

COALITION FOR A SAFE ENVIRONMENT

140 West Lomita Blvd., Wilmington, California 90744-1223

WilmingtonCoalition @ Prodigy.net 310-704-1265

Jesse N. Marquez Executive Director

September 22, 2004

City of Long Beach
City Clerk
Honorable Mayor & City Council
333 W. Ocean Blvd.
Long Beach, California 90801

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Reference: Port of Long Beach - Pier J Marine Terminal Development Project
Final Environmental Impact Report/Statement (EIR/EIS)

Subject: Pier J Final EIR/EIS Mitigation Priority List &
Final EIR/EIS Deficiencies Summary

Honorable Mayor, Vice Mayor & City Council:

The Coalition For A Safe Environment wishes to provide you a copy of two documents for review and consideration regarding the Pier J Final Environmental Impact Report that is being discussed by the Port of Long Beach, City of Long Beach and the appellant Environmental Organizations. These documents were also submitted to the NRDC, California Earth Corps and Coalition For Clean Air.

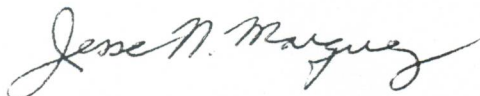
1. Mitigation Priority List
2. Final EIR/EIS Deficiencies

They are being provided to you as a courtesy. The Mitigation Priority List provides a summary and priority list of our organizations Pier J Expansion Project 41 Mitigation Requests and Recommendations. The Final EIR/EIS Deficiencies provides a summary of deficiencies from another perspective.

We realize that the topic of mitigation is a difficult subject when you have little personal experience in dealing with EIR's and establishing appropriate mitigation measures for a project. The primary purpose of our Mitigation Priority List is to illustrate that there are numerous options and solutions available to address a myriad of negative environmental and public health impacts from a project.

Our organization requests that you use our Mitigation Priority List as a reference and check list in comparing and determining whether Port of Long Beach mitigation proposals truly eliminate or minimize all negative environmental and public health impacts.

Sincerely,



Jesse N. Marquez
Executive Director

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September 20, 2004

Port of Long Beach - Pier J Marine Terminal Development Project

Mitigation Priority List

1. **Mitigation Master Plan** - We request that the Port of Long Beach adopt a CEQA/NEPA/EJ Compliance Mitigation Master Plan, Monthly & Annual Reporting Plan and Mitigation Monitoring Program that is designed to ensure compliance during and subsequent to the Pier J Marine Terminal Construction Project.

We wish to clarify that Mitigation is a mandatory legal NEPA/CEQA/EJ offset and recompense for past damage done, damage that is irreparable, damage that is currently occurring, damage that will occur or damage that will continue to occur into the future, separate from any other proposed, agreed upon or required action.

We request that the Port publish a quarterly and annual report and distribute the report to every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port and Pier J Terminal Tenants post this information on a public accessible website in real time and to make a CD/DVD version available.

2. **Local Harbor Community Public Health Survey** - We request that the Port of Long Beach conduct a local door-to-door Community Public Health Survey. The survey shall research and determine the types of illnesses both cancer and non-cancer in the bordering Harbor communities which may have been caused by or contributed too by Port of Long Beach air, land and water pollution. Medical research has identified over 31 different health problems caused by air pollution and we also suspect that public exposure to air pollution and toxic chemicals may cause or contribute significantly to the following spontaneous numothorax, leukemia, diabetes, lupus, minears disease and autism. The survey shall include all of the City of Long Beach, the City of Los Angeles Harbor communities of Wilmington, San Pedro, Harbor City and all cities within a 10 mile radius of the Port of Long Beach.

We suspect that the Health Risk Assessments being performed are failing to accurately reflect the total Port impact on the community and we believe that a door-to-door survey is the only way to assure accurate public health status information and to properly establish a current public health baseline.

We request that the Port of Long Beach publish the survey and distribute the report to every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port and Pier J Terminal Tenants post this information on a public accessible website in real time and to make a CD/DVD version available.

3. **Local Harbor Community Public Mortality Study** - We request that the Port of Long Beach conduct a Public Mortality Study. The study shall include deaths caused by cancer and non-cancer causes such as acute asthma attacks, heart attacks, pneumonia, diabetes and other health problem deaths caused or significantly contributed by Port of Long Beach air, land and water pollution. The study shall include all of the City of Long Beach and City of Los Angeles Harbor communities of Wilmington, San Pedro, Harbor City and all cities within a 10 mile radius of the Port of Long Beach.

We suspect that the Health Risk Assessments being performed are failing to accurately reflect the total Port impact on the community and we believe that a Mortality Study of Los Angeles County Coroner data is the only way to assure accurate public health status information and to properly establish a current public health baseline

We request that the Port publish the study and distribute the report to every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port and Pier J Terminal Tenants post this information on a public accessible website in real time and to make a CD/DVD version available.

4. **Local Harbor Community Public Morbidity Study** - We request that the Port of Long Beach conduct a Public Morbidity Study. The study shall include the research of all cancer and non-cancer health problems which may be caused or significantly contributed by Port air, land and water pollution. The study shall include all of the City of Long Beach and the City of Los Angeles Harbor communities of Wilmington, San Pedro, Harbor City and all cities within a 10 mile radius of the Port of Long Beach.

