



South Coast
Air Quality Management District

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E-MAILED: FEBRUARY 13, 2009

February 13, 2009

Mr. Ronald J. Kosinski
Department of Transportation, District 7
Division of Environmental Planning
100 South Main Street, MS-16A
Los Angeles, CA 90012

Dear Mr. Kosinski:

**Draft Supplemental Environmental Impact Statement/ Recirculated Environmental
Impact Report and Section 4(f) Evaluation
for the Schuyler Heim Bridge Replacement and
SR-47 Expressway Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD appreciates the additional time that Cal Trans has provided to comment on this important project. The SCAQMD staff recognizes the need to replace the Schuyler Heim Bridge to address safety issues; however, this bridge replacement project would also result in increased transportation of freight and goods to and from the Ports of Los Angeles and Long Beach. SCAQMD staff appreciates the changes that made to the Draft EIS/EIR to address issues raised by SCAQMD staff in our comment letter on the Draft EIS/EIR dated November 8, 2007. However, SCAQMD staff has additional concerns about assumptions and the analyses completed in the Draft Supplemental EIS(DSEIS)/Recirculate EIR.


It is the SCAQMD staff's understanding that the Schuyler Heim Bridge is a vital transportation link between the Ports of Los Angeles and Long Beach and the mainland. The SCAQMD staff believes that with the improvements, the Schuyler Heim Bridge will be the primary transportation link to the existing Union Pacific Intermodal Container Transport Facility (ICTF) and the proposed Burlington Northern Santa Fe (BNSF) Southern California International Gateway near-dock railyards. It is the SCAQMD staff's understanding that the analysis for the proposed project and its alternatives includes assumptions of increased truck trips associated

with the Proposed ICTF Expansion and Modernization Project. The SCAQMD staff recommends that the Lead Agencies also include in their analysis the proposed Southern California International Gateway project and the increased truck trips associated with this project. Air quality impacts and health risks should be quantified from the increased truck trips associated with these near-dock railyard projects for each the project alternatives.

Based on the DSEIS/Recirculated EIR the estimated cancer risk for Alternatives 1, 1A, 2, and 3 are significant and exceed the SCAQMD's significance threshold of 10 in a million. Page 3.13-55 states that the "main areas of increased risk would be along existing SR-103." The SCAQMD staff is concerned about the elevated health risk in this area as there are a number of schools, residences, and other sensitive land uses. The SCAQMD staff has reviewed the mitigation measures in the DSEIS/Recirculated EIR and concludes that the DSEIS/Recirculated EIR has not considered all feasible mitigation measures as required pursuant to CEQA Guidelines §15126.4. Because the Lead Agency did not quantify the mitigated health risk, it is uncertain if installation of heating, ventilation, and air condition units for residences will reduce the cancer risk to a level less than significant. In addition, the DSEIS/Recirculated EIR did not consider any mitigation measures for the receptors at Hudson Park. The Lead Agency should at a minimum evaluate feasible mitigation measures that will reduce the exposure of diesel particulate matter through use of zero emission technologies such as electric trucks, zero emission transport systems (e.g. maglev), and reduced truck traffic on SR-103.

The SCAQMD staff is available to work with the Lead Agencies to address these issues and any other questions that may arise. Additional comments are provided in the attachment. Please contact me at (909) 396-3105 or Dr. Steve Smith at (909) 396-3054 you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Susan Nakamura". The signature is fluid and cursive, with a long horizontal flourish at the end.

Susan Nakamura
Planning Manager

Attachment

SS:JK

LAC070817-03
Control Number

Attachment A
**Draft Supplemental Environmental Impact Statement/
Recirculated Environmental Impact Report (DEIS/EIR)**
for the Schuyler Heim Bridge Replacement and SR-47 Expressway Project

Significance Thresholds

On page 3.13-14 the Lead Agency states the following, “As CalTrans has statewide jurisdiction, it has not and has no intention to develop thresholds of significance for CEQA. CalTrans made this decision because the setting for projects varies so extensively across the state and the significance of an effect depends on the environmental setting. Rather, CalTrans will continue to analyze significance on a case-by-case basis looking at the degree and intensity of the impacts.”

The Lead Agency continues by stating, “CalTrans chooses to continue to look at significance on a case-by-case basis because its projects are scattered throughout the state and often cross jurisdictional lines... Even if a project is wholly within one jurisdiction, following an individual jurisdiction’s thresholds will lead to CalTrans needing to defend its decision to accept certain thresholds in one location, yet not in another. In order to preserve its ability to determine the significance of impacts a specific project will have on the environment, CalTrans declines to follow local thresholds of significance.”

