

City Council Members
Mr. Craig Chalfant
City of Long Beach
333 West Ocean Blvd.
Long Beach, CA 90802

Re: Colorado Lagoon Project

Dear Council Members and Mr. Chalfant:

The purpose of this letter is to put the City of Long Beach on notice that the Addendum contains several significant factual errors. Those errors are so serious that they should cause the City Council to question its plan to approve the Addendum.

The Addendum fails to meet the conditions set in the State CEQA guidelines for an Addendum. The findings are not only misleading they are inaccurate.

The Colorado Lagoon project in addition to the TADP under the supervision of the LADPW has been on location behind these homes for a period of 12 months. That is far beyond what would be considered a chronic exposure time.

As the City is aware Particulate Matter is the most serious pollutant and threat to pulmonary and cardiac health next to ozone. (R. J. Delfino et al, Environmental Health Perspectives, 2005)

Particulate matter is invisible and can remain airborne for weeks. The source of the most dangerous size of particulates (<2.5) is diesel exhaust.

Approval of this Addendum would fall short of the protection of air quality and public health.

The EIR clearly failed to inform the public and Governmental decision makers about the potential, significant environmental effects of the construction, hazardous sediment, and significant impact to air quality for those residents adjacent to the project and thus negative impact to health.

Both projects are considered to stand alone by the City of Long Beach (County of Los Angeles) **BUT they share the same air space.**

THUS the impact is shared and cumulative and grave.

In an email correspondence to residents of the PEROW, Ms. Nancy S. Feldman, Principal Deputy District Prosecutor for the SCAQMD stated on March 10, 2010...

Please be advised, however, that issuing NOVs for one-day violations will not give you the relief that you are seeking, which ultimately is compliance with the mitigation measures set forth in the EIR. It appears to us that the County Board would be very concerned about a

contractor's failure to abide by the terms of an EIR that was approved by the Supervisors and could address the situation much more effectively than we can.

Only the City of Long Beach has the legal authority to ensure the EIR is adequate in terms of protecting human health from sources of excessive pollutants.

Residents living in the air space of both projects are subjected to extremely high levels of diesel exhaust and thus, particulate matter and TAC's.

This type of air pollution is more dangerous in winter as the inversion layers keep the pollutants closer to the surface of the earth and the damp air acts as a beaker of sorts - transporting pollutants into lung tissue.

The peer reviewed scientific evidence, the epidemiological evidence and the morbidity and mortality trends related to PMs support concern and alarm for human health.

We have reviewed the AQMD and ARB very own recommendations to city planners regarding safe distances or buffer zones from sources of diesel exhaust.

The current distance of both projects to residential housing falls far short of the recommendations of hundreds of meters. Thus, there is no protective buffer zone for residents directly adjacent to the projects.

This area has not been tested using portable particulate matter equipment.

The equipment is available through the ARB and through private rental companies locally based.

Yet, at the recent Planning Commission hearing it became clear that the scope of knowledge regarding air pollutants was inadequate. In response to a panel question regarding the monitoring of Particulate Matter – it was suggested that *VOC's are monitored frequently* and found to be of safe levels. Volatile Organic Compounds are gaseous pollutants and not classified as Particulate Matter pollutants.

The values of quantitative counts of Particulates that is currently being referred to are from a permanent monitoring station several miles away from this project.

Thus the data is not accurate and is heinously inadequate.

A lack of evidence regarding extremely unsafe levels of PM10 and PM2.5 does not mean the evidence does not exist.

The City has not complied with the mandates imposed by the California Environmental Quality Act ("CEQA"). The goal behind CEQA is "to compel government at all levels to make decisions with environmental consequences in mind." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal. 3d 376 at 393, 253 Cal. Rptr. 426.

That has not been done here.

A review of the history of the subject Environmental Impact demonstrates that the original application was processed stealthily, without affording the residents of the area impacted by the project to be notified of the severe impact that the project would have on their lives and the value of their homes. The City's Finding of No Increased Environmental Effects Is in Error.

The Addendum found that the "revised Colorado Lagoon Restoration Project would not result in new significant environmental impacts related to hazards and hazardous materials." That finding is incorrect and fails to take into consideration the seriously deleterious effects that approval of the Addendum will have on local residents. The truth is that the proposed addendum to the EIR will have significant environmental effects on the residents near the project.

The original EIR concluded that "the construction-related, short-term construction air quality emissions would exceed the SCAQMD CEQA thresholds." The EIR also found that the project would "have significant unavoidable short-term construction air quality impacts" on the community.

The impact on local residents by the Addendum is worsened by the blatant violation of the second concurrent project (TADP) of the requirements imposed by the original EIR.

If more soil, hazardous or safe is dredged or excavated, more will be handled, sorted, treated or dumped, presumably using diesel construction equipment. More diesel fueled vehicles will mean a severe impact to the air quality.