We suspect that the Health Risk Assessments being performed are failing to accurately reflect the total Port impact on the community and we believe that a Local Public Morbidity Study is the only way to assure accurate public health status information and to properly establish a current public health baseline

We request that the Port publish the study and distribute the report to every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port and Pier J Terminal Tenants post this information on a public accessible website in real time and to make a CD/DVD version available.

5. **Local Harbor Community Epidemiological Studies** - We request that the Port of Long Beach conduct and sponsor scientific and medical Epidemiological Studies based on the Public Health Survey, Mortality Study and Morbidity Study. The study shall include the research of all cancer and non-cancer health problems, diseases and death which may be caused by or significantly contributed by Port air, land and water pollution. The study shall include all of the City of Long Beach and the City of Los Angeles Harbor communities of Wilmington, San Pedro, Harbor City and all cities within a 10 mile radius of the Port of Long Beach.

We suspect that the Health Risk Assessments being performed are failing to accurately reflect the total Port impact on the community and we believe that a Local Harbor Community Epidemiological Studies are the only way to assure accurate public health status information and to properly establish a current public health baseline

We request that the Port and Pier J Terminal Tenants publish the study and distribute the report to

every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port and Pier J Terminal Tenants post this information on a public accessible website in real time and to make a CD/DVD version available.

6. **Public Schools, Public Facilities, Senior Citizen Housing & Residents Air Purification Systems Donation** - We request that the Port of Long Beach donate Air Purification & Ventilation Systems for all public schools, public facilities, hospitals, clinics, public health care facilities, senior citizen housing and residents within 5 miles of the Port of Long Beach.
7. **Public Health Care Trust Fund** - We request that the Port of Long Beach establish an annual \$ 20 million Public Health Care Trust Fund that local resident and public health care facilities, clinics and county hospitals within 10 miles can access for payment of non-prescription, prescription medicines, medical supplies, medical equipment, medical care transportation, short term and long term public health care costs.

The public, non-profit public health organizations, community medical clinics, free clinics, county hospitals, government public health agencies should not be burdened with the financial responsibility to pay for health care costs caused by or significantly contributed by Port air, land and water pollution and other Port related causes (Port diesel truck, train, vehicle accidents etc.). The public and government agencies are subsidizing the health care costs caused by the Port. All Los Angeles County hospitals within 10 miles of the Port are having major staff and healthcare services cutbacks (Los Angeles Harbor General Hospital, Martin Luther King/Henry Drew Medical Center and Long Beach Memorial Hospital).

Two county financially sponsored community clinics in Wilmington (Wilmington Family Health Center, Wilmington Community Clinic) are also having major budget cutbacks which may cause them to close. San Pedro has the Harbor Free Clinic. These local medical facilities provide free or low cost health care services to the public of which the majority have no health care insurance. Never before has the cost of health insurance and prescriptions become unaffordable to the majority of the Los Angeles County Harbor poor and low income communities.

8. **Community Blight Elimination** - We request that the Port of Long Beach conduct a comprehensive Community Blight Study of direct and indirect Port caused community blight. The study shall include the City of Long Beach and the City of Los Angeles Harbor communities and all cities and communities within a 10 mile radius of the Port of Long Beach and Pier J Terminal.

Containers are stored throughout the cities in community residential areas, many are rusting deteriorating, have paint peeling. Containers are stored as high as six high and can be seen from every where. Many neighborhoods look terrible surrounded by walls of thousands of containers. It is estimated that Wilmington has over 200,000 containers in the community off Port property. Wilmington has legal and 16 illegal container storage yards.

Many container storage yards also store used and new truck chasis for transporting containers and many do on-site repair. There are numerous legal and illegal diesel truck sales, storage, repair yards and most also store containers. Every location has truck owner/operator related trash, discarded truck parts, empty oil cans, old tires, water houses, fast food containers, empty cups, empty beer cans etc. disposed of on public streets, curbs, empty lots and often in peoples yards. If there is a public park nearby you will also find illegally parked trucks and containers.

9. **Ocean Water Reclamation Facility** - We request that the Port of Long Beach establish an Ocean Water Quality Restoration Plan and the building of an Ocean Water Reclamation Facility in the Harbor in locations to be determined. The reclamation facility will remove any petroleum fuel, crude oil, chemicals, bacteria, paint, rust, bilge water etc. released into the ocean. We request that the Port man-made breakwater be removed or opened at various point to allow natural tide flow.
10. **Verification Of Container Storage Yards Permits/Licenses** - We request that the Port of Long Beach verify that off-Port property tenant owned, leased, rented or borrowed container storage yards provide evidence that the storage yard has a proper business permit or license. This requirement shall be included in all leases and contracts. A recent 2003 City of Los Angeles investigation of container storage yards in Wilmington revealed that there were 16 illegal container storage yards in operation all bordering or near residential homes and schools. They store containers from both the Port of Los Angeles and the Port of Long Beach. All one has to do is drive by and read the name of company in huge bold letters.