In spite of the above statements the conclusions regarding the significance of air quality impacts appear to be based on the SCAQMD’s recommended regional air quality significance thresholds (the City of Los Angeles’ thresholds are also cited, but for air quality the City uses the SCAQMD’s recommended significance thresholds). The lead agency should be aware that when determining significance for air quality impacts, significance thresholds must be tied to the effects on air quality in some way. Consequently, for CalTrans projects located wholly or partially within the SCAQMD’s jurisdiction, the SCAQMD recommends using the significance thresholds located at the following URL: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf> for all CalTrans projects. For projects partially located with the SCAQMD’s jurisdiction, only the emissions from sources located within the SCAQMD’s jurisdiction should be compared to the SCAQMD’s recommended air quality significance thresholds. Any other thresholds used by the lead agency will be evaluated by staff to determine if they are appropriate and applicable.

Health Risk Assessment

Page 3.13-60 of the Draft Supplemental EIS/Recirculated EIR states that the “Caltrans has determined that there is not adequate or satisfactory evidence to support a determination of a significant impact due to exposure to air toxics. The evidence provided in ACTA’s HRA document is not sufficient to make the determination of a CEQA significance related to increased cancer risk for this project.” The text then states that ACTA considers Alternative 1 and 2 to be significant for carcinogenic health risk.

SCAQMD staff believes that Caltran’s conclusion is not only incorrect, but potentially misleading. EMFAC2007 and ISCST3 (AERMOD) are currently used to estimate adverse health risk impacts from mobile source specific projects. EMFAC2007 and ISCST3 (AERMOD) have been used to estimate health risks from mobile sources related to LAUSD, City of Los Angeles and City of Long Beach Port projects. EMFAC2007 and ISCST3

(AERMOD) have also been used to estimate health risk from vehicle traffic related to warehouse projects. In addition, SCAQMD staff has developed a methodology for estimating health risk from air toxic emissions from mobile sources that can be found at http://www.aqmd.gov/ceqa/handbook/mobile_toxic/diesel_analysis.doc, which was referred to in the SCAQMD's comment letter on the original Draft EIS/EIR for the Schuyler Heim Bridge Replacement and SR-47 Expressway Project dated November 8, 2007.

Therefore, SCAQMD staff recommends that the use of the FHWA's Interim Guidance for Mobile Source Air Toxics and the conclusions based on this Guidance regarding Caltrans's conclusion be removed in the Final Supplemental EIS/Recirculated EIR and ACTA's discussion of analyzing air toxics from mobile sources and conclusion of significance for Alternatives 1 and 2 be retained.

Decrease in Vehicular Emissions

The lead agencies state on pages 3.13-17 and 3.13-24 of the Draft Supplemental EIS/Recirculated EIR that vehicle emissions in Alternatives 1, 1A and 3 are lower than the No Build scenario, because VMT is lower in these scenarios. However, no explanation is provided why VMT is lower in Alternatives 1, 1A and 3 than the No Build Scenario. In addition, the difference between Alternatives 1, 1A and 3 and baseline is not discussed. In the November 8, 2007 comment letter on the Draft EIS/EIR for the proposed project, SCAQMD staff requested further information on the assumption that VMT would be reduced under all build and no build scenarios. The reduction in VMT assumption is included as part of the air quality analysis in the Draft EIS/EIR and the Draft Supplemental EIS/Recirculated EIR. There does not appear to be any data or other analysis supporting the assumption that VMT will decline in the future under all scenarios. SCAQMD staff requested information supporting the reduced VMT assumption and received the following response, "As congestion grows, adding more roadway capacity to the system would relieve the congestion and provide better and shorter routes to the drivers. With the build alternatives there would be less congestion so drivers would be expected to take a more direct route resulting in lower VMT than the No Build." This rationale doesn't make sense for the following reasons. First, relieving congestion may attract new longer trips for drivers desiring to avoid idling and congestion on other unimproved routes in addition to attracting drivers who currently take longer trips to avoid the existing congestion on the bridge. Second, the analysis does not appear to take into consideration future growth at the Ports that will substantially increase the traffic, a part of which would be expected to use the new bridge. Therefore, the Final Supplemental EIS/Recirculated EIR should detail the specific reasons for the assumption of reduced VMT. In addition, the Final Supplemental EIS/Recirculated EIR should describe the difference between the Alternatives 1, 1A and 3 and the baseline.

Localized Significance Threshold Analysis

An LST analysis was performed on CO, PM10 and PM2.5 emissions from operation in the Supplemental EIS/Recirculated EIR. However, no LST analysis was performed on construction activities. As stated in SCAQMD's comment letter on the Draft EIS/EIR, dated November 8, 2007, it is recommended that the lead agencies prepare a LST analysis on construction activities following SCAQMD's LST methodology, which can be downloaded at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>. The Final EIS/EIR should include LST analyses for both construction and operation.

