



August 18, 2016

San Diego Unified Port District  
Environmental & Land Use Management Department  
Attn: Larry Hofreiter  
3165 Pacific Highway  
San Diego, CA 92101  
Via email to: [lhofreiter@portofsandiego.org](mailto:lhofreiter@portofsandiego.org)

**Re: EHC Comments on Draft Environmental Impact Report for the Tenth Avenue Marine Terminal Redevelopment Plan**

Dear Mr. Hofreiter:

Environmental Health Coalition (EHC) is a 36-year-old environmental justice organization. EHC builds grassroots campaigns to confront the unjust consequences of toxic pollution, discriminatory land use, and unsustainable energy policies. Through leader development, organizing and advocacy, EHC improves the health of children, families, neighborhoods and the natural environment in the San Diego/Tijuana region.

EHC appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan (“project”). The DEIR elucidates the potential for massive impacts from this project, impacts that will be heavily concentrated on the adjacent residential community of Barrio Logan. Barrio Logan residents have lived alongside the TAMT for decades and endured serious and sustained impacts with few benefits. EHC cannot support the project without substantial mitigation and job and quality of life benefits for the adjoining Environmental Justice community of Barrio Logan. At this time, the Reduced Plan Alternative, with appropriate mitigations, appears to be the least environmentally harmful option. Our comments on the DEIR follow.

**I. POTENTIAL IMPACTS OF THE PROJECT**

The project has many impacts across a wide range of categories, and will inflict harm on both nearby communities and the climate system of our planet.

**A. AESTHETICS**

- There will be a significant, unmitigable impact to the viewshed (Impact AES-1). Residents’ view of San Diego Bay will include up to 5 Gantry

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cranes, with heights up to 270 feet. The cranes will have floodlights attached to the sides of the crane structures. Thus the cranes will be visible even at night. No mitigation measures are proposed for this impact.

- Nighttime light. While nighttime light pollution was not found to be a significant impact, this is largely because the existing ambient light at night is already high. Much of this ambient light emanates from sources on the tidelands – existing TAMT night operations, hotels, and the Convention Center (Section 4.1.2.4) Nighttime light pollution is an existing, unmitigated cumulative impact to the quality of life of Barrio Logan residents. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines § 15355; (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720).

Nighttime light is also a health hazard, as EHC noted in our NOP comments for this project. In addition to sleep disruption and annoyance, light pollution has the potential to disrupt circadian rhythms and hormone levels, and increase cancer risk for hormone-related cancers such as breast and prostate. Circadian rhythms affect physiological processes including brain wave patterns, hormone production, cell regulation, and other biologic activities. Disruption of the circadian clock is linked to several medical disorders in humans, including depression, insomnia, cardiovascular disease, and cancer.<sup>1</sup> Excess light at night is also linked in epidemiologic studies to increases in breast cancer risk among night shift workers, and IARC in 2007 declared night shift work to be a Group 2A Probable Human Carcinogen. Researchers believe the increased cancer risk is linked to decreases in melatonin – a hormone secreted at night. Decreases in melatonin in turn produce a range of physiologic consequences including increased levels of estrogen.<sup>2</sup> The health risk appears not to be limited to night shift workers. A 2013 case-control study of patients with breast cancer in the state of Georgia found that high light exposure at night, as measured by satellite imaging, was associated with increased risk of breast cancer.<sup>3</sup>

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<sup>1</sup> *Environmental Health Perspectives*, Vol. 117, Number 1, January 2009. Pp. A20-A27.

<sup>2</sup> *Ibid.*, p.A26.

<sup>3</sup> *International Journal of Health Geographics* 2013, **12**:23 doi:10.1186/1476-072X-12-23.