We additionally request that the lease or rental agreement limit the time that an empty container can stay at one storage location to a maximum of 90 days. Computers can track storage time by container number. We also request that a fee be imposed of \$ 100 per day for every container stored over the 90 day limit and that containers be removed and destroyed after 120 days at the owners expense if they have not been moved.

We request that Pier J Terminal Tenants be required in their contracts to accept back all empty containers that they ship into the USA within 90 days. Long Beach, Wilmington, San Pedro and surrounding communities should not be burdened with container storage blight, traffic and roadway degradation caused by the Port of Long Beach, tenants, terminal operators, shipping companies, foreign manufacturers and US retailers.

11. **Container Maintenance, Sanitization & Inspection Plan** - We request that the Port of Long Beach establish a Container Maintenance, Sanitation & Inspection Plan. Containers contain numerous types of products of which the public has no idea of their current or prior contents. We want the Port to conduct inspections of containers to verify that they are cleaned, sanitized and meet all California and US public health and safety standards. Currently every container is not inspected or sanitized prior to leaving the Port to prevent public exposure to foreign insects, bacteria, fungus, mold, toxic and hazardous chemicals or radiation.

Containers stored in the community that are brought into the US have been painted using lead paint or have other types of toxic or hazardous chemical coatings. Containers may be insulated with asbestos and do not have the freon vacated prior to storage or discontinued use, yet the freon escapes into our atmosphere as the equipment deteriorates or is removed.

Truck drivers are often held responsible for delivering a clean container. We have seen truck drivers sweeping and hosing down containers at their residence driveways, on city streets, at empty lots and truck car washes. They often park their truck and container loads at their homes, retail stores and restaurants etc. prior to delivery. Truck drivers have reported to us of feeling noxious, dizzy, getting headaches, getting sick often, having allergies and breaking out in rashes etc. as a result of their work.

12. **Hiring of Additional Port/City Police** - We request that the Port fund \$ 1 million annually for the hiring and retainment of four additional Port Police and \$ 1 million annually for the hiring and retainment of four City Police to enforce our city laws and to protect the Harbor communities. The

city can not financially subsidize Port policing responsibilities.

At present the Port does not have sufficient Port Police nor the City of Long Beach to enforce our public laws which prohibit: trucks driving through residential areas, making illegal turns, making illegal U-turns in the middle of the street, blocking street intersection while trying to enter small gas station, driving over sidewalks, hitting parked cars, hitting/running over stop, speed limit & other signs, unhitching & leaving chassis with a container, parking & leaving refrigerated containers running or attendance to Port truck accidents, train accidents, truck breakdowns etc..

Violations are witnessed on a daily basis which affect the safety of our lives, our homes, communities, our local environment and quality of life. Port trucks almost daily breakdown on our local freeways, highways, city streets and bridges. We additionally request that Police and additional security be stationed at high traffic intersections, near schools, truck and construction routes to protect the public and our children.

13. **California Highway Patrol Funding** - We request that the Port fund \$ 5 million annually for Caltrans to provide additional CHP policing, inspection, accident and breakdown assistance services of Port trucks, construction equipment and vehicles. Currently there are over 20,000 diesel truck trips a day entering and leaving the Port of Long Beach utilizing every freeway and highway system in Southern California.
14. **Vehicle Traffic Routing Plan, Parking Plan & City Code Education** - We request that the Port of Long Beach and Construction Contractors establish a Port Vehicle Traffic Routing Plan, Parking Plan and City Code Compliance Education Class. This shall include Port vehicles, employee vehicles, contractor, subcontractor, suppliers and contracted labor.

The plans objective will be to have the least impact on the local residential communities, schools and businesses. The purpose of the class will be to inform all parties of the city codes regarding prohibited truck routes in residential communities, the prohibition of detaching & leaving chassis, trailers and equipment, public parking restrictions, illegal dumping of trash, oil & parts and failure to report damaging personal and public property (ie. hitting resident parked cars, resident fences, city trash barrels, running over and damaging street sidewalks/curves and public street signs etc.).

15. **Construction Project Hazardous Waste Management Plan** - We request that the Port of Long Beach prepare a Construction Project Hazardous Waste Management Plan. The plan shall include the elimination or limiting of the use of high VOC and toxic chemical products. The plan shall establish an approved construction & office products, supplies and materials list. The study shall evaluate: paints, varnishes, stains, sealers, compounds, treated lumber, composite wood panels, plastics and fabrics.

We additionally request that the plan address the proper disposal of empty and used cans, buckets, containers, brushes, rags, gloves etc. which contaminate our land fills with toxic and hazardous chemicals which may also sink and contaminate our water wells, aquifers, lakes and rivers. We additional want a plan for the proper washing of paint brushes, rollers, spray guns and their attachments. Most of the time workers clean them via a hose over the open ground.

