

MCC Cement Terminal Expansion Project Appeal

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EARTHJUSTICE

On Behalf of East Yard Communities for Environmental Justice
and the Coalition for a Safe Environment

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Who We Are: Neighbors of the Port

- East Yard Communities for Environmental Justice (Long Beach, Commerce, East LA)
- Coalition for a Safe Environment (Wilmington)





Regional Air Quality Still Violates State and Federal Clean Air Standards

Human Health Impacts at Issue

Human health impacts from air pollutants include:

- Asthma
- Pain when breathing
- Weakened immune systems
- Inflammation of the lungs
- Pulmonary disease
- Cancer
- Premature death

Children, pregnant women, senior citizens, and individuals with respiratory and cardiovascular illness are most harmed by unhealthy air.

MATES IV STUDY

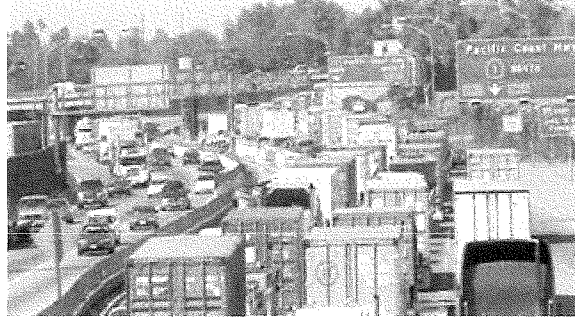
“Although the estimated Basin-wide risks declined from the MATES III period, areas near the ports and near transportation corridors continue to show the highest air toxics risk.”

“Among the monitored areas, the highest simulated risk was estimated for West Long Beach followed by Central Los Angeles, Huntington Park, North Long Beach, and Compton.”

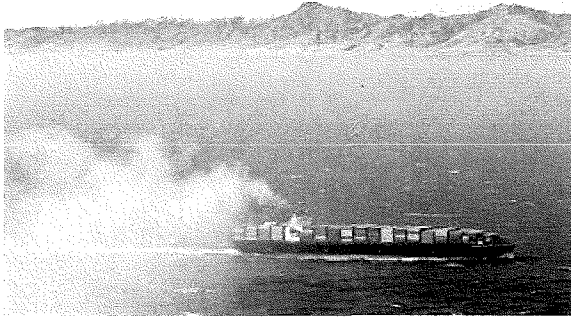
MCC Expansion Project

- Terminal is currently inactive, and has been inactive for the majority of Mitsubishi’s lease.
- Expansion project will result in total 166,400 truck trips annually.
- Expansion project will result in 99 ocean-going vessel portages annually.

On-road trucks are a main contributor to the Region's failure to meet clean air standards.



Freight: a primary source of air pollution emissions



Ocean Going Vessels ("OGVS") are major NO_x emitters.

California Environmental Quality Act

CEQA requires three things:

- (1) Identify environmental impacts.
- (2) Identify feasible mitigation measures.
- (3) Identify alternatives.

Project “Baseline”

- Baseline reflects “real conditions on the ground” against which proposed project impacts are measured.
- CEQA defines the baseline as “the existing physical conditions in the affected area as they exist at the time the notice of preparation is published.” (14 C.C.R. 15126.2.)
- Permitted levels of activity or historic levels of activity do not constitute the “baseline” under CEQA.

Baseline is Inaccurate and Inflated

- Baseline year is nine years old (2006).
- Notice of Preparation was released in 2011.
- Inactivity at the Terminal is representative of “real conditions” during tenure of MCC lease.

Truck Emissions Analysis is Arbitrarily Narrow

“The analysis of emissions from proposed truck trips focused on roadway systems within roughly three miles of the Project terminal, rather than an entire trip distance between the terminal and facilities up to 30 miles away.”

(FEIR, Appendix A, at A-2-2.)

Mitigation Analysis is Inadequate

Mitigation must control, to maximum extent feasible:

- Ship Emissions
- Truck Emissions
- Greenhouse Gas Emissions