## B. AIR QUALITY/HEALTH RISK

The project proposes to increase cargo throughput at TAMT up to 589% of the current throughput, and the potential air quality impacts are correspondingly enormous. The scale of the projected increase in cargo volumes and air emissions from the project prompted the California Air Resources Board to write a letter to the Port in October of 2015 stating their conclusion that the project is likely to increase the health risk in the immediate area, and advising that the project incorporate maximum emission reduction strategies. In their words, "ARB staff concludes that it is extremely likely the proposed Plan will increase the health risk in the immediate area." The Human Health Risk Analysis completed for the DEIR does indeed find increased health hazards:

- **Cancer Risk (Impact AQ-4):** Increased residential cancer risk attributable to the project is as high as 197 per million, versus an already high risk of 43 per million, for the full build out scenario (Table 4.2-22). Even the mitigated build out scenario produces a residential cancer risk of 132 per million, far above the current TAMT-associated risk, and far more than other San Diegans bear from adjacent land uses.

Human health risk is only one of the air quality impacts of the project. The other significant and unavoidable impacts include:

- **Impact AQ-1:** Excess criteria pollutant emissions during construction.
- **Impact AQ-2:** Excess criteria pollutant emissions during operations: VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are all above thresholds even after mitigation.
- **Impact AQ-3:** Cumulative criteria pollutant emissions above thresholds during operations: VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are all above thresholds even after mitigation.

Whereas the criteria pollutants are not included in the Human Health Risk Assessment, it is important to note that VOC and NO<sub>x</sub> are ozone precursors, and that the San Diego air basin is already in nonattainment of federal and state 8-hour ozone standards, and in nonattainment of the state 1-hour ozone standard. <sup>4</sup> Ozone is a highly reactive, oxidant gas that is irritating to respiratory tissues and is particularly harmful to those already suffering from respiratory illnesses such as asthma. <sup>5</sup>

The health risk assessment also does not include any analysis of the impacts of the estimated 5,343 pounds per day of fugitive PM emissions from the project, a particular health hazard for those with existing cardiovascular or respiratory ailments.

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<sup>4</sup> <http://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning/attainment-status.html>

<sup>5</sup> <http://www.arb.ca.gov/research/aaqs/caaqs/ozone/ozone-fs.pdf>

The census tract that includes residential Barrio Logan already rates highly on the CalEnviroScreen<sup>6</sup> indicator for asthma hospitalization rate, with an asthma percentile score of 91.67, meaning that this census tract ranks higher on this measure than almost 92% of other census tracts in California. Residents of this community need cleaner air, not more pollution.

- **TAMT Worker Impacts.** Although workers at TAMT are not identified in the analysis as sensitive receptors, they receive the most concentrated doses of the pollutants generated on the terminal. An IBEW spokesperson, commenting on development of the Port, has stated that worker asthma generates the highest expenses for the union's health plan.<sup>7</sup>
- **Cumulative Truck impacts.** Port-related truck activity has been a top complaint of Barrio Logan residents since Dole trucks first appeared on Cesar Chavez Parkway in 2003. The TAMT redevelopment will generate up to 846 truck trips per day and generate a 619% increase in PM10 from trucks. This adds to the estimated 142 extra truck trips per day (71 one-way trips) that will be generated by the Dole Refrigerated Rack Project<sup>8</sup> and the 192 truck trips per day (Table 5-2) that a Mitsubishi project could add --or 384 trips if the 192 figure is assumed to be one-way. These three projects together would add up to 1,372 truck trips per day to a terminal and surface streets that are directly upwind of the Barrio Logan community. Existing trucks per year at TAMT, as given in Table 4.10-14, total 33,349; this comes to 182 truck trips per day, assuming each truck generates two truck trips. The TAMT, Dole, and Mitsubishi projects together, then, would result in a new total that amounts to 750% of the current total truck trips. Because of their closer proximity to homes, schools, parks, and walkways, trucks and truck emissions are of special concern to the community. While there are no direct measurements of roadway diesel PM in the community, there is evidence that ambient air in Barrio Logan continues to have a higher percentage of elemental carbon – found in higher proportion in diesel exhaust than in gasoline exhaust – in ambient particulate matter:

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<sup>6</sup> <http://oehha.ca.gov/calenviroscreen/maps-data>

<sup>7</sup> Jen Badgley, spokesperson for IBEW, in oral testimony to the Rules Committee of San Diego City Council, March 6, 2013, regarding the mayor's draft Port Vision. Ms. Badgley stated that IBEW is self-insured for health and that asthma is their highest expense. She expressed concern regarding worker exposures to air pollutants on the waterfront.

