

August 25, 2021

Christopher Cannon, Director
City of Los Angeles Harbor Department
Environmental Management Division
425 South Palos Verdes Street
San Pedro, California 90731
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Dear Christopher Cannon:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Southern California International Gateway (SCIG Project) Recirculated Draft Environmental Impact Report (RDEIR), State Clearinghouse No. 2005091116. The City of Los Angeles Harbor Department (LAHD) is the lead agency for California Environmental Quality Act (CEQA) purposes. The SCIG Project would allow for the construction and operation of a new near-dock railyard to be built and operated by BNSF Railway (BNSF). The proposed railyard will be located approximately four miles from the San Pedro Bay ports and within the Wilmington community of the City Los Angeles. This community is located within the Wilmington, Carson, West Long Beach Community (WCLBC) which has been designated as a disadvantaged community under Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017).¹ CARB is concerned about localized air pollutant exposure the SCIG Project will have on nearby communities, and the WCLBC that has been designated as a disadvantaged community under AB 617. To protect the health of these communities, BNSF and the LAHD have an obligation to construct and operate the proposed rail facility using the zero-emission technologies provided in this letter. By doing so, the BNSF and the LAHD have an opportunity to showcase a state-of-the-art zero-emission railyard that could be used as a model for future rail facilities across California and the nation.

If approved, the operation of the SCIG Project would increase annual heavy-duty truck trips by 2,000,000 and train trips by 5,760 in the Wilmington community. Residences located within this community are already exposed to toxic diesel particulate matter (diesel PM) emissions generated by Union Pacific's Dolores Railyard and Intermodal Container Transfer Facility (ICTF), and BNSF's Watson Railyard and vehicular traffic along Interstate 710 and Interstate 405. Due to the SCIG Project's substantial increase in vehicular and locomotive traffic, there is no doubt that the SCIG Project would expose the existing Wilmington community to increased air pollution emissions that would result in increased significant localized health impacts on the community. The LAHD and BNSF each have a responsibility

¹ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

to these communities to ensure that all feasible mitigation measures are applied to limit or eliminate the SCIG Project's projected significant impact on public health.

CARB submitted a comment letter, which is attached to this letter, on the Draft Environmental Impact Report for the SCIG Project released in March 2012 (2012 DEIR). CARB's comments, dated February 1, 2012, highlighted the need to utilize zero-emission heavy-duty trucks and Tier 4 line-haul locomotives during the SCIG Project's operation. The implementation of zero-emission technologies will minimize the exposure of diesel particulate matter (diesel PM) and nitrogen oxide (NOx) emissions for all neighboring communities, and greenhouse gases that contribute to climate change. Due to the SCIG Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative public health impacts associated with the operation of the SCIG Project. However, the LAHD did not include CARB's recommended air pollutant emission reduction measures in the SCIG Project Final Environmental Impact Report approved in 2013 (2013 FEIR). LAHD and BNSF must do more to reduce the air pollution emissions from the SCIG Project to protect public health, especially in light of the advancements in zero emission technologies since the 2013 FEIR and anticipated advancements in the near future.

Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The executive order states: "It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible." The executive order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the LAHD, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, the LAHD must require all trucks, and cargo handling equipment (CHE) and locomotives servicing the SCIG Project to be zero-emission.

The Project Will Increase Exposure to Air Pollution to Residences Located Within the Wilmington Community

The SCIG Project, in conjunction with the operation of the Union Pacific's Dolores Railyard and ICTF, and BNSF's Watson Railyard other industrial development near the Wilmington community, will expose nearby disadvantaged communities to increased levels of air pollution. The proposed railyard is near existing residences, with the closest residences located within 1,000 feet from the SCIG Project boundary. In addition to residences, the SCIG Project is located within 3,500 feet of the following schools and child development centers:

- Elizabeth Hudson Elementary School
- Reid Senior High School
- Cabrillo High School

- James A Garfield Elementary School
- Stephens Middle School
- Saint Lucy Catholic School
- Cabrillo Child Development Center
- Mary Bethune School

