractors working on the China Shipping Terminal Project EIR for their:

- a. Failure to timely disclose to the public that the Port of Los Angeles had failed to comply with the China Shipping EIR Mitigation Terms & Conditions, Amended Stipulated Judgment and Lease Agreement.
- b. Failure to timely disclose to the Port Executive Director and Board of Harbor Commissioners that the Port of Los Angeles had failed to comply with the China Shipping EIR Mitigation Terms & Conditions and Lease Agreement.
- c. Failure to timely disclose to the Los Angeles City Attorney that the Port of Los Angeles had failed to comply with the China Shipping EIR Mitigation Terms & Conditions and Lease Agreement.
- d. Failure to immediately initiate corrective action and compliance actions.

**14. Request The Suspension Of Janna Sidley, General Counsel Harbor Division - Los Angeles City Attorney**

On behalf of the Public's Best Interests we request the suspension of Janna Sidley, General Counsel Harbor Division - Los Angeles City Attorney and all legal staff assigned to the China Shipping Terminal Project EIR for their:

- e. Failure to timely disclose to the public that the Port of Los Angeles had failed to comply with the China Shipping EIR Mitigation Terms & Conditions, Amended Stipulated Judgment and Lease Agreement.
- f. Failure to timely disclose to the Port Executive Director and Board of Harbor Commissioners that the Port of Los Angeles had failed to comply with the China Shipping EIR Mitigation Terms & Conditions and Lease Agreement.
- g. Failure to timely disclose to the Los Angeles City Attorney that the Port of Los Angeles had failed to comply with the China Shipping EIR Mitigation Terms & Conditions and Lease Agreement.
- h. Failure to immediately initiate legal enforcement, corrective action and disciplinary actions.
- i. Intentional provide illegal and unprofessional advisement to Port of Los Angeles staff to not disclose information.

It was already known to the new City Attorney, Mayor, Los Angeles City Council, All of the City of Los Angeles and world that the previous Port of Los Angeles General Counsel Thomas Russel had illegally approved the China Shipping Terminal Project to proceed construction without an approved Environmental Impact Report as required by law under the California Environmental Quality Act (CEQA) which caused the Port of Los Angeles and City of Los Angeles to lose a CEQA in court.

It was also known by the previous executive officer and port management that CEQA required an EIR for all major projects, yet they failed to initiate individual actions to comply with CEQA or bring to the attention of the City Attorney, City Mayor and City Council of suspected illegal and improper actions.

#### **15. Request The Los Angeles City Mayor And Los Angeles City Council Take Disciplinary Action Against The City Attorney**

On behalf of the Public's Best Interests we request that the Los Angeles City Mayor and Los Angeles City Council take disciplinary action against the City Attorney for his failure and negligence to provide Harbor Department over-site, require periodic mitigation and lease contract compliance reporting, independent auditing and other appropriate administrative actions

The new City Attorney should have required new reporting protocols and auditing mechanisms to assure compliance to all CEQA and NEPA legal requirements and to assure public confidence.

The new City Attorney was aware of the China Shipping Terminal Project, the CEQA lawsuit and Port of Los Angeles and City of Los Angeles CEQA court settlement.

The failure of the City Attorney to do this, has now resulted in five (5) new CEQA lawsuits filed against the Port of Los Angeles and City of Los Angeles on the Port of Los Angeles Board of

Harbor Commissioners approved BNSF SCIG Project and certified Final EIR, with the primary issues of contention being inadequate mitigation.

#### **16. Request The Reestablishment of The Port Community Advisory Committee (PCAC)**

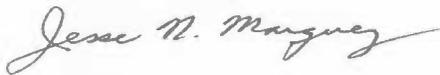
On behalf of the Public's Best Interests we request the Reestablishment of The Port Community Advisory Committee (PCAC), supporting Staff and Budget, however, with membership restricted to members of the public and organizations who have no conflict of interests representing: homeowner associations, environmental justice organizations, environmental organizations, community organizations, athletic organizations, faith based organizations, public health organizations, academic institutions but not limited too.

The failure to provide the public, appointed and elected officials the truth and to be transparent in all business activities and legal requirements justifies the Reestablishment of The Port Community Advisory Committee (PCAC), supporting Staff and Budget.

The Coalition For A Safe Environment et al co-signature organizations and individual respectfully file these Public Comments on behalf of our members, organization affiliations and the public and request that all actions requested herein be accepted and included in the Draft Supplemental EIR/EIS.

Jesse N. Marquez is the designated contact person for all co-signatories organizations and individual for all future correspondence, information, questions, hearings and meetings. All co-signatories and individual reserve their rights to participate in all future meetings, discussion, actions, mediation and negotiations.