16. **Port Business Operations & Construction Project Fugitive Dust & Trash Plan** - We request that the Port of Long Beach prepare a Port Business Operations & Construction Project Fugitive Dust & Trash Plan. The Construction Project Fugitive Dust & Trash Plan shall include the installation of fugitive dust barriers around the project site perimeter, large pollution sources, covers

on open bed trucks or trailers that carry dirt. It shall also identify truck routes, container storage yards, diesel truck repair, storage and sales yards in the impacted Long Beach and Los Angeles Harbor communities. It shall also provide for neighborhood street, lot, park, vehicle, residential home or business cleaning as necessary

17. **Lease/Contract Agreement Mitigation Inclusion** - We request that the Port of Long Beach establish a plan to incorporate mitigation elements and requirements into all Port of Long Beach Lease Agreement, Contracts and Subcontracts. This shall include compliance to all of California's and the US 's environmental, health, public safety, maritime requirements, rules, regulations, executive orders, ordinances and laws.
18. **Port of Long Beach & Pier J Terminal Tenants Greening Plan** - We request that the Port of Long Beach and Pier J Terminal Tenants develop a Port and Tenant Property Greening Master Plan. The Port of Long Beach is the 2nd largest air polluter in Southern California and the LB/LA Harbor communities face the largest public health impacts. Pier J Terminal Tenants will contribute significantly to the local communities air, land and water pollution.

We propose to help beautify and re-oxygenate our communities air by maximizing green landscaping with the planting of trees, shrubs and flowers at every available location. Every building, roof, parking lot and empty space is a potential location. We request that the Port designate land for community parks and botanical gardens wherever possible throughout the Long Beach and Los Angeles Bordering Harbor communities. The Port and all terminals are literally a concrete and black top cemetery.

19. **Harbor Community Seismic & Vibration Study** - We request that the Port of Long Beach conduct a comprehensive Community Seismic & Vibration Study of direct and indirect Port caused seismic vibration in the community. The study shall also include the study of local freeways, highways, streets, roads and bridges which were constructed years ago and do not meet the seismic safety standards of today for continuous non-stop diesel truck use.

Currently diesel trucks have taken over the Long Beach Gerald Desmond, the Los Angeles Vincent Thomas bridges and numerous freeway, highway, street, railway bridges. These bridges were built by public tax dollars for the public use and not to be commandeered as an exclusive Port truck route. There are numerous truck breakdowns on the bridges every week and train derailments occur regularly in Wilmington. The study shall include the Long Beach and Los Angeles Harbor communities and all cities and communities within a 10 mile radius of the Port of Long Beach and Pier J Terminal.

Trucks and trains pass through residential communities all hours of the day and night. The number of trucks and trains has been increasing every year with Port expansion. Currently over 42,000 trucks trips a day are passing through Harbor area communities transporting over 10 million containers a year.

A typical train load carries 200 train cars. Trains service almost every Port terminal. Train operation should be limited to day light hours. At the present train horns can be heard as late as 1:30 am and honking repeatedly for over an hour causing home windows to vibrate. Trains operate for hours in and near residential and school areas which border the rail road tracks. Trains idle, change loads, connect, disconnect, switching tracks and change engines. Resident homes and small businesses shake and vibrate during the entire time a train is nearby from the seismic ground vibration caused by trains. Train tracks should have some type of ground vibration dampening

materials. In addition, trains often load and unload off-port property.

20. **Community Light Pollution & Public Health Study** - We request that the Port of Long Beach conduct a Community Light Pollution & Public Health Study. The study shall as a minimum include: research on the impact of extended night light exposure, amount of light generation, short & long term public exposure effects, impact on children health and school study habits etc..

We request that the Port of Long Beach establish a plan to minimize the impact of the Ports light on the neighboring Long Beach and Los Angeles Harbor communities and marinas at night. There are significant amount of lights left on all night even when there is no work at a Port terminal or in other areas of the Port where no work is being performed. If a terminal is operating at night there are lines of diesel trucks leaving the Port in all directions.

We request that Port research and purchase alternative types of lighting fixture designs, new lighting & low power technology such as LED technology, light fixture arrangements, light baffles etc..

21. **Energy Conservation & Alternative Solar Energy Plan** - We request that the Port of Long Beach establish an Energy Conservation & Alternative Solar Energy Plan. The plan shall incorporate the usage of solar energy panels on all buildings, roofs, canopies to help reduce our dependency on limited fossil fuels and foreign fuels. Canopies and fixtures can be built and installed to create a solar energy umbrella over container storage areas.

The plan shall include the phase-in of DC electricity operated equipment such as HVAC air & heating, indoor/outdoor lighting, traffic signals, office equipment, appliances and hand tools etc. The plan shall also include a budget to pay for the cost of equipment conversion.

22. **Port Rain Water & Watershed Discharge Capture Plan** - We request that the Port of Long Beach establish a rain water capture and reservoir plan that can recycle water for landscape watering and other potential uses. Roofs of building, storage facilities and rest shade areas can be designed to capture rain water and store it for future use. Every watershed and discharge water source should be assessed to determine if it can be captured and recycled.

23. **Construction Plan Distribution** - We request that the Port of Long Beach prepare a Construction Plan Brochure and provide every residence within a 10 mile radius a copy. The Construction Plan Brochure shall include contact information, project construction information, environmental & health impact information, description & availability of various studies, plans and reports, availability of environmental & health trust funds, of construction milestone chart, emergency information, information on how to file a complaint, compliant process information and traffic routing information.

