UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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July 16, 2012

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U.S. Army Corps of Engineers
Los Angeles District – Regulatory Division, North Coast Branch
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Ventura, California 93001

Subject: Final Environmental Impact Statement/Environmental Impact Report for Proposed Berths 302-306 (APL) Container Terminal Project, at the Port of Los Angeles, Los Angeles County, CA (CEQ # 20120189)

The U.S. Environmental Protection Agency (EPA) is providing comments on the subject Final Environmental Impact Statement (FEIS). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our comments are also prepared under the authority of, and in accordance with, Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA) and Section 10 of the Rivers and Harbors Act (RHA), and the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) for Proposed Berths 302-306 (APL) Container Terminal Project and provided comments on February 23, 2012. We rated the document EO-2, Environmental Objections – Insufficient Information. We based this on significant emissions, discussed in the DEIS, of volatile organic compounds, carbon monoxide, nitrogen oxides, particulate matter, both 10 microns or less and 2.5 microns or less, and exceedences of federal, State and local standards for nitrogen dioxide and particulate matter. While the FEIS clarified many other matters raised in our comments, these significant issues remain.

In response to our comments, the Port stated its intention to deploy zero tailpipe emission drayage trucks, once a technology proves to be feasible, and highlighted the demonstration steps the Port has identified in *Technology Status Report – Zero Emission Drayage Trucks*[1] (p. 2-28). EPA notes the Port of Los Angeles' Strategic Plan[2] contains added detail in an objective to:

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[1] *Technology Status Report – Zero Emission Drayage Trucks, prepared for the Ports of Los Angeles and Long Beach, June 2011.*
[2] Strategic Plan 2012 to 2017, The Port of Los Angeles
< http://www.portoflosangeles.org/pdf/strategic_plan_2012_lowres.pdf >

Develop an action plan to be completed by the end of 2014, with a goal of increasing zero emission trucks to 50% of the drayage fleet or 100% of the trucks calling at the near dock rail yards by the end of FY 2019/20.

We understand the Port's concerns about placing individual tenants at a competitive disadvantage, and recognize the importance of cost effective freight transport. We agree that Port-wide deployment of zero tailpipe emission trucks is preferable to deployment on a terminal by terminal basis; however, we encourage the Port to offer a voluntary opportunity for the lessee (APL) or other tenants to participate in early deployment of zero-emission drayage trucks, following their successful demonstration.

The South Coast Air Quality Management District's *2007 Air Quality Management Plan*[3] relies on new technology for 26% reduction of the nitrogen oxides and 9% reduction of the volatile organic compounds necessary to meet the 2024 attainment goal for the 1997 8-hour ozone standard. Additionally, the *2012-2035 Region Transportation Plan/Sustainable Communities Strategy* relies on zero- or near-zero-emissions freight corridors to demonstrate conformity with the 2007 Air Quality Management Plan. Consequently, the continued leadership of the Port of Los Angeles is critical to meeting the Region's clean air goals.

We are pleased to learn that the Port of Los Angeles would provide $4.2 million in additional funding for mitigation and grant projects through the Port Communities Mitigation Trust Fund. Since schools have been a focus of past mitigation efforts, recent EPA guidelines[4] could inform future mitigation. We are also pleased to learn about the Port-Wide Project Labor Agreement that seeks to train and hire local residents residing within 10 miles of the Port. This should help the community most affected by the project impacts to increase its share of project benefits.

We commend the Port of Los Angeles for its Environmental Ship Index Program, which provides incentives to bring cleaner ocean-going container vessels to the Port. We look forward to learning about the results of the program.

We thank the Corps and the Port of Los Angeles for incorporating a discussion of the vessel general permit requirements into the FEIS and for shortening the periodic review of new technology and regulations from seven to five years.

In responding to our water quality comments related to sediment, the FEIS emphasizes coordination with the Southern California Dredge Materials Management Team (SC-DMMT), which is composed of federal and State agencies. Section 1.5.2.1 of the FEIS also raises an alternative of ocean disposal of dredged material at Berth 306. As discussed by the SC-DMMT and indicated in our comments on the DEIS, only the eastern half of the proposed dredging area off Berth 306 is suitable for unconfined ocean disposal. The western half contains hotspots which would not be suitable for ocean disposal.

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[3] This plan is the EPA-approved federal State Implementation Plan for the South Coast Air Basin.

[4] State School Environmental Health Guidelines, Revised Draft 2/8/2012, < http://www.epa.gov/schools/ehguidelines/downloads/ehguidelines-draft.pdf >; and School Siting Guidelines, October 3, 2011, < http://www.epa.gov/schools/siting/download.html >

We appreciate the opportunity to review this FEIS. When the Record of Decision has been signed, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have questions, please contact me at (415) 972-3843 or have your staff contact Tom Kelly at kelly.thomasp@epa.gov.

Sincerely,

for Enrique Manzanilla, Director
Communities and Ecosystems Division

cc: Christopher Cannon, Port of Los Angeles
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Juan Acosta, BNSF Railway
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