<sup>8</sup> Dole Refrigerated Rack Project DEIR, p. 4.1-19.

**Table 1. Elemental Carbon (EC) as a Percentage of Total PM2.5 Carbon, 2012**

<b>Air Monitor</b>	<b>Average EC Percent</b>	<b>Maximum EC Percent</b>
Barrio Logan (Beardsley)	21.9	44.3
El Cajon	14.6	24.5
Escondido	15.2	24.7

Source of data: US EPA, Air Data, from monitoring data submitted by SD APCD. Percentages compiled by EHC.

US EPA Air Data website: <https://ofmext.epa.gov/AQDMRS/aqdmrs.html>

We note also that EMFAC14, the CARB model of mobile source emissions utilized in the DEIR, includes the mobile source regulations that have been adopted to date, including the On-Road Heavy Duty Truck and Bus rule. Inclusion of the On-Road rule is appropriate; however, EMFAC modeling assumes virtually 100% compliance with the rule. In order to assure that all trucks visiting the terminals are in compliance, the Port must verify compliance, as it currently does with the Drayage truck rule.

As a cumulative impact that will be worsened by this and other upcoming projects, trucks are a key target for mitigations that reduce or eliminate diesel exhaust to the maximum possible degree. “In the end, the greater the existing environmental problems are, the lower the threshold should be for treating a project’s contribution to cumulative impacts as significant.” (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120).

In our NOP comments on the scope of environmental analysis to be completed for this project, EHC recommended that No Net Increase be the threshold of significance for air quality/health risk. Using this threshold, all phases of the project are significant and should be mitigated. Full mitigation of air quality impacts would necessitate going beyond simple compliance with existing regulations and moving toward 100% electrification of the terminal and its operations.

### **C. GREENHOUSE GASES**

At full buildout, the project proposes to increase GHG, measured in metric tons of CO2 equivalents per year, to 540% of the current level.<sup>9</sup> This large increase is of great concern, given the urgency of reducing planetary emissions of greenhouse gases. The significant and unavoidable impact identified for the project is Impact GHG-2:

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<sup>9</sup> Assuming that the existing annual total is 21,191 MT CO2e. Table 4.6-11 gives this figure as the “Daily Existing Annual,” leaving some ambiguity as to whether this is a daily or an annual amount.

- **Impact GHG-2:** GHG Emissions in excess of post-2020 target during TAMT plan buildout.

Though the EIR acknowledges the *Newhall Ranch* case, the EIR fails to appropriately apply it. Just as a project may not rely on the AB 32 Scoping Plan to determine project-level GHG impacts, it is inappropriate to rely on business-as-usual projections derived from statewide reductions and ARB estimates to determine post-2020 project-level impacts. (p. 4.6-35). Notwithstanding the inappropriate derivation of the 57 percent reduction metric for 2035, the EIR’s application of this standard is also flawed. The EIR compares only new/additional GHG emissions in the 2035 BAU scenario. However, the EIR concedes the 2035 emissions are additive. Therefore, the mitigated BAU scenario should be compared to total 2035 emissions. This analysis results in a 46.5 percent reduction from 2020 – not 57 percent. (p. 4.6-54-56). Further, in light of the admittedly significant GHG emissions beyond 2035, the project should include additional GHG emission mitigation measures, such as installation of solar beyond the Port’s jurisdiction.