Respectfully Submitted



Jesse N. Marquez

Jesse N. Marquez  
Executive Director  
Coalition For A Safe Environment  
1601 N. Wilmington Blvd., Ste. B  
Wilmington, CA 90744  
jnm4ej@yahoo.com  
310-590-0177 310-704-1265

Drew Wood  
Executive Director  
California Kids IAQ  
1601 N. Wilmington Blvd., Ste. B4  
Wilmington, CA 90744  
californiakidsiaq@gmail.com  
916-616-5913

Ricardo Pulido  
Executive Director  
Community Dreams  
1601 N. Wilmington Blvd., Ste. B2  
Wilmington, CA 90744  
mr.rpulido@gmail.com  
310-567-0748

Pastor Alfred Carrillo  
Apostolic Faith Center  
1510 E. Robidoux St.  
Wilmington, CA 90744  
alfredcarrillo@msn.com  
310-940-6281

Robina Suwol  
Executive Director  
California Safe Schools  
P.O. Box 2756  
Toluca Lake, CA 91610  
robinasuwol@earthlink.net  
818-261-7965

Mitzi Shpak – Executive Director  
Action Now  
2062 Lewis Ave.  
Altadena, CA 91001  
msmshpak@gmail.com  
626-825-9795

Cynthia Babich  
Founder and Director, Del Amo Action Committee  
Coordinator, Los Angeles Environmental Justice Network  
P.O. Box 549  
Rosamond, CA 93560  
310 769-4813 661 256-7144  
www.delamoactioncommittee.org  
delamoactioncommittee@gmail.com

Shabaka Heru – Executive Director  
Society For Positive Action  
P.O. Box 59541  
Los Angeles, CA 90059  
shabaka4ej@yahoo.com  
310-462-6732

Dr. John G. Miller, MD  
President  
San Pedro & Peninsula Homeowners Coalition  
1479 Paseo Del Mar  
San Pedro, CA 90731  
igornla@cox.net  
310-548-4420

#1

My name is Andrea Hricko and I am on the faculty at Keck School of Medicine of USC. ahricko@usc.edu

Date: 12-15-15

Submitted in IGTCT Committee

Council File No: 15-1332

Item No.: 1

Deputy: Public

I would like to raise two points today:

1. Officials from the Port of L.A. made statements to the public from 2009 on, stating that China Shipping was and would continue to meet its mitigation measures. I'll provide a few examples.

E.g., in 2011 a press release by the Port said that China Shipping would be meeting 100% of vessel speed reductions to reduce emissions. In 2011, the number was 42%. AMP, plugging into electricity was at 12%, not 100%.

In that same press release, the Mayor of L.A. told the president of China Shipping, and I quote: "I commend China Shipping for its long-term commitment to the Los Angeles economy and the environment," said Los Angeles Mayor Antonio Villaraigosa. "This is a global company that has made a major financial investment in Los Angeles to significantly grow its business using the cleanest technology available." But it was not using the cleanest technology because it already had a waiver.

The same 2011 press release had a quote from the president of China Shipping to whom Dr. Geraldine Knatz had granted an environmental waiver in 2009. He did not mention the environment, instead focusing on growth: "We take great pride in the growth and success we've

experienced at the Port of Los Angeles," said Chairman Li Shaode of China Shipping.

[https://www.portoflosangeles.org/newsroom/2011\\_releases/news\\_041811\\_China\\_Shipping\\_.asp](https://www.portoflosangeles.org/newsroom/2011_releases/news_041811_China_Shipping_.asp)

The year before, in December 2010, a year after the waiver was signed, Chris Cannon, director of environmental management at the Port told the Planning Report:

“We are working with our terminals to allow them to develop and prosper as businesses while still implementing environmental controls.”

<http://www.planningreport.com/2010/12/02/not-resting-clean-trucks-success-port-la-still-%E2%80%98growing-green>

He then specifically referenced China Shipping. Now we better understand what he was implying.

Point 2. In light of what has been learned about China Shipping, I believe that an independent third party needs to review all of the emission inventory reports done by the Port of L.A.

There are two issues with these reports:

First, the emission inventories show dramatically higher emission reductions at the POLA than do the actual monitoring measurements made by devices that sample the air. Port environmental management staff has consistently told me that this is because the monitors are off the port property and pick up emissions from cars and trucks from

regular traffic... but wouldn't we really like to know if the inventories and dramatic decreases that the inventories show are actually true?

E.g., the 2014 Emission Inventory for POLA shows an 85% reduction in DPM since 2005, whereas the air monitor showed a 68% reduction (EC, as surrogate). For Sulfur Oxides, the POLA shows a 97% decrease since 2005 and the monitors for SO<sub>2</sub> show a 62% decrease.

I sent a report that I drafted about this issue to Chris Cannon on October 27<sup>th</sup> and I have copies here for you.

With regard to the emission inventories, I also think a 3<sup>rd</sup> party might review the similarity between the results found for the Port of L.A. and those for the Port of Long Beach, which are both done by Starcrest Consulting.

Paint me skeptical, but I find it hard to believe that after 10 years of the Clean Air Act, the Ports, with different administrations, thousands of different endpoints to measure for ships at AMP, vessel speeds, thousands of ages of drayage trucks to consider, different terminal operators, etc... that after all those thousands of data points.... the two ports have EXACTLY THE SAME PERCENTAGE REDUCTION IN DIESEL PARTICULATE MATTER.