Caltrans states on page 3.13-15 that it declines to follow local threshold of significance. Even if Caltrans declines to use the SCAQMD recommended LST significance methodology it is obligated to analyze all potential adverse impacts, make a determination of significant as required by CEQA Guidelines §15064, and implement mitigation measures as necessary.

CARB Diesel Particulate Matter Reductions

On page 3.13-31 the lead agencies state that the analyses assumes a 10 percent reduction in diesel truck diesel particulate matter (DPM) emissions to account for two AB 32 discrete early action measures. Similarly, on page 3.13-32 the lead agencies state that by 2030 an additional 35 percent reduction in diesel truck DPM emissions is assumed based on strategies in CARB's Scoping Plan, which implements AB32. Further, the 35 percent reduction in DPM emissions is based on the assumption that 100 percent of this diesel truck fleet would operate using biodiesel fuel. There are two concerns with these assumptions used by the lead agencies. First, it is inappropriate for the analysis to rely on future regulatory approvals. Although it is likely that future emission standards will be come more stringent, the extent to which the emission standards will become more stringent and when the standards become affective are not certain. Second, although the lead agencies assumed a 35 percent reduction in DPM from using biodiesel, they do not appear to have accounted for the potential increase in NOx emissions averaging 10 percent to as high as 28 percent. Therefore, SCAMQD staff requests that the lead agencies eliminate the DPM reduction assumptions and revise the air quality and HRA analyses.

Mitigation Measures

The lead agencies did not include any of the suggested mitigation measures recommended by SCAQMD in its November 8, 2008 comment letter or provide an explanation why these mitigation measures are not feasible. SCAQMD staff still suggest the following mitigation measures for the proposed project:

- Harbor Craft Mitigation Measure – This measure should require all harbor craft used during the construction phase of the project to, at a minimum, have been repowered to meet the cleanest existing marine engine emission standards (in effect at the time of use) or the proposed United States Environmental Protection Agency (U.S. EPA) Tier 3 (which are proposed to be phased-in beginning 2009), whichever is cleaner. In addition, to the extent that harbor craft powered engine meeting the proposed U.S. EPA Tier 4 marine engine standards are available, these harbor craft should be used.
- On-road Truck Mitigation Measure – As part of this mitigation measure, the Lead Agencies should use the cleanest available trucks for construction. According to Figure 2-3 (Project Construction Schedule) of the DEIS/EIR, construction of the Schuyler Heim Bridge and SR-47 Expressway is expected to occur between 2009 to 2011 and construction of the Ocean Blvd./SR-47 Flyover is expected to occur during 2015. Due to the phased approach in construction, SCAQMD staff recommends that during the 2009 – 2011 construction phase, on-road trucks meet the lowest certified emissions levels, but no greater than the U.S. EPA 2007 emissions standards. In addition, during any construction occurring after 2014, construction on-road trucks should meet U.S. EPA 2010 emission standards.
- Construction Equipment Mitigation Measure – SCAQMD staff recommends that the 2009 – 2011 construction equipment should meet U.S. EPA Tier 3 emission standards in

combination with highest level of CARB Verified Diesel Emission Control System (VDECS). In addition, during any construction occurring after 2014, construction equipment should meet U.S. EPA Tier 4 emission standards.

- Best Management Practices (BMPs) – In addition to mitigation measure AQ-6, prohibiting truck idling in excess of 2 minutes, the Lead Agencies should also implement a process by which to select additional BMPs to further reduce emissions during construction if it is determined that the proposed construction equipment exceed any SCAQMD significance threshold. The following types of measures should be required on construction equipment: a) use of diesel oxidation catalysts and catalyzed diesel particulate traps (certified to the highest CARB VDECS available); b) maintain equipment according to manufacturers' specifications; c) restrict idling of construction equipment (separate measure from AQ-6 for truck idling) to a maximum of 5 minutes per proposed CARB regulation.

Greenhouse Gases

A qualitative greenhouse gas discussion was included in the Supplemental EIS/Recirculated EIR on page 3.13-12. No GHG analysis was conducted for the proposed project. As stated in the comment letter on the Schuyler Heim Bridge Replacement and SR-47 Expressway Project dated November 8, 2007, SCAQMD staff suggested that the lead agencies quantify greenhouse gas emissions. In addition, in a number of comment letters on CEQA documents prepared by the California Attorney Generals Office, the Attorney General has unequivocally stated that GHG emission and global climate change are impacts that must be analyzed in CEQA documents. Further, a determination of significance must be made, even in the absence of established GHG significance thresholds. Finally, if GHG emissions are concluded to be significant, mitigation measures must be identified. Therefore, the discussion in the Final Supplemental EIS/Recirculated EIR should include a qualitative analysis of GHG emissions from the proposed project (i.e., construction as well as operation).