



COASTAL SAN PEDRO NEIGHBORHOOD COUNCIL

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September 25, 2017

City of Los Angeles Harbor Department
Christopher Cannon, Director
Environmental Management Division
P.O. Box 151
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Subject: Comments Regarding Draft Supplemental Environmental Impact Report - Berths 97-109
[China Shipping] Container Terminal Project

To whom it may concern,

Based on their actions under the China Shipping lease, the Los Angeles Harbor Department (Port) and City of Los Angeles do not understand the responsibility assigned under the State Tidelands Trust for the operation of port lands and that the State of California relies on the business and management ability of the Port to hold tenants responsible for compliance with lease and environmental requirements.

For failure to comply with the mitigations defined in the Year 2008 Environmental Impact Report for the China Shipping Project applicable to Alternative Marine Power (AMP), Vessel Speed Reduction Program (VSRP), Cargo Handling equipment, and Drayage Trucks, please explain in full who directed and who approved the waiver of these mitigation requirements, which was repeatedly granted by the Port to the China Shipping company and its officials.

In addition, CSPNC feel answers to this question and the following questions need to be answered in the EIR to evaluate whether port management, including senior officials and the harbor commission itself, operate without adequate oversight, and therefore are unable to enforce or comply with federal and state environmental laws and lack the ability to faithfully execute agreements and mitigations that stem from the EIR/CEQA process.

Questions

1. Why did the Los Angeles Harbor Department (LAHD) allow continued operation of ship berthing of third party vessels that China Shipping explained were not within their capability or responsibility to require AMP?
2. Is the LAHD responsible to require compliance with lease requirements regardless of the tenants' economic interests to service third party operations?
3. Why did the LAHD allow continued operation of ship berthing of non-AMP capable ships without implementation of alternative means of compliance with the applicable AQ-9 such as alternative dockside electricity sources powered by less polluting fuels or the implementation of dockside pollution reduction methods?



4. Why did the LAHD allow non-compliance with the VSRP in response to the tenant's explanation that critical shipping schedules (delayed cargo deliveries) justified their non-compliance?
5. Does the LAHD recognize that tenants operate as businesses with recognized capability in logistics and scheduling and that the health and infrastructure costs to the public for Port tenants' inabilities or failures shall not be passed to the public?
6. Why did the LAHD authorize China Shipping's non-compliance with the requirement that Yard Tractors convert to Tier 4 compliant engines because the tenant would be required to replace equipment purchased as recently as 2012 which was therefore problematic?
7. Why did the LAHD authorize the tenant's non-compliance with other requirements applicable to Cargo Handling Equipment such as diesel oxidation catalysts, emulsified fuel, electric Rubber Tired Gantry (RTG) cranes, and compliance with Tier 4 off-road engine standards due to the tenant's explanation that such measures would require the replacement of some equipment which was still serviceable and that the terminal was not configured appropriately for the use of electric RTG cranes?
8. Does the LAHD consider that the tenant is responsible to comply with contractual Lease terms and environmental requirements?
9. Why did the LAHD authorize China Shipping's non-compliance with the requirement for liquid natural gas (LNG) powered drayage trucks because, as the tenant explained, not enough LNG powered trucks operated within the Ports complex or the Clean Truck Program and that the costs associated with additional LNG powered drayage trucks was not feasible?
10. Why did the LAHD fail to report the tenant's non-compliance with requirements as would be identified in the Mitigation Monitoring and Reporting Program?
11. What failures led to the LAHD's authorization of the tenant's non-compliances with regard to the following business system elements:
 - a. Adequately defined policies;
 - b. Adequately detailed procedures; and,
 - c. Internal audits.
12. What were the root causes that resulted in the LAHD's mismanagement of the tenant's mitigation compliance?
13. What were the corrective actions implemented for the root causes of the Port's failures?
14. Is the level of organization ranking of the Environmental Division at the LAHD at a level adequately elevated to ensure Executive oversight and responsibility for Environmental functions?

Recommendations

4. Develop and implement a public committee and meeting venue in accordance with the Brown Act to allow for objective oversight of Port compliance with the California Environmental Quality Act through inclusion of the following specifically assigned representatives knowledgeable and responsible for the subjects to be discussed:
 - a. Port staff with the technical knowledge to discuss impacts, technologies, operations etc.;
 - b. South Coast Air Quality Management representative;
 - c. California Air Resources Board representative;
 - d. US Environmental Protection Agency representative;



- e. Industry representatives as subject matter experts that may be required for the varying subjects to be discussed (e.g., engine manufacturers, fuel distributors, etc.);
 - f. Community representatives assigned by recognized agencies such as the City of Los Angeles Neighborhood Councils in closest proximity to the ports.
 - g. Representatives of the San Pedro & Peninsula Homeowners Coalition.
5. Calculate the increased emissions and public health impacts resulting from China Shipping terminal non-compliance with the Year 2008 EIR, define and implement immediately the measures that will eliminate the increased emissions and public health costs and/or determine the specific dollar value of additional health costs forced on the public and award such an amount to the harbor area communities.
 6. Adjust all baselines to align with CEQA Guidelines, which would be the conditions as of the issuance of the Notice of Preparation for the Draft SEIR, September 2015.
 7. Request additional State oversight or outside consultants to help manage the Port of Los Angeles to prevent such failures as are reflected in the Year 2017 China Shipping Draft SEIR, the year 2008 China Shipping EIR, and in the consistent business management failures that result in additional health and infrastructure costs forced on the public within close proximity of the Ports.
 8. Develop and implement the plan to attain credible business system certification, as the International Standards Organization 9000, to define the organizational and business system requirements more likely to prevent the LAHD's continuing management failures.

We will appreciate your response to the above questions and recommendations.

Thank you.



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This letter was approved by the CSPNC Board at the September 18, 2017 meeting.