The Port of L.A. diesel PM reductions: 85% since 2005.

The Port of Long Beach diesel PM reductions: 85% Really?

Port of L.A. 97% SOx reduction

Port of Long Beach 97% SOx reduction  
Really?

Again, I believe these reports – for both Ports – need an independent review.

[https://www.portoflosangeles.org/newsroom/2011\\_releases/news\\_041811\\_China\\_Shipping\\_.asp](https://www.portoflosangeles.org/newsroom/2011_releases/news_041811_China_Shipping_.asp)

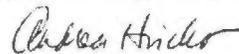
# Keck School of Medicine of USC

ANDREA M. HRICKO  
*Professor*

**Date:** October 26, 2015 (version with corrections since one submitted on October 14, 2015)

**To:** Christopher Cannon  
Director, Port of Los Angeles Environmental Management

**From:** Andrea Hricko, USC [ahricko@usc.edu](mailto:ahricko@usc.edu)



**Re:** Comparison of POLA's 2005-2014 Emissions Inventories with the Results of POLA's 2014 CAAP Report on Air Pollution Monitoring; Questions

The revelations about China Shipping's failure to meet 11 out of 52 of its mitigation measures (some of which were due to be completed in 2011) raise questions about possible inaccuracies in the emission inventories conducted by the Port of Los Angeles.

This memo compares the most recent Port of Los Angeles (POLA) Emissions Inventory (EI) (a modeling exercise) with the most recent Air Quality Monitoring Report (actual pollution measurements). The reductions shown in the Table below derive directly from each report (that is, they are not a calculation done by anyone at USC but rather by Starcrest and by Leidos, Inc. for the Port of Los Angeles Environmental Management Division).

## **Reports by Number and Name:**

**#1.** Air Quality Monitoring Program at the Port of Los Angeles, Year Ten Data Summary May 2014 - April 2015; Prepared for the POLA Environmental Management Division, October 2015, by Leidos, Inc.

<http://caap.airsis.com/Documents/POLA%2010th%20Annual%20Monitoring%20Report%20%28May%202014%20-%20April%202015%29.pdf>

**#2.** 2005-2014: Report Card Air Quality: (Emissions Inventory Data)

[https://www.portoflosangeles.org/pdf/2014\\_Air\\_Quality\\_Report\\_Card.pdf](https://www.portoflosangeles.org/pdf/2014_Air_Quality_Report_Card.pdf). Full Emissions Inventory report by Starcrest Consulting:

[https://www.portoflosangeles.org/pdf/2014\\_Air\\_Emissions\\_Inventory\\_Full\\_Report.pdf](https://www.portoflosangeles.org/pdf/2014_Air_Emissions_Inventory_Full_Report.pdf)



**Table 1. Comparison of 2005- 2014 POLA Emission Inventory with 2005-2014 POLA Air Quality Monitoring Report**

Pollutant	Emission inventories - claimed reductions between 2005-2014 (Report 2)	Air monitoring program, actual measurements, 2005-2014 at source- dominated site at POLA (Report 1)	Notes	Comments
DPM	85%	68%	As measured by marker EC (elemental carbon) See Figure A-1	Emissions inventory says that "this is a good correlation between DPM and EC measurements."
PM2.5	83%	32%	See text and Figure 5-7 from Air Quality Monitoring Report.  I note that PM2.5 is more of a regional pollutant	Report #1 – air quality monitoring says there have been some <i>increases</i> in PM2.5 at source-dominated site in last few years.
PM10	84%	Not measured at Source- Dominated Site		
NOx	52%			
NO2 annual average		~20%	See Figures below on NO2.	
NO2 1 hour average		~18%	See Figures below on NO2.	
Sox	97%			
SO2		~62%	No explanation in either report about why these are so different.	

**Table 2. POLA Overall Emissions Reductions from 2005-2014**



**OVERALL EMISSIONS REDUCTIONS CY 2005-2014**



Pollutant	CY 2005-2014	
	%	tons
DPM	85%	749
PM <sub>2.5</sub>	83%	691
PM <sub>10</sub>	84%	810
NO <sub>x</sub>	52%	8,442
SO <sub>x</sub>	97%	4,819

