



# South Coast Air Quality Management District

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December 8, 2015

Mr. Christopher Cannon, Director  
City of Los Angeles Harbor Department  
Environmental Management Division  
425 S. Palos Verdes Street  
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## **Draft Negative Declaration (ND) for the Proposed Pasha Stevedoring and Terminals Lease Renewal Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

In the project description, the Lead Agency proposes to renew its current lease with Pasha for 20 years, with two 5-year options to renew for a total of 30 years. The lease renewal would allow operations to continue that include the handling of primarily steel slab and breakbulk cargo at their existing terminals in the Port of Los Angeles. Omni-terminal operations<sup>1</sup> would occur at Berths 174-181 and breakbulk operations would occur at Berths 206-209 and Berths 153-155. No new improvements or physical modifications to the existing three terminals are proposed as part of the proposed Project. The proposed Project would also not involve permanent or temporary construction of any infrastructure, earth-disturbing activities, grading, trenching, or demolition.

SCAQMD staff has reviewed the Draft ND and is concerned that the proposed lease measures in the Draft ND back away from previous goals in the Clean Air Action Plan and provide no furtherance of goals within the Port's Draft Zero Emissions White Paper.

### **Forklifts**

As noted in the Draft ND, the 2010 Clean Air Action Plan (CAAP) included a requirement that all terminal cargo handling equipment (CHE) meet US EPA 2007 on-road or Tier 4 off-road engine standards by the end of 2014 for terminals who were signing a lease by 2014. This measure, named CHE1, is less prescriptive for requirements for terminals signing leases after

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<sup>1</sup> Meaning that the terminal can accommodate a multitude of commodities in addition to standard ocean-going cargo containers.

2014. Given the timing of this lease renewal (occurring one year after the 2014 deadline), the SCAQMD staff is concerned that mitigation measure LM-1: Fleet Modernization for Off-Road Cargo Handling Equipment allows the project to extend the CAAP deadline of 2014 by another 13 years with the proposed phase-in schedule. Given that the 65 forklifts at the Pasha terminals make up more than half of the entire fleet of diesel powered forklifts operating within the Port of Los Angeles<sup>2</sup>, this significantly delayed implementation schedule should be revisited and accelerated to be more consistent with the clear intent of the CAAP to require all Tier 4 cargo handling equipment by last year. In addition, if there are opportunities to utilize engines with even lower NOx levels than Tier 4, those should be explored at this time.

In addition, the Final ND should describe when the existing leases were signed for the three properties included in this project and how the CAAP applied to those leases. For example, Table 4.6 in the Clean Air Action Plan shows that Berths 206-209 did not have a tenant as of October 2010. Because the Draft ND states that Pasha is currently operating at this location, a lease must have been signed since that time. It is unclear how the CAAP *requirement* for new leases signed before 2014 to incorporate Tier 4 provisions applied to this existing lease.

### **Zero Emissions Cargo Handling Equipment**

The Port of LA published its Draft Zero Emissions White Paper<sup>3</sup> (white paper) in September 2015. The white paper identified CHE as one of the areas targeted for zero emission technology testing and demonstration. One of the next steps of the white paper is to use the Harbor Department's leadership to advance the industry's transition of CHE to zero emissions. The Draft ND currently does not contain goals or requirements to comply with those laid out in the white paper. The Final ND should therefore include a discussion and specific steps for how the project will achieve the goals and objectives of the white paper.

### **At-Berth Vessel Emissions**

Lease Measure LM-3 in the Draft ND requires a pilot study of an emissions control system for vessels at berth, yet it does not require any further implementation of this type of system if it is found successful. Further, the Draft ND does not provide any background on previous testing that has been conducted with these systems at the port, and if that previous testing has been sufficient to determine if this measure is feasible for these terminals. If full ship electrification at berth is infeasible for this project site, then a commitment to implement (instead of just a pilot study) an emission control system should be required as part of this lease.

### **Conclusion**

SCAQMD staff is concerned that this project proposes to lock in a set of requirements for up to 30 years that will not provide a fair share in reductions in air pollution. Although mitigation may not be required under CEQA for this project, the Port has previously committed to using leases to implement new air pollution reduction measures. The proposed project as currently described does not explain how it is consistent with previous Port policies and goals.

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<sup>2</sup> Based on the Port's 2014 Emissions Inventory, there are 121 total diesel powered forklifts operating within the Port of Los Angeles.

<sup>3</sup> [https://www.portoflosangeles.org/pdf/Zero\\_Emissions\\_White\\_Paper\\_DRAFT.pdf](https://www.portoflosangeles.org/pdf/Zero_Emissions_White_Paper_DRAFT.pdf)

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Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final ND. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact me at (909) 396-3244, if you have any questions regarding these comments.

Sincerely,



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Planning & Rules Manager

IM:JW:SW:GM

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