24. **Ship Bunker Fuel Alternative Fuel Plan** - We request that the Port of Long Beach incorporate in its lease/contract agreements with its tenants and their shipping companies that their ships transporting containers, bulk cargo or liquid products etc. use LNG, bio-diesel and low sulfur diesel fuel which are non-polluting or less polluting within 20 miles of the California coastline.

25. **Ship New Engine Technology, Alternative Fuel & Pollution Control Technology** - We request that the Port of Long Beach include in their lease and contract agreements that tenants and their shipping companies use the Best Available Technology (BAT) Ships. There are new ships with new engine designs available that are 80% or more pollution free.

Goals and timetables should be established to replace all older ships entering California Ports with new non-polluting and less polluting ships. LNG transport ships are pollution free and there are new cruise ships using new limited polluting engines. The Port can easily switch to non-polluting or less polluting fuels such as: emulsified low sulfur diesel fuel, bio-diesel fuel, LPG & LNG etc.. We want older ships to be required to incorporate existing and new pollution control technology such as oxidation catalysts, particulate traps or stack bag technology which can reduce up to 80% of ship air pollutants.

26. **Ship & Pier J Berth Electrification** - We request that the Port of Long Beach install electrical power for cold ironing (hoteling) of ships at the Pier J Terminal. We request that Pier J Terminal Tenants ships be required to be retrofitted to use electrical power while docked in the Port of Long Beach.
27. **Diesel Truck Alternative Fuel/Oxidation Catalyst/Particulate Trap Retrofit Plan** - We request that the Port of Long Beach establish a fund and incorporate in its leases that all lease tenants, terminal operators, shipping companies fund and retrofit all owned, contracted, subcontracted and leased motor carrier and owner operated diesel trucks with Oxidation Catalysts, Particulate Traps or the Best Available Technology.

The Port and its tenants, terminal operators and shipping companies require all their owned, contracted, subcontracted or leased diesel trucks, common carriers and owner operated diesel trucks use alternative fuels such as: emulsified low sulfur diesel fuel, bio-diesel fuel, LPG & LNG etc..

We request that this requirement shall also apply to all construction contractors, subcontractors and suppliers. Most construction contractors and subcontractors rent or lease construction related equipment (trucks, tractors, backhoes, power generators, air compressors, wackers etc.) which use diesel fuel.

The Port can establish a fund to pay for the retrofit of all diesel trucks and equipment. The Port can also subsidize alternative fuel costs and provide \$ 100 gas credit card at a cost of \$ 75 to the truck or equipment owner, leaser or renter or designate a gas station(s) to go to.

28. **New Truck Purchase Loan Program** - We request that the Port of Long Beach establish a \$ 10 million low interest (2%-3%) new truck loan program for Pier J Terminal Tenant motor carriers and independent owner operated trucks or contribute this amount to the Harbor Gateways Program. The purpose would be to eliminate older diesel polluting trucks. Loan payments would replace the Port and/or Pier J Terminal Tenants original loan fund.
29. **Low Profile Cranes** - We request that the Port of Long Beach use low profile/collapsible cranes at the Pier J Terminals. The picturesque view of San Pedro Bay and our historic bridges are being obscured by the immense size and quantity of cranes used and planned for the future.
30. **Alternative Site Usage Assessment** - We request that the Port of Long Beach conduct and release to the public an Alternative Site Usage Assessment prior to the completion of the release of the Final EIR/EIS. We request that the Port issue domestically and internationally a Request Of Interest (ROI)/Request For Proposals (RFP) etc. to solicit potential alternatives for the use of an available site.

Some other alternative uses include: restoring the land to a natural wetlands site, restoration of San Pedro Bay, restoration of an onshore migratory bird sanctuary, creation of a new marine breeding

habitat, creation of an offshore marine & migratory bird island sanctuary, building a new ocean water cleaning reclamation facility, building a new public leisure boat marina, a charter high school and building a new university marine biology & environmental research center.

We request that the Port include as an Alternative that the Pier J Terminal site location be restored to its original natural state as part of the San Pedro Bay Restoration Project.

31. **New Alternative Fuel Public School Bus Purchase Donation** - We request that the Port of Long Beach and Pier J Terminal Tenants establish an annual \$ 5 million fund to purchase new Alternative Fuel School Buses until all old air polluting diesel fuel school buses have been replaced. \$ 2.5 million will go to the Long Beach School District and \$ 2.5 million will go to the Los Angeles Unified School District (LAUSD). The LAUSD funds will be used exclusively for the Los Angeles Harbor public schools currently known as District K.
32. **Port of Long Beach Growth Moratorium Conference** - We request that the Port of Long Beach sponsor a public conference to discuss and consider adopting a moratorium on Port growth. We additionally request that the Port hire an independent consultant group to assess the feasibility of the moratorium and local public opinion.

We believe that a significant amount of the Long Beach Harbor residents and other impacted cities in the South Coast Air Quality Management District Region would support a moratorium on all Port growth or adoption of a limited slow growth policy if they knew the truth of all the negative environmental, economic, health, welfare and safety impacts and that they are alternatives for the use of public oceans and tidelands.

