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Facilities Development & Planning Branch
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February 23, 2009

*Via email: info@ICTF-JPA.org
Via regular mail*

Sam A. Joumbat
Executive Director
Intermodal Container Transfer Facility Joint Powers Authority
P.O. Box 570
Long Beach, CA 90801-0570

Re: Comments on Notice of Preparation/Initial Study (NOP/IS) for the proposed ICTF Modernization and Expansion Project

Dear Mr. Joumbat,

The Long Beach Unified School District (LBUSD) appreciates the opportunity to comment on the Notice of Preparation/Initial Study (NOP/IS) prepared in January 2009 by the Intermodal Container Transfer Facility (ICTF) Joint Powers Authority (JPA) for Union Pacific Railroad Company's (UP's) proposed ICTF Modernization and Expansion Project (Project). The NOP/IS describes the proposed Project and briefly discusses the environmental impacts of the Project.

According to the NOP/IS, the proposed Project will more than double the capacity of the ICTF rail yard and will have significant potential impacts to public health. LBUSD further understands that Project impacts will be more fully analyzed and discussed in the Draft Environmental Impact Report (EIR) that is yet to be written.

BACKGROUND

LBUSD is responsible for providing school facilities and public education services to approximately 85,000 students in 95 public schools in the cities of Long Beach, Lakewood, Signal Hill, and Avalon on Catalina Island. In addition to establishing high standards of academic excellence for its students, LBUSD is committed to providing a safe environment and school facilities for its students and employees. Thus, the LBUSD's primary concern in its review of the NOP/IS is to distinguish the issues and environmental impacts which must be properly addressed, analyzed, and mitigated to assure an environment conducive to learning.

ISSUES/COMMENTS

Issue #1: Proximity to Schools

The LBUSD owns and operates eight school facilities and one combined Maintenance and Facilities complex in close proximity to the ICTF and major truck routes to and from the rail yard. These school facilities are located in an area bounded on the east by the Long Beach Freeway (I-710), on the north by the San Diego Freeway (I-405), on the west by the Terminal Island Freeway (SR-103), and on the south by the Pacific Coast Highway (PCH). School facilities

Mary Stanton	Felton Williams	Michael Ellis	Jon Meyer	David Barton
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Vice President	Member	Member	President	Member

within the prescribed area that may be directly and/or indirectly impacted by the Lead Agency's action regarding the ICTF are listed below.

1. Bethune Transitional Center: 2021 San Gabriel Ave., Long Beach CA 90810
2. Garfield Elementary School: 2240 Baltic Avenue, Long Beach, CA 90810
3. Muir K-8 School: 3038 Delta Ave., Long Beach, CA 90810
4. Webster Elementary School: 1755 West 32nd Way, Long Beach, CA 90810
5. Hudson K-8 School: 2335 Webster Avenue, Long Beach, CA 90810
6. Stephens Middle School: 1830 W. Columbus Street, Long Beach, CA 90810
7. Cabrillo High School: 2001 Santa Fe Avenue, Long Beach, CA 90810
8. Reid High School: 2153 W. Hill Street, Long Beach, CA 90810
9. Maintenance and Facilities Branch: 2425 Webster Avenue, Long Beach, CA, 90810

Stephens Middle School is located within 400 feet of the ICTF. Seven of the schools/facilities are within 0.5 mile of the ICTF or the SR-103 (a major truck route to and from the ICTF). The Terminal Island Freeway (SR-103) -- a major source of toxic air contaminant (TAC) emissions -- is located immediately adjacent to the playgrounds and athletic fields of Hudson (K-8) School and Cabrillo High School. The LBUSD Maintenance and Facilities complex also is located immediately east from SR-103.

The NOP/IS on page 34 states; *“the proposed project will double truck and train traffic.....therefore, impacts on sensitive receptors are potentially significant.”*

Comment #1: The LBUSD requests that the EIR and HRA evaluate potential impacts of the ICTF on LBUSD facilities, including those listed above.