Further, whereas GHG themselves do not have direct toxic effects on the downwind communities, the co-pollutant emissions such as diesel PM do have harmful hot spot impacts on nearby receptors such as homes and schools in Barrio Logan. In this regard, it is important to note that the largest sources of GHG emissions, both now and after project implementation, are ships and trucks -- large sources of diesel exhaust emissions.

**Table 2. GHG Increase by Source Type: Based on Tables 4.6-4 and 4.6-11 (metric tons per year CO2e)**

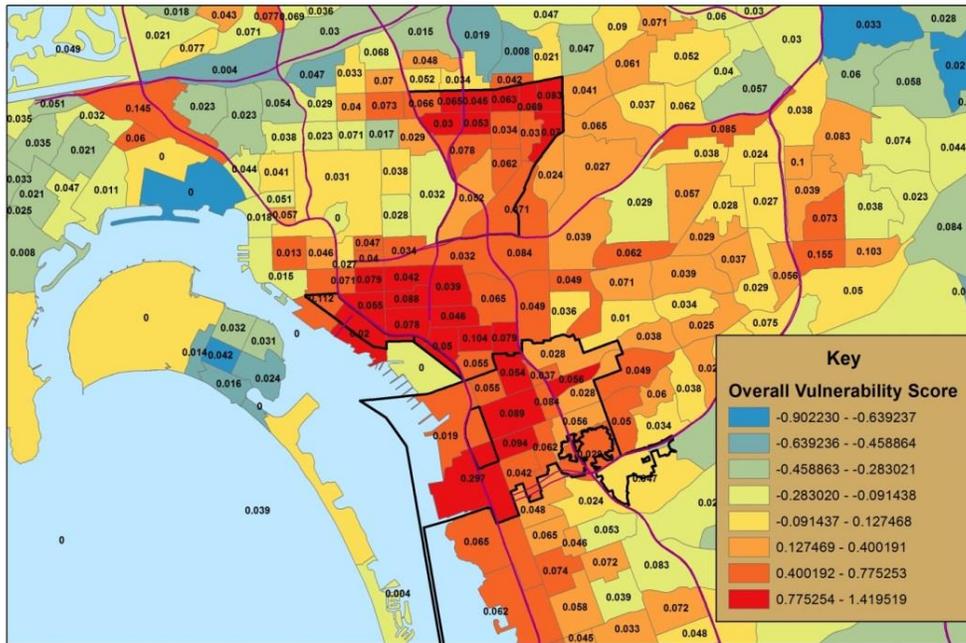
Emission Source	Existing GHG	Plan + Existing, unmitigated	Plan Alone, unmitigated	Pct Increase
Trucks	8474	42,406	33,932	400%
Ships, Ocean Going	7783	47,902	40,119	515%
CHE	1177	6829	5752	488
Harbor Craft	352	2038	1686	480
Rail	444	4219	3775	850

Rail, also a major source of diesel PM, has the largest percent increase in GHG in this analysis. Clearly, all measures that can reduce the GHG and co-pollutants from these sources are critical to reducing the climate-harming impacts of this project.

Further, environmental justice communities such as Barrio Logan are affected sooner and more deeply by climate change. Barrio Logan ranks high in the Pacific Institute’s 2012 “Social Vulnerability to Climate Change in California” study. It uses census tract level data and integrates 19 indicators into a score that underlines the disproportionate impact of climate change in low-income communities. Indicators include people over 65 living alone,

households in poverty, people of color, linguistic isolation, unemployment, tree canopy, and air conditioning. The highest vulnerability areas in the San Diego area, shown in red in the map below, include the entire Barrio Logan/Logan Heights area.

**Pacific Institute Climate Vulnerability Scores by Census tract**



Source: Data and Map layers: Pacific Institute. EHC, 2012.