33. **San Pedro Bay Restoration Conference** - We request that the Port of Long Beach sponsor a public conference to discuss and consider the possibility of developing a San Pedro Bay Restoration Plan. We additionally request that the Port hire an independent consultant group to assess the feasibility of the plan and local public opinion. We further believe that a significant amount of California's Historic San Pedro Bay and tidelands can be restored close to its original former natural state.
34. **Precautionary Principle** - We request that the Port of Long Beach adopt the Precautionary Principle as a mission statement, goal and objective. The Precautionary Principle states that "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-effect relationships are not fully established scientifically."
35. **Port of Long Beach Join The California Climate Action Registry** - We request that the Port of Long Beach join the State of California sponsored California Climate Action Registry to increase energy efficiency and reduction of greenhouse gases.
36. **Port of Long Beach Create an Environmental Justice Taskforce** - We request that the Port of Long Beach establish and fund an independent Environmental Justice Taskforce to research, investigate, identify, recommend, implement, monitor and mitigate environmental and public health issues. The taskforce shall be composed of the California Earth Corps, ECO-Link, Natural Resources Defense Council, Communities For A Better Environment, California Environmental Rights Alliance, Coalition For A Safe Environment, Wilmington Citizens Committee, South Coast Air Quality Management District, CAL/EPA and USEPA.

37. **Construction Contractor Penalty & Fine Program** - We request that the Port of Long Beach establish a tenant and construction contractor, subcontractor, supplier and employee penalty and fine program for violating California, US, CEQA, NEPA and POLB established public environmental, health and safety protection mitigation programs and requirements.
38. **POLB Tsunami, Seismic Danger & Global Warming Assessment Plan** - The Port of Long Beach build according to the Alquist-Priolo Standards which provide for higher construction safeguards against liquefaction and ground failure due to seismic shaking. The POLB to consider and include Tsunami worst case scenario precautions, warmer water impacts and rising ocean levels due to global warming.
39. **POLB has failed to Prepare a Public Emergency & Disaster Response Plan & to Assess Worst Case Disaster Scenarios** - The POLB has failed to assess, prepare, implement and distribute to bordering Harbor communities a Public Emergency & Disaster Response Plan. The POLB has failed to assess worst case scenarios for fires, explosions, tsunamis, earthquakes and terrorist attacks. The POLB has failed to assess the cumulative impact and risk of multiple source dangers.

We request that the POLB establish a Harbor Community Public Emergency & Disaster Response Plan. The Public and Port workers union and non-union have a right to know the dangers that exist in the Port, the potential impact to their health & safety, what to do under various danger levels & scenarios, where emergency shelters are located, emergency exists routes out of the Port and community and what governmental emergency assistance will be available.

40. **Port of Long Beach Participation In The Restoration Of The California Coastal Trail** - We request that the Port of Long Beach participate in the restoration of the California Coastal Trail at the Port of Long Beach. The Port can sponsor public meetings for the identification of site opportunities for participation or the restoration of a Port or adjacent area for inclusion.
41. **Port of Long Beach Participation In Wetlands, Fish Habitat, Migratory Bird Habitat, Wildlife Habitat & Aquatic Eco-System Restoration Plan** - We request that the Port of Long Beach establish a Wetlands, Fish Habitat, Migratory Bird Habitat, Wildlife Habitat and Aquatic Eco-System Restoration Plan and fund. We request that the plan include the Port of Long Beach, Consolidated Slip, Dominguez Channel and Los Angeles River.

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Jesse N. Marquez Executive Director

September 20, 2004

Port of Long Beach - Pier J Marine Terminal Development Project

Final EIR/EIS Deficiencies

1. **Accurate Cumulative Impact Assessment** - We request that the Port of Long Beach conduct an accurate and comprehensive study of the Cumulative Impact Analysis of the Pier J Expansion Terminal Project, past & current POLB operations and other community wide proposed future expansion and operations.

The POLB Pier J Final EIR/EIS added 17 additional projects but has still omitted and failed to list other additional construction projects that are proposed, approved or under construction. Examples include: Construction of 19 new fuel storage tanks at the Carson Kinder Morgan Facility which will add 241,000 lbs more of VOC's a year, a new BNSF Intermodal facility along Long Beach Freeway, the new SR47 bridge replacement & highway construction project, I-710 Freeway expansion, Alameda Corridor expansion, L.A. Harbor College & Long Beach City College expansion, L.A.U.S.D. new elementary school & middle school in Wilmington, new high school in Carson, a new Wilmington Dana Strand Public Housing Residential Project, a new temporary Wilmington Police Harbor Division Sub Station, a new Harbor City Lomita Blvd. residential complex construction project, expansion of the City of Los Angeles Sanitation Department Project on Terminal Island, expansion of the Los Angeles County Sanitation Dept. in Carson on Lomita Blvd., LAX Expansion, Playa Del Rey Residential Project. In addition, the City of Long Beach and Los Angeles has issued numerous business building construction permits to begin in the next 2 years.

In addition to the NEPA/CEQA Cumulative Impact definition, we define Cumulative Impact "as the increasing, compounding and disproportionate exposure to multiple sources and types of air pollution which can cause an adverse health affect or risk.

A Cumulative Impact can cause or contribute to temporary illness, inability to perform normal daily activities, cause temporary or permanent disability, cause inadequate body, organ or immune system growth, development and repair, can be acute, chronic, life threatening and cause unnatural death.

