

PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
AIR QUALITY SUBCOMMITTEE

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

Minutes
December 3, 2008

ATTENDEES

COMMITTEE / PCAC

Richard Havenick, Chair
Kathleen Woodfield, Co-Chair
Arthur Hernandez, Alternate Member
Jody James, Alternate Member
Dr. John Miller, Voting Member

AGENCY PARTICIPANTS

Todd Sterling - CARB

CONSULTANTS

Professor Ed Avol
David Howekamp

PORT STAFF

Betsy Foley
Lena Maun DeSantis

PUBLIC PARTICIPANTS

Lou Baglietto

Meeting Location: POLA Charter High School, 250 W. 5th Street, San Pedro, CA

- A. Call To Order: 4:35PM
- B. Sign In/Introductions
- C. Agenda Approved
- D. Minutes Approved for the October 1, 2008 AQ Subcommittee Meeting
- E. Public Comment: None
- F. POLA Updates (Including participation in Low Sulfur Fuel (LSF) Incentive Program)
Betsy Foley provided an update on the LSF Program. Currently we have 169 vessels enrolled averaging approximately 382 calls per quarter. Participation is low on the 40 nautical mile (nm) program, due mostly to the requirement of slowing down the ships which interferes with their routing schedules. There are 13 vessels enrolled in the 40 nm program with participation at 156 out to 20 nm. As of December 3rd, there is a 14% participation rate.

Ms. Foley will forward a copy of the updated chart that was disseminated in November.

- G. Comments Submittal Regarding San Pedro Waterfront DEIR/DEIS
The Subcommittee agreed that they would submit a comment letter on the San Pedro Waterfront DEIR. Mr. Havenick distributed a letter that he had drafted for the Committee's review, which was amended as per their discussion. Mr. Havenick will forward the finalized letter to the Army Corp of Engineers and to the Port of LA Environmental Management Division.
- H. POLA Update Regarding Pacific LA Marine Terminal, Pier 400, Plains All American Pipeline Final SEIR/SEIS (Comments PCAC-AQ-1 - PCAC-AQ-10)
Lena Maun-DeSantis, from the POLA Environmental Management Division, announced that the final SEIS/SEIR had been certified on November 20, 2008. Responses to public comments were sent out to Mr. Havenick, the Chair of the Subcommittee. Ms. Maun-DeSantis facilitated a discussion on the responses from the Port on their comments, dated, December 5, 2008.

The biggest change from the Draft to the Final related to Air Quality and the Low Sulfur Fuel (LSF). The Plains document is a little different from other EIRs in that Plain's customers are third party invitees. The Plain's lease will specify required measures that their customers will have to comply with.

The Port recognizes that there are some feasibility issues with regard to LSF and Amp. The major issue is the availability of LSF, especially for those vessels that come from the Middle East and Africa that may have difficulty getting the LSF. If they are unable to get the fuel, they will be required to provide documentation to the Port of LA, as well as a strategic plan on how they intend to get the LSF within the year, if they plan to call on the Port of LA again. They will also be required to pick up LSF here at the Port of LA to use on their way out. The Port is working to get 100% use as soon as possible.

A Mitigation Monitor Reporting Program (MMRP) was also certified. All the mitigation measures will become Lease Measures. As part of those lease measures, we are working on a way to ensure compliance. Plains will be required to submit documentation to the Port (fuel logs, vessel names...) that will provide the necessary information for filing reports to the Board on an annual basis. The MMRP will be provided as public information.

As part of the EIR, the MMRP specifies the implementation of the mitigation measures. In certifying an EIR Document, the Board does a Statement of Overriding Considerations and Findings of Fact. The Findings of Fact discusses why the Port finds the feasible mitigation. The Statement of Overriding Considerations is required when there are any significant and unavoidable impacts found. When a lease is submitted to the Board for renewal, a Board letter is generated that refers directly to the EIR that was written for that project. Every Board letter has an Environmental Section that states that the project/lease meets the requirements of the exemption or in this case it's previously assessed EIR.

The Subcommittee was concerned with who the responsible party would be to take action if the Port failed to mandate compliance with the leases.

Ms. James asked the Port to include some sort of adjustment in the lease requiring the Pacific LA Marine Terminal to provide more mitigation to compensate for the impending air quality, aesthetic, and noise impacts of building the project. Ms. Maun DeSantis replied that the EIR had been certified and that the project had been approved. But, there were still ample opportunities for the public to make comments and suggestions. Prior to the signing of the lease, Plains will be required to obtain a Coastal Development Permit, which will include a public Notice of Hearing. The Board could then include additional mitigation/additional requirements to the lease. At this point, however, the Port's position is that there are no additional feasible mitigations that can be added at this time.

Dr. Miller stated that through the MOU with China Shipping, there were a number of mitigation measures that were indeed feasible; so why not integrate these measures into the Plains Project.

Ms. Woodfield has a concern with regard to the Statement of Overriding Considerations and the No Project Alternative, which is very speculative and creates a worse case scenario that is compared to the Preferred Project, making the No Project Alternative appear worse than the Preferred Alternative.

Ms. Maun-DeSantis explained that under the CEQA No Project Alternative, you have to assume that there are no other discretionary actions, because that discretionary action would then have to be analyzed. Your No Project Alternative is what would happen if you didn't approve this project and had no other discretionary actions.

The Subcommittee as a group agreed to submit their comments with a letter stating their support of the Environmental Protection Agency's position regarding the completion of a Health Impact Assessment before the issuance of the Coastal Development Permit for Plains All American Pipeline.

Ms. Maun DeSantis reminded the committee that the China Shipping document was going to the Board on December 18, 2008. The meeting would be held at the Port of LA at 8:30AM in the Board Room. Port response to comments would be posted on the website.

- I. POLA Update Regarding PCAC Recommendation/Motion #69
PCAC Motion #69 recommends to the Board of Harbor Commissioners that the Board direct the Port of Los Angeles to consider both cancer and non-cancer health risks in their planned Health Risk Assessment in a manner consistent with the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD).

The Board of Harbor Commission approved the staff recommendation for Motion # 69, as the Health Risk Assessments contained in Port EIRs are currently consistent with the requirements of the CARB and the SCAQMD.

It appears as though Port staff misunderstood the intent of the PCAC Motion #69 and responded that the Health Risk Assessments contained in project specific EIRs were currently consistent with the requirements of the CARB and the SCAQMD. The intent of the motion was to include both cancer and non-cancer health risks in the Bay Wide Standards. Mr. Havenick will touch base with Dr. Appy to ask how the motion could be readdressed.

The Bay Wide Standards will be published prior to the Clean Air Action Plan (CAAP) update.

- J. Items for Future Meetings (e.g., Review of Bay-wide Health Risk Assessment, Shipping Line Participation in pending ARB Fuel Rules applicable to Ships, Future Big Reduction Opportunities, Questions regarding relationship between CAAP, Growth, and EIR Projects)
- K. Adjournment: 6:30PM

Signature on File
Richard Havenick, Chair
Air Quality Subcommittee

Signature on File
Debra Babcock-Doherty, PCAC Executive Assistant