#### D. NOISE

The project will subject the community to significant and unmitigable increases in noise. Specifically, the analysis finds four Significant and Unavoidable noise impacts:

- **Impact NOI-1:** Exceedance of an adopted noise standard during plan operation. This is significant at Perkins Elementary and at Bayfront Park, as given in Table 4.9-11.
- **Impact NOI-2:** Substantial Permanent increase in ambient noise levels in the project site vicinity from buildout of the TAMT Plan. Table 4.9-13 finds significant increases at 4 locations. However, Perkins School and the Mercado Apartments are not on the list and it is unclear whether potential noise increases at these locations were estimated.
- **Impact NOI-3:** Substantial temporary increase in ambient noise levels during construction of the Demolition and Initial Rail Component. Table 4.9-14 likewise identifies significant impacts at 2 park locations but does not include Perkins

Elementary (or the site of the to-be-rebuilt Perkins, closer to TAMT) or the Mercado Apts. It is unclear whether potential noise increases at these locations were estimated.

- **Impact NOI-4:** Substantial temporary increase in ambient noise levels during construction of the full TAMT plan buildout. Table 4-9-15 indicates this impact is significant at two parks but does not include Perkins or the Mercado Apartments, and it is unclear whether noise increases at these locations were estimated.

These impacts will be imposed upon homes, parks, and schools where noise levels are already in excess of residential standards for the City of San Diego. The short-term noise measurements given in Table 4.9-5 indicate that average and maximum noise levels at all locations are above City 1-hour residential standards of 40, 45, or 50 dB (depending on whether homes are single-family or multiunit, and on time of day).

Noise impacts to workers at TAMT were not analyzed, as EHC recommended in our NOP comment letter. Workers on the terminal are on the front lines of exposure to both emissions and noise, and the environmental analysis for the project should include assessment of impacts to this population.

Further, the Threshold of Significance used in this analysis is inappropriate. The District does not have its own Threshold of Significance for ambient noise, and should adopt the City's residential noise standard for noise at homes and schools -- **without** using the procedure of averaging noise standards for two adjoining zoning types. This procedure is clearly discriminatory toward residents living adjacent to industrial land uses. There is no reason to believe these folks are less sensitive to noise, or that noises emanating from industrial sources are somehow less injurious to their health and wellbeing than the same noise levels from sources that are allowable in a residential zone. The Port should adopt the City noise standard of 40 to 50 dB for residences, not 57 as used in this analysis. Moreover, even if the Port's significance threshold was supported (it is not), the Port cannot simply ignore the significant impacts that will result notwithstanding the project's compliance with these standards. "[T]hresholds of significance can be used only as a measure of whether a certain environmental effect 'will normally be determined to be significant' or 'normally will be determined to be less than significant' by the agency. (Guidelines, § 15064.7, subd. (a), italics added.) In each instance, notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant." (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109). This premise is equally applicable once an agency has decided to prepare an EIR. (*Id.*). Thus, the significant impact to nearby City of San Diego residents using the City's residential and educational institution thresholds must be appropriately analyzed and mitigated.

## E. TRANSPORTATION/TRAFFIC

The project will generate four significant, unavoidable impacts. The most significant impact for residents is Impact 4:

1. **Impact TRA-4:** Operation-Related Impact on a Roadway Segment: 28<sup>th</sup> Street Between Boston and National from TAMT Plan Operations. Congestion on this link of 28<sup>th</sup> Street will produce additional truck idling and emissions in the community.
2. **Impact TRA-6:** Insufficient parking at full plan buildout. This impact is of great concern to the community, given that Barrio Logan is already overflowing with the vehicles of waterfront workers on a daily basis. The analysis relies on a University of Tennessee study that 150 parking spaces per acre can be available in unmarked spots. This estimate has not been empirically tested at TAMT and may be an overestimate -- leading to an underestimate of the additional spaces that will be needed, particularly before Warehouse C is torn down. Parking deficiencies lead to increased driving and idling, as drivers search for parking spots, and even greater air quality impacts.