A Cumulative Impact can also cause temporary or irreparable harm, damage, degradation or loss to the environment, natural resources and wildlife. It can also negatively affect the economic welfare, safety and quality of life of the public or a protected class.”

NEAP/CEQA Cumulative Impact definition: the incremental effects of an individual project are considerable when viewed in connection with the effects of other past, current and probable future projects.

2. **Inaccurate Health Risk Assessment (HRA) Baseline Information & Health Risk Assessments** - The Pier J Final EIR/EIS - Health Risk Assessment data is inaccurate and has not been validated. The conclusion that only .5 or half a person may be at risk of contacting or dying from cancer is totally in error. Cancer diseases and death due to cancer is increasing every year in the City of Long Beach and bordering cities.

We request a validation of HRA data and conclusions by requiring the Port of Long Beach to conduct a Local Harbor Community Public Health Survey, Mortality Study, Morbidity Study and Epidemiology Study of all residents and workers within a 10 mile radius of the Port of Long Beach.

The Pier J Final EIR/EIS-HRA must include not only current public health risk data but future health risk projections from new and expanded facilities. Our review of Toxic Air Contaminates data from several referenced companies listed has revealed the HRA data is inaccurate and does not disclose air toxics from all emission sources and do not contain a complete inventory. Companies are in fact significantly under reporting their true toxic chemical emissions. There has been no third party validation of data being reported.

The HRA should also include all companies listed in the cumulative impact analysis, since they are all toxic chemical emission sources that impact public health. The Port of Los Angeles is the # 1 largest stationary source of air pollution in Southern California, but it is not listed. The South Coast Air Quality Management District Title V Permit listing is another toxic air emission source list that was not included in the HRA.

Another example is the GATX Tank Storage Terminal Corp. (old business name) which was sold three years ago and is now Kinder Morgan lists its cancer risk as being 8.5. This is in part based on annual VOC emissions of 121 tons. Kinder Morgan currently plans to build 19 new storage tanks that when complete will emit 171 tons of VOC's based on their EIR for a new total of 292 tons per year. This is a 141% annual increase in VOC emissions alone. The Kinder Morgan San Pedro Tank Facility data was also not included in the HRA.

The Port of Long Beach should conduct its own independent testing of toxic air emissions within a 10 mile and 25 mike radius of the Port.

3. **Public Economic & Social Impact Assessment** - We request that the Port of Long Beach conduct a Public Economic & Social Impact Assessment Study. The Port is spending public funds for business operations and expansion projects but has never completed a Public

Economic & Social Impact Assessment to determine the costs incurred by the public due to air, land and water pollution, public utility usage, transportation infrastructure deterioration, public policing & security and a myriad of other costs not documented, not disclosed to the public, but are in fact being subsidized by the public and governmental agencies.

We request that the study consider as a minimum: public medical health care costs (due to short & long term medical care costs, increased insurance costs, fire department & paramedic services), public death costs (public death costs caused by Port operations & expansion construction projects, family & county burial costs, coroner costs, public medical study costs) police & public safety (extra security short & long term), car & truck accidents (increase, repair costs, increased insurance costs, temporary & permanent disabilities), street, highway, freeway & bridge maintenance, repair, replacement & expansion (public incurs all costs via public bonds, loans & taxes), electric, water & gas utility costs (public incurs all maintenance, infrastructure repair, expansion costs via bonds, loans & taxes), state public education funding losses (students missing school), worker time off (business losses due to worker absence, loss wages due to illness, accidents, lateness due to traffic) agricultural crop damage, landscaping damage (from foreign insects & diseases, public fumigation, public illness & death), private property depreciation (due to blight and negligence), waste disposal (Port uses public landfills) environmental damage, repair, restoration and mitigation costs, NOP, NOI, DEIR, EIR & SEIR costs, special studies, reports, plans, assessments, research, consultant costs legal review, representation & litigation.

We request that the Port publish the study and distribute the study to every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port and Pier J Terminal Tenants post this information on a public accessible website in real time and to make a CD/DVD version available.

- 3. Inadequate Zone Area of Impact** - The Final EIR/EIS and Health Risk Assessment fails to include and use a Zone Area of Impact appropriate for the Pier J Expansion Project and its future business operation for the degree of significant negative environmental and public health impacts on the surrounding bordering communities and cities.

The Port of Long Beach Pier J Expansion Project construction and operations will significantly impact all residents, businesses, public schools and public services within a 10 mile radius of the Port, within 1 mile of all Port transportation corridor routes, intermodal facilities, railyards and railroad tracks. The census tracts chosen significantly under represent the cities and communities being impacted.

There are over 20,000 Port of Long Beach truck trips taking place daily and this will increase to over 50,000 in the next 15-20 years. Lines of Port trucks can be seen on the I-710 Long Beach Freeway and every freeway, highway and bridge within a 25 mile radius of the Port of Long Beach. Port trucks deliver and pick up empty containers in storage yards in Wilmington and Carson. Port trucks deliver cargo to warehouses in San Pedro, Carson, Compton and numerous other cities in Los Angeles County.