Addressing the disproportionate impacts that air pollution has on disadvantaged communities is a pressing concern across the State, as evidenced by statutory requirements compelling California's public agencies to target these communities for clean air investment, pollution mitigation, and environmental regulation. The communities surrounding the SCIG Project are near existing toxic diesel PM emission sources, which include Union Pacific's Dolores Railyard and ICTF, and BNSF's Watson Railyard, existing industrial uses and vehicular traffic along Interstate 710 and Interstate 405. Due to the Project's proximity to residences, schools and child development centers already burdened by multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the SCIG Project. The following three pieces of legislation need to be considered and included in the Final Revised Environmental Impact Report (FREIR) when developing a project like this near a disadvantaged community:

Senate Bill 535 (De León, 2012)

Senate Bill 535 (De León, Chapter 830, 2012)² recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen).³ The SCIG Project is located with the boundary of the WCLBC. The maximum CalEnviroScreen score for the WCLBC is in the top 1 percent, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in this community routinely exceed state and federal air quality standards. The LAHD must ensure the implementation of all feasible mitigation, including utilization of zero emission technologies, to limit the SCIG Project's air quality and public health impact on neighboring disadvantaged communities.

² Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721 and § 39723.

³ "CalEnviroScreen 3.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>

Senate Bill 1000 (Leyva, 2016)

Senate Bill (SB) 1000 (Leyva, Chapter 587, Statutes of 2016)⁴ amended California's Planning and Zoning Law. SB 1000 requires local governments that have identified disadvantaged communities to incorporate the addition of an environmental justice element into their general plans upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities. Since the proposed SCIG Project will substantially impact the air quality of neighboring disadvantaged communities, the LAHD should include in the regulatory setting of the FREIR a description of SB 1000.

Assembly Bill 617 (Garcia, 2017)

The State of California has emphasized protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill (AB) 617 (Garcia, Chapter 136, Statutes of 2017).⁵ AB 617 required CARB to develop the process that creates new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In response to AB 617, CARB established the Community Air Protection Program with the goal of reducing exposure in communities heavily impacted by air pollution. As part of its role in implementing AB 617, CARB must annually consider the selection of communities for development and implementation of community air monitoring plans and/or community emission reduction programs for those communities affected by a high cumulative exposure burden. The WCLBC is one of 15 communities statewide chosen thus far for inclusion in the Community Air Protection Program.

The WCLBC was selected for the development of a Community Emissions Reduction Plan (CERP) due to its high cumulative exposure burden, the presence of a significant number of sensitive populations (children, elderly, and individuals with pre-existing conditions), and the socioeconomic challenges experienced by its residents. CARB approved the WCLBC CERP in September 2020, which describes strategies to achieve emission and exposure reductions throughout this community, including significantly reducing or eliminating emissions from heavy-duty mobile sources and industrial stationary sources, including strategies aimed at

⁴ Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

⁵ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

reducing emissions from port and rail activities associated with the Ports of Los Angeles (POLA) and Long Beach (POLB).

Health-harming emissions, including PM, toxic air contaminants, and diesel PM generated from the proposed increase in heavy and light industrial development in the SCIG Project area will negatively impact the community, which is already disproportionately impacted by air pollution from existing freight operations as well as stationary sources of air pollution. According to the base year (2017) emissions inventory presented in the CERP, the residences located within the WCLBC, and near the SCIG Project, are currently exposed to 10,613 tons of NO_x, 5,642 tons of volatile organic compounds (VOC), and 1,323 tons of particulate matter less than 2.5 micrometers (PM_{2.5}) annually.⁶ A large percentage of these annual air pollutant emissions are generated by off and on road emission sources such as those servicing rail facilities. The construction and operation of the SCIG Project will increase air pollutant emissions in these communities if not mitigated. To protect the residences living in the Wilmington community, it should be the LAHD's and BNSF's goal to implement all feasible mitigation measures into the SCIG Project's final design to protect the air quality in the Wilmington community.