**DPM**

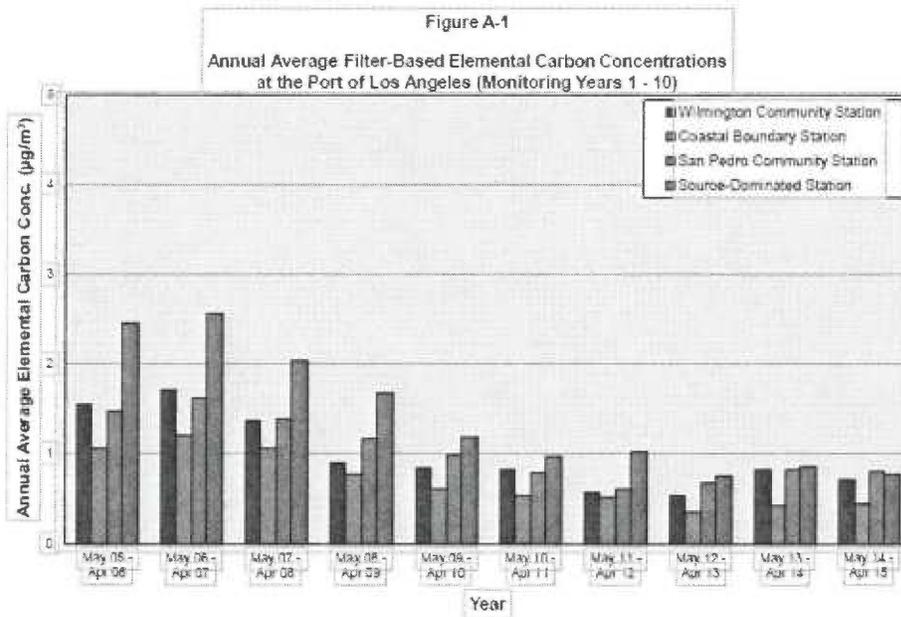
**From the Emissions Inventory of POLA:**

**Port DPM Emissions**

Port-related DPM emissions have decreased 85% since 2005. These reductions were led by vessel speed reduction, cleaner vessel fuels, AMP, and the Clean Truck Program, which all contributed to significant reductions in DPM emissions through 2014.

The Port's Air Quality Monitoring report #2 states the following: "A comparison is made between the decreases in calculated DPM emissions (as reported in the annual Port Emissions Inventory) and measured ambient EC concentrations, since EC is considered a surrogate of DPM for monitoring purposes. Over the 10-year monitoring period from 2005-2006 to 2014-2015, annual Port-wide DPM emissions decreased by 85 percent, while average ambient EC concentrations at the Source-Dominated station, located in the center of Port operations, decreased by 68 percent over a similar 10-year period (May 2005 – April 2015). This indicates a good correlation between annual DPM emissions and average annual ambient EC concentrations." No other explanation is offered for why EC measured reductions do not better track DPM calculation emissions.





### PM2.5

The Port's Air Quality Monitoring Report (Report #1) states that: "From monitoring year 2005-2006 to monitoring year 2014-2015, the annual average PM2.5 concentrations decreased by 32 percent at the Source-Dominated station, much less than the 83 percent reduction in Port-wide PM2.5 emissions during the 2005-2014 period. Ambient PM2.5 levels around the Port have apparently not followed decreases in PM2.5 emissions nearly as well as ambient EC levels appear to have followed decreases in DPM emissions, likely due to the differing characteristics and sources of these two pollutants. For example, ambient PM2.5 levels can be affected by regional sources of PM2.5 emissions, through processes such as the secondary formation of PM2.5, and are thus not as sensitive to Port-focused emission reduction measures in the CAAP as are EC levels, which is more of a localized pollutant."



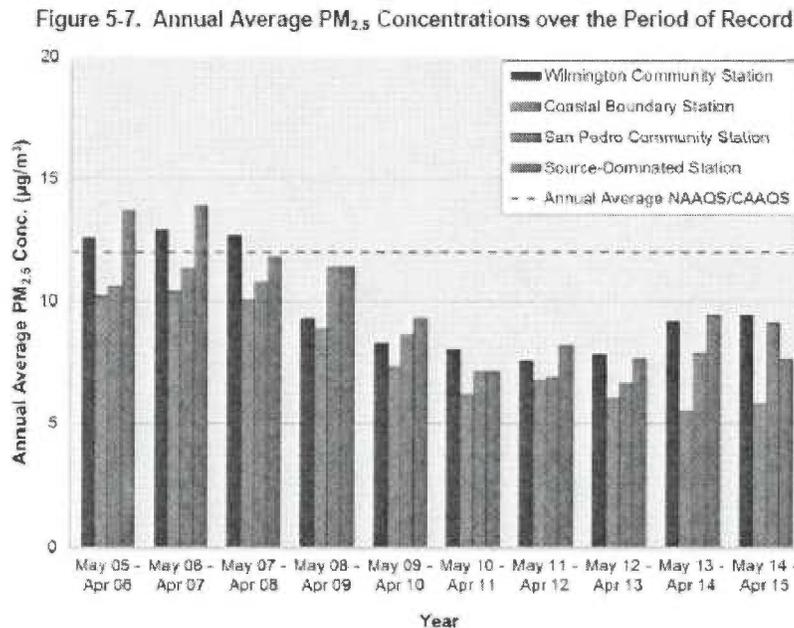


Figure 5-7 illustrates the decreasing trend in annual average PM<sub>2.5</sub> concentrations. The decrease is relatively consistent over a five-year period from 2006-2007 to 2010-2011. During the past five monitoring years (2010-2015), the annually averaged PM<sub>2.5</sub> concentrations have remained at approximately the same overall level, with some increases evident at all stations except for the Source Dominated station during the last year.