This unacknowledged subsidy of the community to the Port's tenants has been a sore spot for years, and it is unacceptable to ask the community to host additional Port parking. Solutions must be found to identify additional parking that is not in the community; reduce demand such as by providing transit passes or shuttles; and maximizing local hire of the 524 new workers expected at full buildout.

## F. CUMULATIVE IMPACTS

The DEIR identifies cumulative impacts in the areas of Air Quality and Health Risk, GHG, Noise, and Transportation, Circulation, and Traffic. However, the analysis does not quantify the combined project operational impacts in important areas such as truck trips and air quality. In particular, the Dole and Mitsubishi projects are also occurring on TAMT and share with the TAMT Redevelopment Plan a common purpose of increasing cargo throughput; if the combined impacts are never summed, these projects are essentially piecemealed parts of one huge, overall project. "The requirements of CEQA cannot be avoided by chopping up a proposed project into bite-size pieces which, individually considered, might be found to have no significant effect on the environment." (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 716). "No one project may appear to cause a significant amount of adverse effects. However, without a mechanism for addressing the cumulative effects of individual projects, there could never be any awareness of or control over the speed and manner of downtown development. Without such control, piecemeal development would inevitably cause havoc in virtually every aspect of the urban environment." (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 76-77).

It is unclear why a different significance threshold (75 dB) is used in this section in place of 57 dB, which was used in the Environmental Impacts section on noise.

#### **G. IMPACTS INCOMPLETELY ASSESSED**

- Air Quality and Health Risk to potential residents in the Barrio Logan transition zone south of Main Street. As noted in EHC's NOP letter, the June 2014 citywide referendum overturned the Barrio Logan Community Plan adopted by the San Diego City Council in the fall of 2013, and at this time residential development in the transition zone is possible; analysis of impacts to residents must assume that residences may be present closer to TAMT than are current residences.
- Additionally, the analysis fails to include location-specific factors, as EHC recommended in our NOP comments on this project. CEQA Guidelines recognize that the level of impacts and their significance depends upon a multitude of factors such as project setting, design, construction, etc. CEQA Guidelines also call for careful judgment based on scientific and factual data to the extent possible and explain, "For example, an activity which may not be significant in an urban area may be significant in a rural area." (§ 15064(b)) Similarly, emissions of 100 lbs per day of particulate matter in the middle of Barrio Logan—an urban low-income community of color already determined by the California Environmental Protection Agency (CalEPA) to be among the worst 5% in the state for cumulative pollution burden — could potentially be more significant than 100 lbs per day of particulate matter in the middle of the desert with no nearby sensitive receptors. The DEIR fails to acknowledge that the project location sits directly adjacent to an area (Barrio Logan) identified by CalEPA as having a cumulative pollution burden that is among the worst 5% of census tracts in the state.
- The DEIR fails to analyze whether the project impacts, such as the potential for additional trucks, warehouses, and other supporting uses in adjacent neighborhoods, would be consistent with the Port's Transition Zone Policy -- an analysis that EHC recommended in our NOP comments. In order to ensure compliance with the Port's Transition Zone Policy and minimize impacts to local residents, the Port should require that cargo storage, warehousing, and distribution be done on-Tidelands.
- Hazardous Materials. Only one previous environmental assessment investigated the presence of radioactive contaminants (Ninyo & Moore, 2002). This study found measurable radioactivity in soil stockpiles and trenches at TAMT. The study also found dioxins and furans in burn ash areas. These contaminants should be included in environmental analysis for the present project to ensure that soils unearthed and/or removed during construction do not contain these contaminants.
- Environmental impacts on residents of Ballpark Village. As stated in Table 5-2, Ballpark Village Parcel C will include 646 residential units. The location is close to the

BNSF railyard and the proposed alternative gateway at Switzer Street. No analysis is included in the DEIR of potential air quality, noise, or other impacts to these future residents.