Issue #2: Risks from Existing ICTF Operations are Significant and Warrant Mitigation, Independent of the Expansion of the Rail Yard.

The California Air Resources Board (CARB) published a Health Risk Assessment (HRA) for air emissions (primarily diesel particulate matter) from the ICTF rail yard in 2008 (Health Risk Assessment for the UP Intermodal Container Transfer Facility (ICTF) and Dolores Rail Yards prepared by the CARB on April 22, 2008). This CARB HRA concludes that the ICTF is one of the most heavily polluting rail yards in the state. The HRA reports that emissions of diesel particulate matter (PM) from existing (baseline year 2005) train traffic and other operations at the ICTF exceed 23 tons/year and pose a significant health risk to receptors in the local community, including school properties in the project vicinity. As a result, mitigation measures are warranted to reduce existing risk levels caused by ICTF emissions -- with or without expansion of the ICTF.

The San Pedro Bay Ports Clean Air Action Plan (CAAP) has been developed through the collaborative efforts of the Ports, the South Coast Air Quality Management District (SCAQMD), the CARB, the U.S. Environmental Protection Agency (EPA), and other public and industry stakeholders. The CAAP includes industry-specific mitigation measures and incentive programs to reduce air emissions and health risks associated with operations at the Ports, including the ICTF. The NOP/IS indicates that CAAP control measures applicable to the proposed Project include the following:

- HDV-1 Performance Standards for On-Road Heavy Duty Vehicles (HDV)
- CHE-1 Performance Standards for Cargo Handling Equipment (CHE)
- RL-2 - Existing Class 1 Railroad Operations
- RL-3 Control Measures for New and Redeveloped Rail Yards

However, it is not clear from the NOP/IS when and to what extent the emissions reduction programs outlined in the CAAP and in other agency regulatory programs will be implemented at the ICTF, and whether these emissions reduction measures will occur independent of the proposed expansion of the rail yard. Significant health risks are associated with the *existing* operation of the ICTF, as documented in the previously referenced CARB HRA published in 2008. Given the significant risks associated with existing rail yard operations, LBUSD requests that all feasible measures to reduce emissions and risk be implemented expeditiously -- independent of the proposed expansion of the facility.

Comment #2a: *The LBUSD requests that the EIR specify which emissions control measures in the CAAP, and which agency regulations, will be implemented for the ICTF -- independent of the proposed expansion of the facility. It is also requested that the EIR provide a schedule for their implementation.*

Comment #2b: *The LBUSD requests that a “no expansion” scenario be evaluated in the EIR as an Alternative to the proposed Project.*

Issue #3: Uncertainty of Emissions Control Measures and Alternative Technologies

The future effectiveness of regional proposals to reduce emissions and risk from TACs (primarily diesel particulate matter) – such as outlined in the CAAP -- is subject to various political, legal, technological, and jurisdictional uncertainties. Therefore, the EIR and HRA for the proposed Project should include a sensitivity analysis whereby risk from the ICTF is evaluated with and without the major proposed emissions reduction scenarios proposed in the CAAP and elsewhere, as well as with and without major alternative transportation system technology scenarios.

Comment #3: *The LBUSD requests that the EIR and HRA include a “sensitivity analysis” that illustrates how risk assessment results vary with changes in the major assumptions regarding emissions reductions from trucks, trains and yard equipment, as well as with regard to alternative transportation technology systems.*

Issue #4: HRA Methodology

The HRA methodology to be used for the EIR is not specified in the NOP/IS. According to generally accepted HRA practice and guidelines, HRA methodology is subject to significant uncertainty. This uncertainty may lead to results that are overly conservative. Similarly, the HRA methodology may be *non-conservative* in some respects, which may lead to significant *underestimation* of quantified risks and hazards associated with Project emissions. The LBUSD is particularly concerned with the possibility that risk predictions in the EIR (and HRA) may underestimate the adverse impacts to students and staff at LBUSD schools in the vicinity of the Project.