The LAHD and BNSF Must Implement All Feasible Mitigation Measures to Reduce the SCIG Project's Potentially Cumulatively Considerable Impact on Air Quality and Public Health

According to the RDEIR, the operation of the SCIG Project would expose nearby residences and schools to levels of nitrogen dioxide (NO₂), particulate matter 10 micrometers in diameter (PM₁₀) and PM_{2.5} that would exceed the SCAQMD's significance thresholds and result in a significant impact on air quality. Although this impact conclusion is expected for a project of this size, it is inconsistent with CEQA that the LAHD has not included any additional feasible mitigation measures, outside of what was proposed in the 2012 DEIR, in the RDEIR to reduce the proposed railyard's impacts on air quality.

To reduce the SCIG Project's significant impact on air quality, there were just ten mitigation measures (MM AQ-1 through MM AQ-10) in the 2012 DEIR, which were carried over into the RDEIR. These measures included requiring:

- The use of tier 3 off-road equipment during SCIG Project construction.
- Trucks used in construction have to comply with emissions standards enforced by the Environmental Protection Agency (EPA) and CARB.
- Compliance with SCAQMD's fugitive dust rules.
- On-site sweeping.

⁶ South Coast Air Quality Management District. Community Emissions Reduction Plan Wilmington, Carson, West Long Beach. September 2019. Accessible at <https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/wilmington/cerp/final-cerp-wcwlb.pdf?sfvrsn=8>

- By 2026, 90 percent of drayage trucks serving the SCIG Project have to meet a reduction in diesel PM emission of 95 percent by mass relative to the federal 2007 on-road heavy-duty diesel engine emission standard.
- The periodic review of new technology and regulations.

After implementation of the mitigation measures listed above, the RDEIR concludes that the SCIG Project's impact on air quality would remain significant after mitigation. Some of the mitigations listed in the 2012 DEIR require BNSF to comply with SCAQMD rules and CARB regulations aimed at reducing fugitive dust and air pollutant emissions. Although complying with local air district rules and CARB's regulations would reduce the SCIG Project's air pollutant and fugitive dust emissions, the SCIG Project would already have to comply with these regulations by law. Compliance with laws and regulations should not be used exclusively to mitigate the SCIG Project's impacts. To limit the SCIG Project's significant and unavoidable impact on air quality and public health, the City and BNSF must implement more stringent mitigation measures that do not take simply credit for complying with existing rules and regulations.

CEQA requires that all feasible mitigation measures be incorporated into projects where one or more significant effects on the environment would occur if a lead agency approves or carries out a project. (see California Public Resources Code § 21081; 14 CCR § 15126.4(b)). CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (California Public Resources Code § 21061.1.) To meet this requirement, the LAHD and BNSF must add the feasible emission reduction measures listed below in the FREIR to reduce the SCIG Project's significant adverse air quality impacts.

The RDEIR Should Include a Feasible Mitigation Measure that Ensures the SCIG Project Uses the Cleanest Switcher and Line-Haul Locomotives Available

The LAHD and BNSF must use zero-emission switchers and the cleanest available line-haul locomotives within the SCIG Project area consistent with Executive Order N-79-20, and to address the SCIG Project's impact on air quality and public health. BNSF should be required to use all zero-emission switcher and line-haul locomotives to service the proposed railyard.

To meet the emission reduction targets established by Executive Order N-79-20, CARB is presently developing regulatory concepts for the In-Use Locomotive Regulation to reduce air pollutant emissions, toxic air contaminants and greenhouse gas emissions from locomotives operating through California. These concepts would require locomotive operators to mitigate diesel PM emissions by paying into an account used by the operators to develop or purchase zero-emission locomotives, prohibit the operation of locomotives with an original engine build date that is 23 years or older starting in 2030, limit locomotive idling duration to 30 minutes, and require operators to register their locomotives with CARB. More information about the proposed In-Use Locomotive Regulation and associated workshops can be

obtained from CARB's website: <https://ww2.arb.ca.gov/our-work/programs/reducing-rail-emissions-california>.