- Air quality impacts of the proposed Alternative Gateway on Switzer Street. While this proposal seems likely to reduce impacts of truck traffic to the community, no analysis is included to verify this. According to the Project Description (p.3-7), demolition of Warehouse C would allow for future on-dock rail: “In the long term, demolition of Warehouse C would also enable the District to establish an expanded on-dock rail facility to broaden customer access to rail if market conditions allow.” However, impacts of increased rail activity are not analyzed in this DEIR. A worst-case estimate should be made of the potential for increased rail movement of cargo, the resulting rail noise and air quality impacts, and the potential for decreases in truck trips if more cargo were moved via rail. There is no indication given that conducting environmental review of these impacts now would be speculative, or that addition of an on-dock rail facility is not reasonably foreseeable.
  
- Public Services. We continue to believe that Public Services may be negatively impacted by the worst-case scenario for cargo growth at TAMT. Two areas in particular are not analyzed in the DEIR:
  - (a) **Cesar Chavez Park.** The project will impose impacts on the park, including dust, diesel emissions, noise, and additional traffic on Cesar Chavez Parkway south of Harbor. TAMT workers may use the parking area for their vehicles, making it more difficult for park users to find parking.
  - (b) **Fire Fighting Resources.** The project proposes a large-volume increase in the capacity for storage of liquid fuels on the terminal; the current quantity of bulk fuel stored at TAMT is given in Table 3.3 as 31,520 metric tons, whereas the worst-case scenario is given as 239,017 MT, a 758% increase. Although the Port does not foresee changes in the stored quantities of liquid fuel, the plan is market driven and new bulk fuel shipments are possible. Moreover, the worst-case scenario is the one that is analyzed in the DEIR for all other cargos. The level of preparedness for a major fire event at the terminal should be assessed to determine the potential impact on firefighting resources of the region of a major fire.

Potential mitigations for impacts to firefighting resources include:

- Storage of firefighting foam onsite at TAMT;
- Secondary containment for flammable liquids;
- A warning system for workers and the surrounding community in the event of a major fire or other disaster.

## H. OTHER IMPACTS

Impacts that have not been quantified are nonetheless real, and affect the health, wellbeing, and quality of life of Barrio Logan residents, their neighbors, and the planet. It is important to acknowledge the full range of impacts that such a large project entails, as well as the impacts that Barrio residents have endured without mitigation for many years. Among these impacts are the following:

- Existing Port-related environmental impacts, including truck traffic and emissions, ship emissions, existing ambient noise from the terminal and railyard, and light pollution from TAMT operations at night which only exacerbate cumulative impacts;
- Loss of access to waterfront;
- Frequent noncompliance with the City truck ban on surface streets, and consequent near-roadway exposure to truck pollutants and the physical safety hazards of truck traffic on children's routes to school, an impact that EHC included in our NOP comments and which we brought to the Port's attention again in a 7/1/2016 letter containing photos of Dole trucks on Barrio Logan surface streets;
- Extra asthma incidences, more severe asthma incidences, more school and work days missed, and other respiratory and cardiovascular illness caused or exacerbated by Port-related air pollutants;
- Synergistic and additive toxic effects. Researchers agree that in the real world, exposures to multiple environmental pollutants and other stressors, amplified by effect modifiers such as poverty, occur simultaneously, act on human biology in ways that may be additive or synergistic, may carry over to future generations when epigenetic effects occur, and should be assessed together. The existing Health Risk Assessment model is simplistic and fails to capture the multitude of impacts that real world exposures impose.
- Nuisance dusts, such as soda ash dusts at Cesar Chavez Park;
- Greenhouse gas emissions from ships, beyond the VSR zone. An estimated 2.5% of all global GHG is generated by shipping<sup>10</sup> and yet no mechanism exists to quantify and mitigate these GHGs. This is an impact on the planet and all its current and future life forms, and is not analyzed, acknowledged, or mitigated at any stage of the planning process.