## NOx

In 2014, container ship anchorage NOx emissions increased by 1,351% or 165.8 tons compared to 2013 due to the temporary congestion experienced at the port. NOx emissions were further increased due to 23% increase in cruise ship calls and 18% increase in tanker calls compared to 2013 activity. These increases were nearly fully offset by increased use of shore power at berth.

The Emissions Inventory (Report #2) describes “NOx reductions,” and the Air Quality Monitoring Report (Report #1) describes NO<sub>2</sub> reductions. We note that the measured

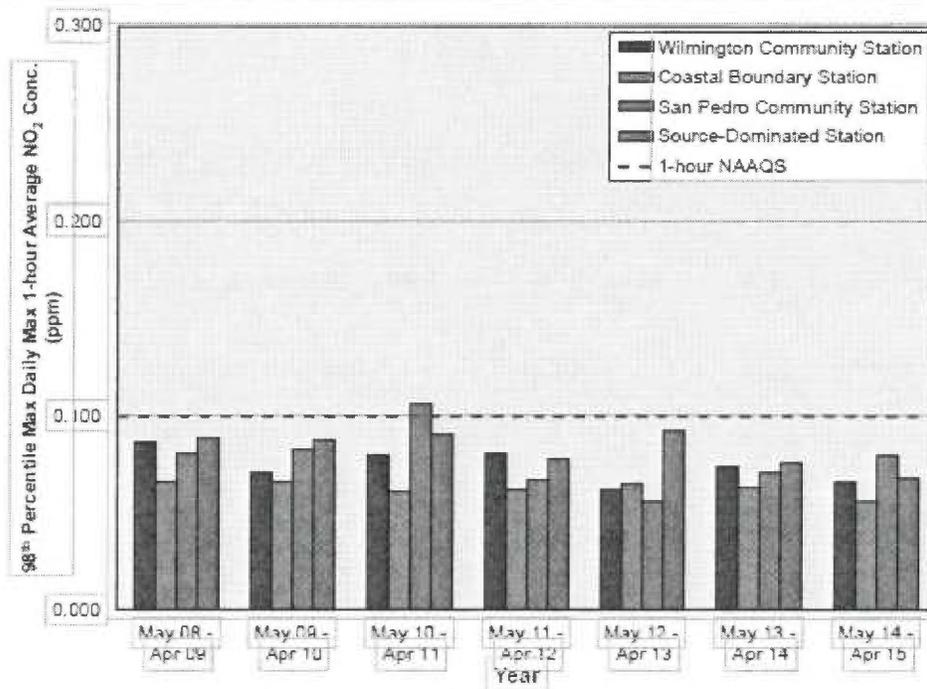


reductions in NO<sub>2</sub> since 2005 are DRAMATICALLY LESS than the claimed reductions in the Emissions Inventories.

**One hour NO<sub>2</sub> averages from Air Quality Monitoring Report:**

“The figure (5-13) shows relatively small changes in the 98th percentile of daily maximum 1-hour NO<sub>2</sub> concentrations over the 7-year period of record. Reductions in maximum NO<sub>2</sub> concentrations from the previous monitoring year were observed at the Wilmington Community, Coastal Boundary, and Source-Dominated stations while there was a slight increase of the concentration at the San Pedro Community station.”

Figure 5-13. 98<sup>th</sup> Percentile of the Daily Maximum 1-hour NO<sub>2</sub> Concentration over the Period of Record