The LBUSD believes the HRA should emphasize and discuss the limitations of the HRA methodology -- in prominent locations of the HRA document. In particular, qualifying statements based on professional judgment should be presented in conjunction with risk/hazard estimates where there is reason to believe the HRA methodology underestimates or fails to identify likely or possible risks/hazards.

Examples of the limitations of the HRA methodology that may be non-conservative include the following:

- **Ultra-fine Particles.** Research conducted and reviewed over the past 6 or 7 years by investigators at the University of California at Los Angeles (UCLA) and the Southern California Particle Center (SCPC) and elsewhere indicates significant new health concerns associated with exposure to Ultra-fine Particles (i.e., less than 0.1 micron in diameter). As noted by the SCAQMD and the CARB and others, children are especially susceptible to air pollution – including Ultra-fine Particles -- because their bodies are still developing and they breathe more rapidly than adults.

Comment # 4a: *The LBUSD requests that the HRA acknowledge and address risks from Ultra-fine Particles.*

- **Non-cancer Chronic Risk.** The generally accepted HRA methodology uses a non-cancer Reference Exposure Level (REL) for diesel PM in the calculation of non-cancer chronic Hazard Indices (HI). The HI typically is presented in the HRA as a measure of the potential for non-cancer chronic public health risks to occur. The REL for diesel PM typically used in an HRA (5 ug/m³) is the latest available from the California Office of Environmental Health Hazard Assessment (OEHHA) and is “*essentially the U.S. EPA Reference Concentration first developed in the early 1990s based on histological changes in rats.*” The forgoing quote is from a footnote (on page 3) in the Health Risk Assessment for the ICTF prepared by the CARB on April 22, 2008. The footnote further states: “*...it should be noted that the REL does not reflect the adverse impacts of particulate matter on cardiovascular and respiratory disease and deaths, exacerbation of asthma, and enhancement of allergic response.*” The information in this footnote is **central** to the issue of non-cancer health hazard estimation and should be **emphasized** in the HRA. If the Hazard Indices calculated for non-cancer health impacts do not account for many of the health impacts known (based on epidemiology studies) to occur from PM, the HI values reported in a HRA have little practical value – and can be misleading.

Comment # 4b: *The LBUSD requests that the Hazard Index reported for non-cancer health risk be qualified appropriately in the HRA.*

Issue # 5: **Truck Staging and Idling**

Idling trucks on SR-103, and in staging areas around the ICTF facility, represent a significant source of diesel emissions that can have adverse *localized* impacts on community health, especially on sensitive populations such as school-aged children. The HRA and EIR should clearly indicate whether idling trucks, including those on SR-103, are fully accounted for in the evaluation of TAC emissions, exposure and risks to adjacent schools.

Comment # 5: *The LBUSD requests that the HRA and EIR fully account for idling trucks, including those on SR-103, in the evaluation of TAC emissions, exposure and risks to adjacent schools.*

CONCLUSION

The LBUSD appreciates the opportunity to comment on the NOP/IS for the ICTF modernization and expansion project. We look forward to working with the Joint Powers Authority to resolve all school health and safety concerns in a collaborative manner. The LBUSD would be happy to meet with the JPA and its consultants to discuss the impact of the Project on the LBUSD's facilities, students, and staff and discuss potential mitigation measures to offset such impacts. If you have any questions or would like to arrange a meeting to discuss our concerns, please feel free to contact me at (562) 997-7550.

Sincerely,



Carri M. Matsumoto
Executive Director
Facilities Development & Planning Branch
Long Beach Unified School District

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cc: Chris Steinhauser – LBUSD Superintendent of Schools
Kim Stallings – LBUSD Chief Business & Financial Officer
Karl Rodenbaugh- Planning Center
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