At full operation, the SCIG Project is expected to handle eight inbound and eight outbound trains per day, which would consist of a fleet of three or four diesel-electric locomotives. The engines on the line-haul locomotives would likely be equipped with 4,000 to 5,000 horsepower (hp) diesel engines. BNSF would maximize the use of ultra-low sulfur diesel fuel to power their line-haul locomotives. One switcher locomotive would be on-site to reorganize railcars for servicing, which would also be a low emissions unit. Although the use of ultra-low sulfur diesel fuel would reduce the SCIG Project air pollutant emissions from on- and off-site trains, LAHD and BNSF should exclusively use zero-emission locomotives to transport goods to and from the proposed rail yard. Based on emerging technologies in batteries and hydrogen fuel cells, zero-emission locomotive is becoming a reality and could be used in the near future to meet the needs of the SCIG Project. CARB has sponsored, and continues to sponsor, demonstration projects to accelerate the adoption of clean freight technologies and reduce air pollution caused by the movement of goods throughout the State. CARB's Zero and Near Zero-emission Freight Facilities Program, successfully demonstrated batteries in locomotives that could be developed further and applied to the SCIG Project.⁷ Although there are no demonstration projects currently funded by CARB, there are demonstration projects presently underway that focus on battery-electric and hydrogen zero-emission locomotive technologies. An example of these demonstration projects is provided below.

- **Lithium-ion Battery Technology.** "Progress Rail, a Caterpillar company, has reached an agreement with Pacific Harbor Line to supply its new EMD® Joule battery electric locomotive for a demonstration project operating in the POLA and POLB, California. The new, six-axle locomotive will feature the latest lithium-ion battery technology and battery management system, alongside alternating current (AC) traction and state-of-the-art electronics. The locomotive includes battery capacity of 2.4 megawatt hours, for a run time of up to 24 hours, depending upon charging and utilization. It is anticipated for delivery in the second half of 2021."⁸
- **Hydrogen-Powered Locomotive Pilot Project.** In December 2020, Canadian Pacific (CP) has announced plans to develop line-haul hydrogen-powered locomotive technology. The "[h]ydrogen Locomotive Program will retrofit a line-haul locomotive with hydrogen fuel cells and battery technology to drive the locomotive's electric

7 California Air Resources Board (CARB), 2020. CARB's Zero and Near Zero-emission Freight Facility Program. Accessible at <https://ww2.arb.ca.gov/news/carb-announces-more-200-million-new-funding-clean-freight-transportation#:~:text=The%20goal%20of%20CARB's%20Zero,commercialization%20of%20these%20technologies%20statewide>

8 Progress Rail, 2020. Progress Rail and Pacific Harbor Line Sign Agreement. Accessible at <https://www.progressrail.com/en/Company/News/PressReleases/ProgressRailAndPacificHarborLineSignAgreementForBatteryLocomotive.html>

traction motors. Once operational, CP will conduct rail service trials and qualification testing to evaluate the technology's readiness for the freight-rail sector."⁹

- **Ultium Battery and HYDROTEC Hydrogen Fuel Cell Technology.** In June 2021, Wabtec Corporation and General Motors (GM) announced develop and commercialize GM's Ultium battery technology and HYDROTEC hydrogen fuel cell systems.¹⁰

With the development of locomotive technology presently underway, and the goals set by Executive Order N-79-20, it is reasonable to expect that zero-emission switcher and line-haul locomotives could be available to the LAHD and BNSF by 2030.

Since a portion of the air pollutant emissions presented in the RDEIR are generated by the 5,760 annual train trips projected to operate at the SCIG Project, CARB is concerned that the RDEIR does not include any feasible mitigation measures to reduce the air quality impacts generated by switchers and line-haul locomotives operating at and near the proposed railyard. Based on the air quality modeling presented in the Technical Appendix of the RDEIR, the operation of on and off-site train would result in approximately 17.6 tons of NO_x and 0.3 tons of PM₁₀ annually in the year 2035. By using zero-emission line-haul and switcher locomotives, residences located near the SCIG Project would not have to be exposed to harmful air pollutant emissions generated by rail traffic. To protect the health of people living in disadvantaged communities located near the proposed intermodal rail facility, the LAHD and BNSF must include in the RDEIR, a mitigation measure to reduce the SCIG Project's air pollutant emissions from the switcher and line-haul locomotives operating at the proposed railyard by utilizing zero-emission technologies. The measure should require all switcher and line-haul locomotives operating at the proposed railyard to be zero-emission once they become commercially available.