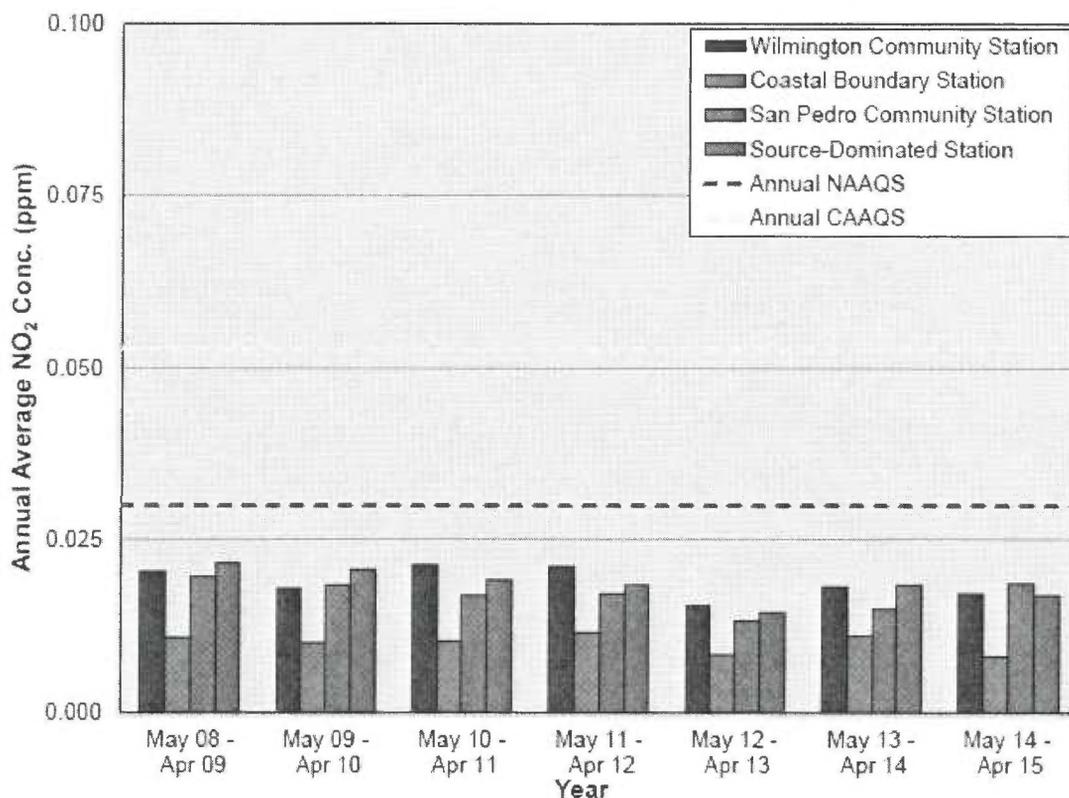
**NO<sub>2</sub> Measurements from the Air Quality Monitoring Report:**

“Figure 5-15 presents the annual average NO<sub>2</sub> concentrations at the four stations over the seven-year period of record. These data are also shown in Table A-14. The annual NO<sub>2</sub> concentrations have not exceeded the NAAQS or CAAQS during the period of record. The change in annual concentrations over the seven-year period of record is relatively moderate, ranging from a decrease of 24% at the Coastal Boundary station to a decrease of 6% at the



San Pedro Community station.” No explanation is provided for why the actual air monitoring shows little decrease over time compared to the modeled calculations of emissions.

**Figure 5-15. Annual NO<sub>2</sub> Concentrations over the Period of Record**

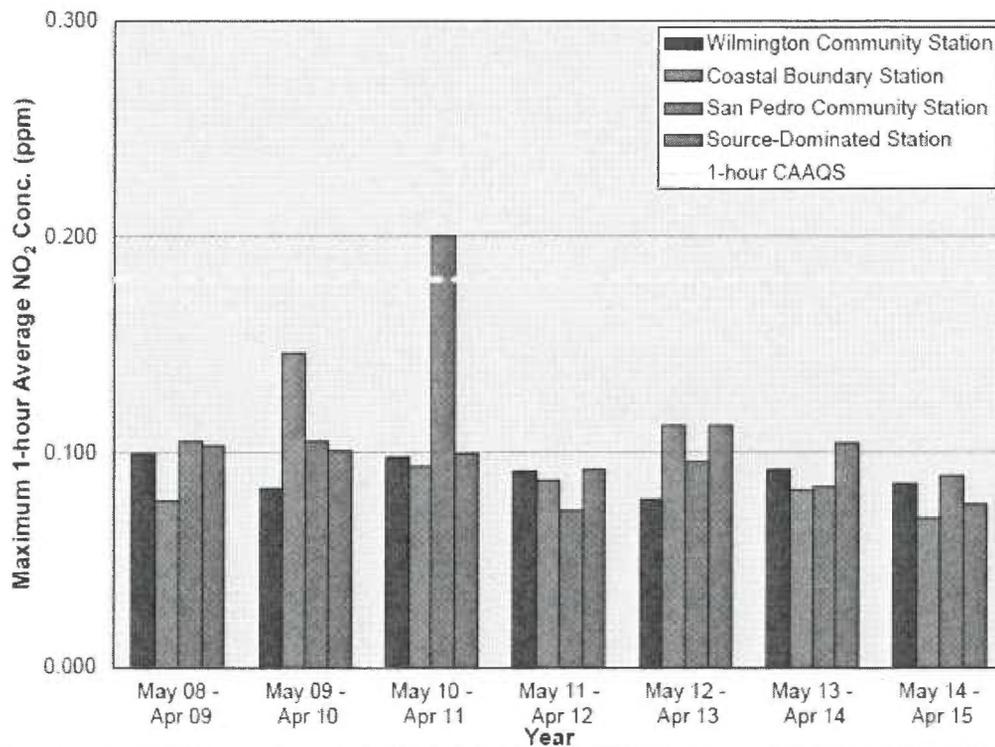


**1 hour NO<sub>2</sub>, from the Air Quality Monitoring Report:**

“Figure 5-14 presents maximum 1-hour NO<sub>2</sub> concentrations at the four stations in the Port’s air monitoring network over the seven-year period of record. These data are also shown in Table A-13. Similar to the data presented in Figure 5-8, the maximum hourly NO<sub>2</sub> concentrations were highest at the San Pedro Community station during the 2010-2011 year. This appears to be an anomaly, as discussed above. The maximum 1-hour NO<sub>2</sub> concentrations do not appear to show a consistent trend over the seven-year period of record.” The graph above shows approximately a 20% reduction at the Source-Dominated site.