Port of Long Beach trains travel through Wilmington, San Pedro, Long Beach, Carson, Compton, the Alameda Corridor to the East Los Angeles Railyards and continue to Riverside and other out of state destinations.

There is a population of more than 500,000 within a 10 mile radius of the project which are being directly impacted on a daily basis by Port of Long Beach business operations and expansion projects. The majority of the population are children under the age of 18.

At least 5 cities are within 10 miles of the Port of Long Beach and at least 10 other cities are impacted by the Port truck traffic within a 25 mile radius. All are negatively impacted by the Port of Long Beach's air pollution. There are over 50 public and private schools within 10 miles of the Port of Long Beach.

The Final EIR/EIS fails to mention that the Project and Port of Long Beach border the City of Los Angeles communities of Wilmington and San Pedro which are significantly impacted by the Port of Long Beach's current business operations. Los Angeles residents live less than 200 feet from the Port of Long Beach. There are numerous City of Long Beach boat marinas in the Port and numerous City of Los Angeles boat marinas that border the Port of Long Beach.

4. **Failure To Include Disclaimer Statements For Unapproved & Unvalidated Documentation** - Port of Long Beach DEIR/EIS and Final EIR/EIS fails to include a Disclaimer Statement to advise the public that "The information contained in the DEIR/EIS & Final EIR/EIS has not been validated or approved by any government agency and may not comply with NEPA, Clean Water Act, Clean Air Act, CEQA and Environmental Justice legal requirements. There has been considerable public comment questioning and in opposition to this information, the project assessment, the listed alternatives and proposed mitigation action in all of the past releases of the Draft EIR/EIS and Final EIR/EIS and during all Public Comment periods.
5. **Environmental Justice (EJ)** - This section fails to mention that the State of California has five approved laws which include environmental justice and stipulate legal and mandatory compliance requirements. This section fails to mention that the Civil Rights Act also provides protection for ethnic minorities and has legal compliance requirements. This section fails to mention the California additionally has Public Health Code laws which must be complied with which afford additional protection to ethnic minorities and low income communities.

The POLB and HRA Study fail to comply with NEPA, CEQA and EJ in its failure to include a proper environmental community impact area zone. The POLB intentionally limited and manipulated the scope of its impact area zone to diminish the significant negative environmental impact on EJ communities by reflecting lower population numbers. A proper impact zone should be a minimum 10 mile radius from the Port of Long Beach and the Pier J Terminal Project Site.

The HRA Study uses Census tracts to confuse government agency reviewers and the public to give the impression that the tracts chosen reflect a proper EJ population when in fact they do not. The census tracts used in fact omit 90% of the impacted EJ community population.

The HRA Study failed to include Wilmington and San Pedro which border the Port of Long Beach and are within 1-2 miles of the Pier J Project site. Wilmington has a population of approximately 55,000, is approximately 95% ethnic minority, 85% Hispanic, 66% Spanish Speaking, 50% low income and 27% poverty community. San Pedro has a population of approximately 90,000, is approximately a 50% ethnic minority, 25% low income and 20% poverty community.

6. **Air, Water, Land Public Health Quality Baseline, Compliance & Monitoring Program -**
We request that the Port of Long Beach establish an air, water and land environmental quality and public health baseline based on the date the Pier J NOP was first released. We request that the Port of Long Beach establish a environmental, public health and safety compliance and monitoring program. The local environment should be monitored daily during construction and during future daily business operations in order to establish a historical record.

The air quality program shall include Port of Long Beach and Pier J Terminal Project: general contractor, subcontractor, independent contractor, supplier owned, leased, rented, borrowed, trucks, vehicles, construction equipment, off-road and stationary equipment.

The air quality monitoring program shall establish a plan to take action when the air quality exceeds local, regional, state or federal standards. The actions shall include but not be limited too halting part or all construction work, limiting truck/vehicle traffic, operating equipment, hours of work/operation and notification of the public.

The public health risk due cancer and death due to cancer should be monitored. The Port should establish a plan of action to halt business operations or expansion construction to stop any noted increase in public cancer cases and death due to cancer.

We request that the Port of Long Beach publish a quarterly, annual and 10 year summary report and distribute the report to every city and community household within a 10 mile radius, every governmental health agency, every governmental environmental agency and every elected official. We request that the Port post this information on a public accessible website in real time and to make

7. **90 Day Public Notice, Public Comment Period & Evening Public Hearings -** We request that the Port of Long Beach provide a 90 day Public Notice of Public Hearings and Public Comment Periods in lieu of the legal minimum 30 - 45 day period. We request that the Port of Long Beach always without exception conduct an evening Public Hearing as it has always done in the past but avoided for the Pier J Final EIR/EIS and a Saturday Public Hearing so that the majority of working residents and impacted communities can attend.

We request that the Public Notice include Press Releases to every local newspaper, radio and television station and Port representatives to visit local community organizations within 5 miles radius of the Port. Notices and Press Releases shall be in English, Spanish and other foreign languages as may be necessary.

We request that the Public Notice include a brochure describing the project and a summary of its negative environmental and public health impacts be sent to all residents within a 10 mile radius of the Port of Long Beach. The brochure shall be translated into Spanish and other foreign languages as may be necessary.