The LAHD Should Require all Project-related Trucks and On-site Cargo Handling Equipment to be Zero-emission

The SCIG Project would include the operation of diesel-powered trucks and on-site CHE. These trucks and CHE, and others operating at industrial facilities near the SCIG Project, will increase air pollutions exposure in the Wilmington community. As previously discussed, the SCIG Project would increase annual heavy-duty truck trips in these communities by approximately 2,000,000. According to the project description from the 2013 DEIR, drayage trucks would deliver containers to the proposed rail facility from either the POLA or POLB. These drayage trucks would be operated under contracts between unspecified trucking companies and BNSF. The contract would require all trucks to be powered by engines that meet or exceed the 2007 EPA on-road emissions standards; although, EPA released their

⁹ Canadian Pacific, 2020. CP announces hydrogen-powered locomotive pilot project. Accessible at <https://www.cpr.ca/en/media/cp-announces-hydrogen-powered-locomotive-pilot-project>

¹⁰ General Modtors, 2021. Wabtec and GM to Develop Advanced Ultium Battery and HYDROTEC Hydrogen Fuel Cell Solutions for Rail Industry. Accessible at <https://plants.gm.com/media/us/en/gm/home.detail.html/content/Pages/news/us/en/2021/jun/0615-wabtec.html>

2010 on-road emissions standards prior to the release of the 2012 DEIR. The SCIG Project would also include the operation of 10 liquefied natural gas fueled, or equivalent technology, yard hostlers. As a result of CARB regulations and advancement of zero-emissions technologies since the release of the 2013 FEIR, zero-emission drayage trucks and CHE that can service the proposed rail facility are commercially available today. To reduce the Project's air pollutant emissions and be consistent with Executive Order N-79-20, the LAHD should require all drayage trucks and on-site CHE serving the SCIG Project to be completely zero-emission.

As presented in CARB's draft Truck vs. Train Emissions Analysis, California's current truck regulations are implemented through 2023 will result in trucks becoming the cleaner mode to transport freight as compared to line-haul locomotives.¹¹ Beyond 2023, future CARB regulations will further reduce truck air pollutant emissions, eventually bringing them to zero. The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within the State:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer and the Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023. In 2022, CARB expects to consider the Advanced Clean Fleet Regulation that includes requirements for all drayage trucks to transition to zero-emission technologies by 2035 and starting in 2023 drayage trucks added to the CARB registry must be zero-emission.
- **Heavy-Duty Low-NOx Omnibus Rule:** On August 27, 2020, CARB approved for adoption the Heavy-Duty Low-NOx Omnibus Rule that requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** On March 15, 2021, the Office of Administrative Law approved the Advanced Clean Trucks Regulation. The regulation requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 electric trucks in California by the end of 2030 and about 300,000 by 2035. CARB is expected to consider a fleet regulation in 2021 that would be compatible with the Advanced Clean Trucks regulation, requiring fleets to purchase a certain percentage of zero-emission trucks and vans for their fleet operations.

According to the air quality modeling presented in the Technical Appendix of the RDEIR, the operation of SCIG Project-related on-site CHE and on- and off-site truck traffic would result in approximately 83 tons of NOx and 18 tons of PM10 annually in the year 2035. These emission rates accounts for approximately 82 and 98 percent of the SCIG Projects total emissions of NOx and PM10, respectively. If the LAHD and BNSF were to require all drayage trucks and CHE operated by BNSF and truck companies contracted with BNSF to be

11. CARB, 2020. Draft Truck vs. Train Emissions Analysis. September 23, 2020. Accessible at <https://ww2.arb.ca.gov/resources/fact-sheets/draft-truck-vs-train-emissions-analysis>

completely zero-emission, the SCIG Project's air quality impacts could be reduced to a less than significant level after mitigation. The LAHD and BNSF can obtain a list of commercially available zero-emission trucks from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).¹² The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs of the SCIG Project today. Electric CHE are also commercially available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE) administered by CALSTART¹³ or the HVIP.