The Addendum specifies that the new project will almost double the amount of hazardous soil to be dredged up and dumped. Specifically, the Addendum finds that the amount of hazardous soil to be dredged from the "Western arm" will be increased from 16,000 cubic yards to "(approximately 26,000 cubic yards [of] hazardous" soil. That is an increase of 62%.

As well as the above-referenced hazardous soil to be dredged from the "Western arm," the Addendum also plans for the dredging of an additional 10,000 cubic yards [of] hazardous soil from the northern Lagoon and an additional 8,000 cubic yards [of] hazardous soil from the central Lagoon.

Thus, the number of additional hauls required to manage this increase in soil to be managed and subsequently the diesel exhaust created is a large and dramatic addition to an already dangerous situation.

Breathing fine PM causes changes to the cardiovascular system in every person (Riediker, M. et al, *Particulate Matter Exposure...Cardiovascular Effects in Healthy Young Men*, American Journal of Respiratory and Critical Care, 2004).

Coarse and Fine PM increases rates of asthma in children, increases severity of asthma in adults, hardening of the arteries in everyone, irregular heart rates, blood clots, strokes in diabetics, lung and heart disease, bronchitis, sinusitis, retinal damage and more.

Because it is impossible to mitigate for fine particulates and Toxic Air Contaminants as the original EIR states and it was understood by residents that exposure would be acute and brief. Brief exposure was defined as weeks not months or years.

Exposure time for residents in the immediate area of any construction or excavation was recommended to be limited to 3-5 weeks by the scientists who were consulted.

The residents have been chronically exposed for more than 13 months at present.

The subject EIR fails to consider the cumulative impact that will indeed produce more coarse particulate matter and fine particulate matter as well as additional air contaminants from diesel exhaust. In short, in this respect, it completely neglects to address a significant environmental effect of the project.

Both Coarse and Fine Particulate matter are significantly smaller than a human hair and impossible to detect with the naked eye. The fact that they can remain airborne for weeks should warrant close monitoring on site by Particulate Matter Counters that measure both quantitative and qualitative. VOC counters DO NOT measure for particulate matter.

Residents of this area have been exposed to PM and TACs from the diesel exhaust of the numerous vehicles used to manage the soil piles for over year now as both the Colorado Lagoon Restoration Project and the Termino Avenue Drain Project are running concurrent.

These same residents have been told that noise blankets used during Phase I of the TADP are now 'DUST' blankets and are the only *mitigation measure* provided for protection of respiratory and cardiovascular health.

It would be laughable that City management would believe such a pseudoscientific fix if not for the serious damage to health. These 'blankets' for containment of particulate matter do not exist. The fact remains nothing has been done to address the negative health impact caused by PM air pollutants.

Significant Mitigation Measures Need to Be Taken.

Lastly, the Addendum concluded that no additional mitigation measures are called for. Perhaps, because containment of PM10 and PM2.5 is impossible. Limiting the amount of exposure to PM2.5 from excessive hauls in a small residential area must be addressed. Limiting hauls, managing soil according to the EIR, and limiting time is the only method that would have significantly reduced previous exposure.

At the very least, the following mitigation measures must be taken immediately, in the interest of public health considerations:

- All Contractors working within Long Beach City boundaries must be required to completely cover any and all soil piles that has been dumped or created in residential communities.

- A Health Impact Assessment must be conducted. If one has been conducted a new Health Impact Assessment needs to be completed as soon as possible in light of the serious neglect to protect residents.
- Residents adjacent to the project(s) be informed in writing by mail, of the health hazards associated with Coarse Particulate Matter 10 (from excavation of soil) and Particulate matter 2.5 associated with diesel exhaust.
- Residents adjacent to the project(s) must be informed in writing by mail, of the health hazards associated with Toxic Air Contaminants from diesel exhaust.
- Contractor(s) must be prohibited from dumping any soil in residential areas.
- The Contractor(s) must be required to relocate the hazardous soil to the POLB as soon as practicable.
- The Contractor(s) must be required to remove its equipment from close proximity to residents' homes and be kept at a safe distance as recommended by the ARB.
- Portable Particulate Matter equipment be acquired for both quantitative counts and qualitative measurements and used on a daily basis in areas and at times of dredging, hauling and construction.

The city council is aware that they are the responsible party and must evaluate comments on the draft EIR and it must prepare written responses for inclusion in the final EIR. Public Resources Code section 21091(d); 14 California Code of Regulations sections 15088(a), 15132.

The written responses must describe the disposition of any "significant environmental issue" raised by the commentators. Public Resources Code section 21091(d)(2)(B); 14 California Code of Regulations sections 15088(c), 15204(a).

The responses to comments on a draft EIR must state the City's reasons for rejecting suggestions and comments on major environmental issues. Questions about significant environmental issues must be addressed in detail.

In summary this Addendum grossly fails to address the requirements of CEQA and the specified mitigation measures fails to protect residents from hazardous substances or mitigate negative construction impacts.

Sincerely,



Deborah Crough
Deborah Crews
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Long Beach, California