Figure 5-14. Maximum 1-hour NO<sub>2</sub> Concentrations over the Period of Record



# Keck School of Medicine of USC

ANDREA M. HRICKO  
*Professor*

**SO<sub>x</sub>**  
**From the Emissions Inventory Report of POLA:**

In 2005, port-related emissions were 24% of the total basin-wide SO<sub>x</sub> emissions and 1.9% contribution in 2014. This represents a 92% reduction in the basin-wide SO<sub>x</sub> contribution since 2005 while handling 11% more container cargo.

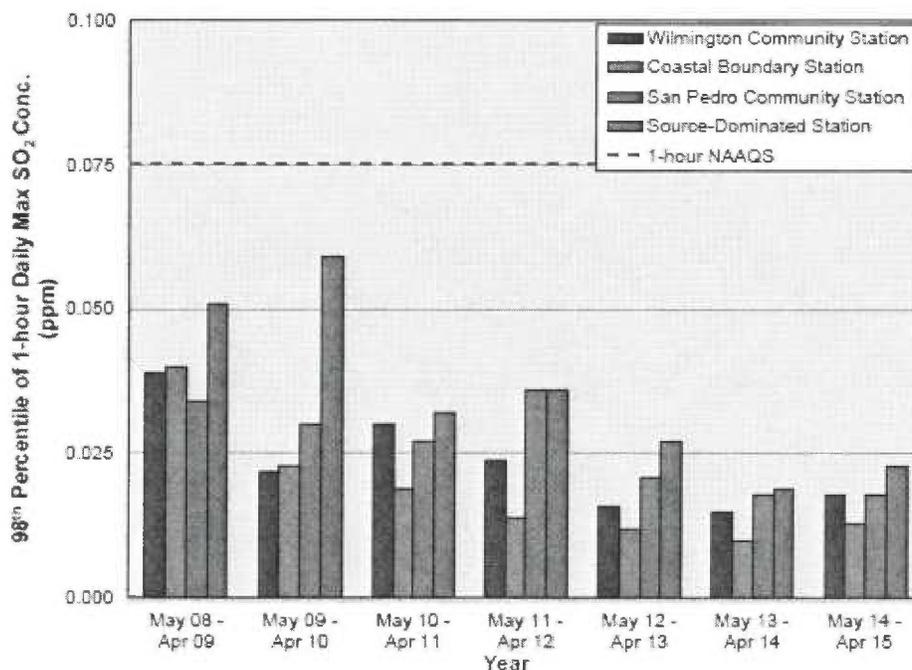
**(5.2.4 is taken verbatim from the Air Pollution Monitoring Report #1:**



### 5.2.4 Trends in SO<sub>2</sub> Concentrations

Figure 5-19 presents the 99<sup>th</sup> percentile of the 1-hour daily maximum SO<sub>2</sub> concentrations at the four stations in the Port's air monitoring network over the seven-year period of record. These data are also shown in Table A-20. The figure shows that although there were some yearly fluctuations in maximum SO<sub>2</sub> concentrations, there is an overall pattern of decreasing concentrations. During this seven-year period, the 1-hour daily maximum SO<sub>2</sub> concentrations decreased an average of 62 percent across the four stations.

Figure 5-19. 99<sup>th</sup> Percentile of 1-hour Daily Maximum SO<sub>2</sub> Concentrations over Period of Record



Please note that the reduction at the "source dominated site" was approximately 50%, very different than the 97% claimed in the Emissions Inventory.

#### **Discussion:**

One can see that in multiple instances, there are dramatic differences between the modelled emissions and the "real" air concentrations. Over the years, I have asked the Port of Los Angeles about these discrepancies and have been regularly told that the Air Quality Monitoring Stations pick up other traffic and other pollution sources not related to the Port, and therefore



the levels are higher than are the emissions inventories which are “actual” Port-related emissions.

**Questions:**

In light of the China Shipping revelations, the public deserves better explanations for the reasons between the discrepancies in the modeled emissions and the actual air pollution measurements.

**1. Questions about NOX modeled emissions versus actual NO2 measurements**

We request that the Port of L.A.’s Environmental Management Division, Starcrest Consulting and Leidos, Inc work together to provide an explanation to the public of what could cause the actual NO2 reductions as monitored by equipment to be so dramatically less than the NOx measurements calculated in the emissions inventories.

**2. Questions about SOX modeled emissions versus actual SOx measurements**

We request that the Port of L.A.’s Environmental Management Division, Starcrest Consulting and Leidos, Inc work together to provide an explanation to the public of what could cause the actual SOx reductions as monitored to be so dramatically less than the SOx emissions calculated in the emissions inventories.