Although the 2013 FEIR included a Technology Assessment Program that commits BNSF to search out cleaner technology that could be implemented into the SCIG Project every three years, the technology for zero-emission trucks and CHE is readily available today. To better ensure that the SCIG Project does not increase air pollution emissions in the Wilmington community, the FREIR should include a measure requiring the use of zero-emission trucks and on-site CHE. LAHD should include in the FREIR, a requirement that BNSF should include contractual language in contracted hauler agreements that requires all trucks and CHE serving the SCIG Project site to be completely electric starting no later than 2025.

The RDEIR Should Require All Transport Refrigeration Units to be Zero-emission Where Feasible and Plug-In Capable Everywhere Else

Chapter 2 (Project Description) of the 2012 DEIR states that the southwest corner of the SCIG Project area will be designated to accommodate refrigerated containers equipped with electrical plugs so that portable refrigeration units (TRU) could be switched off while the containers are in the railyard. Based on CARB's research, TRUs on rail cars, trucks, trailers, and shipping containers can emit large quantities of diesel PM exhaust while operating within a facility. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near the SCIG Project would be exposed to diesel exhaust emissions that would result in significant public health impact.

Based on CARB's review of the air quality calculations presented in the 2012 DEIR and this RDEIR, it is unclear if the SCIG Project's dispersion analysis accounted for air pollution emissions from trucks with trailer or trains with container TRUs accessing the SCIG Project site. If trucks and trains equipped with TRUs will not operate within the SCIG Project, the LAHD should include a design measure in the FREIR restricting trucks and trains with TRUs from accessing the SCIG Project site. If trucks and train cars with TRUs will be accessing the SCIG Project site, the SCIG Project's dispersion analysis should be revised. The FREIR should

¹² Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

¹³ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

include a design measure that would require all on-site trailer or container spaces to be equipped with electrical hookups for trucks or containers with TRUs and require all TRUs accessing the SCIG Project site to be plug-in capable. The measure should also require all TRUs to be plugged into electric power until they are ready to be transported directly out of the SCIG Project site.

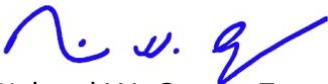
Conclusion

With the construction of a new railyard, BNSF and the LAHD have a unique opportunity to showcase a state-of-the-art zero-emission railyard that could be used as a model for future rail facilities. As with the development of any large freight project, such as the proposed SCIG Project, there is a tremendous opportunity to influence the path of future freight projects. By demonstrating the feasibility of operating a completely zero-emission railyard, BNSF and LAHD can prove that it is possible to develop a freight facility (e.g., port, warehouse, rail yard, etc.) that can result in economic growth without negatively impacting public health within nearby communities or exacerbate climate change. To this end, the LAHD should incorporate all zero-emission switcher and line-haul locomotives, trucks and on-site CHE within the proposed railyard.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB appreciates the opportunity to comment on the RDEIR for the SCIG Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the FREIR as part of the comment period. If you have questions or require additional input, please contact Heather Arias, Division Chief, via email at heather.arias@arb.ca.gov.

Sincerely,



Richard W. Corey, Executive Officer

Attachment: Letter February 1, 2012, from Richard W. Corey at CARB to Chris Cannon from the Port of Los Angeles re: CARB comments on the Southern California International Gateway Project Draft Environmental Impact Report

cc: See next page.

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Edmund G. Brown Jr.
Governor

February 1, 2012

Chris Cannon
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Dear Mr. Cannon:

The California Air Resources Board (ARB) staff is providing comments regarding the draft Environmental Impact Report (EIR) for the proposed Southern California International Gateway Project (SCIG or the Project), a new near-dock railyard to be built and operated by BNSF Railway (BNSF). Since the Port of Los Angeles (Port) owns and would lease the property to BNSF, the Port is in a unique position to ensure that this railyard sets a new benchmark for environmental leadership, while meeting the need for additional capacity to move international containers by rail.

Increasing rail capacity should ideally be achieved through the expansion of on-dock rail at the ports, which maximizes the efficiency of the freight system and minimizes regional emissions and localized health impacts. To the extent that there are space limitations at the Southern California ports, we recognize the regional air quality and climate benefits of near-dock railyards such as the SCIG facility that can reduce the length of truck trips between the ports and railheads.

Whether on-dock or near-dock rail, siting a new freight hub in a community already highly impacted by diesel pollution carries a responsibility to build and operate a state-of-the-art facility with emissions as close to zero as technologically possible. The proposed SCIG Project includes a number of features that meet this standard, including the electric cargo cranes, the site design to nearly eliminate yard hostlers, and the roadway infrastructure with designated truck routes to direct trucks further away from local residents. This concept needs to be extended to include emerging zero-emission technology for the trucks and locomotives that will serve the facility as well.

ARB staff believes that technology capable of zero-emissions will be available for additional applications in the early years of Project operation. The final project conditions need to support development of this technology and provide for its use to better protect the health of nearby residents from the harmful effects of fine particle pollution (including diesel particulate matter (PM)), ensure the emission reductions required to attain air quality standards for all pollutants, and reduce greenhouse gases.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Background

We summarize our understanding of the proposed Project, the existing conditions, and the air quality impacts in the draft EIR to establish the context for our recommendations.

The proposed SCIG railyard is located in Long Beach, a four-mile truck trip from the Ports of Los Angeles and Long Beach. BNSF would divert all port-related containers from the existing BNSF Hobart railyard in downtown Los Angeles, a 24-mile truck trip from the ports, to the new near-dock facility. The SCIG would displace existing trucking operations at the Project site; those operations would relocate immediately south or nearby. BNSF would begin SCIG construction in 2013, initiate operations in 2016, and reach full scale operations by 2023. At capacity, SCIG would handle up to 1.5 million container lifts, two million truck trips, and 2,880 train trips annually.

Immediately north of the Project site is the existing Union Pacific Railroad (UP) Intermodal Container Transfer Facility (ICTF), an intermodal railyard. UP plans to double the capacity of the ICTF railyard this decade. If both the SCIG facility expansion and ICTF expansion are built, they would represent the largest intermodal railyard complex in the U.S. with a combined annual container lift capacity of three million.

There are a number of schools and residences in close proximity to, and downwind of, the Project site. For example, the Hudson Elementary School and Cabrillo School are located across the street, about 500 feet from the site boundary.

The draft EIR presents several analyses of the Project's potential air quality impacts at both a regional and local level. The document identifies a regional air quality and climate benefit, largely attributable to the shorter truck trips between the ports and the SCIG facility, as compared to the BNSF Hobart railyard. The draft EIR also assesses the maximum individual cancer risk (risk) to the adjacent neighborhood from diesel emissions. Both of the risk estimates that we discuss here reflect SCIG emissions at full capacity and the benefits of adopted ARB and federal regulations that are cutting diesel emissions over time from all sources. If forecasted emissions from the SCIG facility are considered in isolation, the risk is estimated at 48 chances in a million. If emissions from the SCIG facility are compared to the forecasted emissions from existing tenant operations at the site (the No Project alternative), the net increase in the estimated risk is 17 chances in a million.

ARB staff concludes that whatever legal or technical comparison is used, the proposed SCIG facility would increase the health risk in the immediate area and the Project should utilize all existing and emerging zero-emission technology.

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Recommendations

ARB staff recommends the following additional actions to support the development, demonstration, and deployment of zero-emission technology to reduce regional emissions and the localized health risk from the proposed SCIG facility. ARB will be an active partner in this effort.