According to the POLA Emissions Inventory, “Port-related SOx emissions have decreased 97% since 2005. These reductions were led by the CARB vessel fuel switching regulation, Environmental Ship Index, use of ultra-low sulfur diesel by on-road and off-road vehicles, vessel speed reduction, and AMP.”

According to the POLA Air Quality Monitoring Report, during the last 7 years the reduction in SOx was 62% across the stations. At the Source-Dominated Site, the reduction was only slightly above 50%. Yet the “calculated” emission reductions are 97%. Why such a major difference? The differences deserve an explanation.

**3. Questions about Diesel Particulate Matter Reductions in 2014**

We request that the Port of L.A.’s Environmental Management Division, Starcrest Consulting and Leidos, Inc work together to provide an explanation to the public of what could cause the actual EC reductions as monitored by equipment to be so dramatically less than the DPM emissions calculated in the emissions inventories. Granted, EC and DPM are both declining, but please explain how the EC could show such dramatically lower reductions at the source-dominated site than the DPM calculations show.



In addition, we request that the Port of L.A. provide an explanation of how the Emissions Inventory for 2014 points out so many problems during 2014 that are said to have led to increased NO<sub>x</sub> and CO emissions, yet show a decrease in DPM since 2013.

1. Many more cruise ships and tanker calls, which increased emissions
2. A 69% increase in anchorage of many container ships which increased emissions during the Port congestion period
3. Aging fleet of trucks, which increased emissions
4. And additional unusual problems in 2014, as noted below, quoting from the EI:

OF LOS ANGELES

UNIVERSITY OF CALIFORNIA LIBRARY

Table ES.3 presents the total net change in emissions from all source categories in 2014 as compared to the previous year and to 2005. An unusual temporary period of increased congestion that occurred in the fall 2014 and spring 2015 detrimentally impacted air emissions. This is clearly seen in the increase in anchorage calls by containerships, which typically do not spend time at the anchorages. In 2014, there was a 69% increase in containership anchorage calls compared to 2013 activity. Another development in 2014 was a 23% increase in cruise ship calls and an 18% increase in tanker calls compared to 2013 activity. In addition to the effects of the temporary period of increased congestion on OGV emissions, HDV emissions also increased overall compared with 2013 because of low turnover of the almost-new truck fleet that resulted from the implementation of the Clean Trucks Program. The average age of the trucks calling at Port terminals in 2014 was five years, a year older than the average age in 2013. This average age difference resulted in increased emissions due to deterioration, which occurs as truck engines accumulate mileage. These factors primarily impacted NO<sub>x</sub> emissions and are the reasons NO<sub>x</sub> emissions increased 5% compared to 2013. Section 9 provides further details relating to the increases.

Other than increased shore power (35% of ships according to the EI compared to 7% in 2013), everything else seems on its face to have worked *against* diesel particulate emission reduction last year. Despite that, the 2014 EI shows an overall reduction in DPM from 2013, as noted in the Table below from the EI. An explanation is needed to document how all of these major increases in emissions could be outweighed by having more ships plug into shore power.



Table ES.3: Maritime Industry-related Emissions Comparison

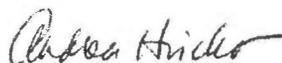
EI Year	PM <sub>10</sub> tons	PM <sub>2.5</sub> tons	DPM tons	NO <sub>x</sub> tons	SO <sub>x</sub> tons	CO tons	HC tons	CO <sub>2e</sub> tonnes
2014	150	138	135	7,717	128	1,918	407	868,062
2013	174	160	157	7,318	531	1,701	389	771,880
2005	960	830	884	16,159	4,947	3,773	856	1,029,445
Previous Year (2013-2014)	-14%	-14%	-14%	5%	-76%	13%	5%	12%
CAAP Progress (2005-2014)	-84%	-83%	-85%	-52%	-97%	-49%	-53%	-16%

#### 4. Other Questions about the Emissions Inventories

##### a. China Shipping

- i. China Shipping brings in about 20% of the Port's cargo volume, according to Gene Seroka's statement at the NOP hearing.
- ii. Did the Emissions Inventories since 2008 each reflect that China Shipping was not meeting its required mitigation measures under the stipulated court judgment? If yes, when did the Port of L.A.'s Environmental Management Division learn that the mitigation measures were not being met?
- iii. Alternatively, if the Emissions Inventories since 2008 relied on Tenant Surveys by Starcrest of China Shipping, did those surveys show that China Shipping was not meeting its Stipulated Judgment or did they include false information? If the Tenant Surveys included false information, then it would appear that the Emissions Inventories should all be redone and recirculated to the public.

Thank you for consideration of my comments and questions.



Andrea M. Hricko, MPH  
Professor of Clinical Preventive Medicine  
Co-director of Community Outreach and Education  
Environmental Sciences Centers  
USC Keck School of Medicine  
ahricko@usc.edu