Trucks: The draft EIR shows that the majority of the localized cancer risk for the proposed SCIG facility is attributable to diesel drayage trucks. The project condition that the Port is considering to require phase-in of natural gas drayage trucks would reduce the diesel PM over time, but not eliminate the truck emissions that also contribute to fine PM and nitrogen dioxide pollution. Zero-emission trucks are on the cusp of commercialization and the needs of a near-dock railyard are an ideal match for the capabilities of the technology. We believe that use of zero-emission truck technology is feasible in the early years of Project operation, consistent with the California Environmental Quality Act definition:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
(California Code of Regulations, title 14, section 15364)

ARB staff recommends that the Port and BNSF provide co-funding, facility access, and operational support for a one year demonstration of zero-emission truck technology at a comparable on-dock or near-dock railyard serving the Port of Los Angeles and/or the Port of Long Beach prior to 2015. We would like to participate in this demonstration and have access to the data collected.

We also recommend that in coordination with the agency Technical Working Group for the Clean Air Action Plan, the Port accelerate the first periodic review of new truck technologies from 2023 to 2015. This process should also include consultation with BNSF and the public. The review should focus on truck technology capable of zero emissions in service between the ports and near-dock railyards and specifically assess:

- e The technical and operational capability of these trucks, including reliability and durability, for a near-dock duty cycle.e
- e The incremental cost to purchase and operate these trucks, given liquefied natural gas vehicles as a baseline technology, as well as the estimated per-load cost for a fleet of zero-emission trucks in near-dock service.e
- e The production capacity to meet the needed volumes for the SCIG (and ICTF)e railyards.e

- Actions needed to facilitate the deployment of zero-emission truck technology in this service.
- The most expeditious schedule to phase in the use of trucks capable of zero-emission operation for near-dock railyard service.

The results of this review, including the analysis and conclusions of the agency partners in the Technical Working Group, should be documented in a draft report available for public review and comment.

Finally, ARB staff recommends that the Port commit to bring the report described above to the Los Angeles Board of Harbor Commissioners at a public meeting in 2015 and seek a determination of the most expeditious schedule for BNSF to phase in requirements for trucks capable of zero-emission operation. The intent should be to achieve widespread use at the SCIG facility by 2020 and to reflect the schedule in the lease agreement with BNSF.

Locomotives: We continue to support the locomotive strategy in the 2010 Clean Air Action Plan, consistent with ARB's 2009 recommendation for the San Pedro Bay Ports to accelerate the turnover of cleaner Tier 4 line-haul locomotives serving port properties as expeditiously as possible following their introduction in 2015, with the goal of 95 percent Tier 4 line haul locomotives serving the ports by 2020¹. The Project conditions should identify this goal and require the minimum performance standard for locomotive emissions described in Clean Air Action Plan Measure RL-3².

Since 2009, technology developers have begun to explore concepts for locomotives that offer promise of even cleaner technology that could achieve zero-emission operation for limited distances, lower fuel use and cost, and readily integrate into the railroads' national fleet. To support this concept, we further recommend that the Port and BNSF commit to providing co-funding, facility access, and operational support for the development and demonstration of interstate line-haul locomotive technology with zero-emission capability by 2017. This would include, but is not limited to, a hybrid-electric locomotive with all electric capability.

ARB staff also recommends a project condition to ensure that BNSF uses switch locomotives meeting Tier 4 emissions levels at SCIG, starting in 2016. This would clarify and strengthen the current ultra-low emitting switch locomotives provision.

¹ Air Resources Board, "Recommendations to Implement Further Locomotive and Railyard Emission Reductions," September 9, 2009. (Source: <http://www.arb.ca.gov/railyard/ted/drftrec090909.pdf>)

² Emissions equivalent to at least 50% Tier 4 line-haul locomotives and 40% Tier 3 line-haul locomotives on port properties by 2023.

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Closing

ARB staff appreciates the opportunity to comment on the draft EIR. We stand ready to work with the Port and BNSF, as well as the South Coast Air Quality Management District and the U.S. Environmental Protection Agency to make the SCIG Project a true state-of-the-art facility that serves the region's cargo and air quality needs, while protecting the health of its neighbors.

If you have questions, please call me at (916) 322-4204 or contact Ms. Cynthia Marvin, Assistant Chief, Stationary Source Division at (916) 322-7236 or cmarvin@arb.ca.gov.

Sincerely,

Original signed by

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Deputy Executive Officer

cc: See next page.

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