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<sup>10</sup> [http://ec.europa.eu/clima/policies/transport/shipping/index\\_en.htm](http://ec.europa.eu/clima/policies/transport/shipping/index_en.htm)

## II. PROJECT MITIGATIONS

The proposed mitigations in many cases are not enforceable or adequately quantifiable as to their benefits. Even if taken at face value and assumed to be effective, the mitigations included in the DEIR do not fully mitigate the most important and harmful impacts of the project: Air Quality and Health Risk, Greenhouse Gases, Noise, or Transportation/Traffic impacts. Aesthetic/Visual impacts also remain significant and unavoidable.

### A. MITIGATIONS MM-AQ-8 AND MM-GHG-8

Most egregiously, Mitigations MM-AQ-8 and MM-GHG-8 rely on a Sustainable Lease Policy that does not yet exist.

- The wording of the mitigation measures indicates that the policy will be voluntary and incentive-based: “The District shall work with tenants to develop and implement a policy incentive-based sustainable leasing program.” Reliance on voluntary emission reductions is not an acceptable CEQA mitigation. Whereas the District is committing itself to “working with tenants,” it is not committing to adopting a leasing program or requiring that tenants implement any emission reductions. The potential reductions in air emissions and GHG from this as-yet-nonexistent, voluntary program cannot be quantified and could very well be zero. Without mandated emission reductions, a sustainable lease policy cannot be used as a CEQA mitigation. (Pub. Res. Code §21081.6(b) [“A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.”, emphasis added]).
- Additionally, reductions in air emissions or GHG that result from voluntary tenant actions could occur anywhere on the Tidelands and do not necessarily benefit the community that is most adversely affected by the TAMT redevelopment. Commercial facilities that change out their lighting, for example, would reduce their energy use but not in a way that produces air quality benefits or reduces health risk for downwind residents. Only projects that reduce the concentration of diesel exhaust in ambient air at homes, schools, and parks in the community can be considered as mitigations for health risks to sensitive receptors.

### B. MITIGATIONS MM-AQ-3 AND MM-GHG-2

Mitigations MM-AQ-3 and MM-GHG-3 rely on compliance with the Port’s Climate Action Plan.

- The CAP does not include any mandatory elements. Measures such as Vessel Speed Reduction (VSR) must be developed into enforceable requirements, with tracking and reporting mechanisms so that Port staff and the public can verify that VSR is occurring at least 80% of the time.
- Additionally, given that the current level of VSR is 72%, the increment of VSR that can be considered mitigation is solely the level beyond 72%.
- Further, the shorepower requirement in MM-GHG-2 merely requires compliance with existing state law, and will not produce emission reductions beyond what is already required. (p.4.6-48). It is inappropriate to include reductions associated with this measure to assess reductions from the “unmitigated” project. It should be noted also that compliance with the state shorepower rule using an alternative technology, such as the two alternatives already certified by California Air Resources Board,<sup>11</sup> do not produce reductions in GHG and would not mitigate GHG impacts of the project.
- Likewise, compliance with the City’s Construction and Demolition Debris Deposit Ordinance is already mandatory, and does not provide reductions in solid waste beyond what is already required by the City of San Diego. Moreover, the mitigation measure requires recycling of 50% of construction debris, whereas the City requirement is for 65% diversion for permits issued after July 1, 2016.<sup>12</sup>

#### **C. MITIGATION MM-GHG-6**

Mitigation MM-GHG-6 requires development of renewable energy on the terminal or purchase of GHG offsets if it is determined to be infeasible to implement an energy project on the terminal or elsewhere on the tidelands. However, a renewable energy project will not provide community benefits unless the project is in the community and includes local hire and job quality provisions. The mitigation measure as currently worded does not require either of these.

#### **D. MITIGATIONS MM-AQ-7 AND MM-GHG-7**

Mitigations MM-AQ-7 and MM-GHG-7 require a periodic technology review and require that new technology found to be feasible must be implemented within 12 months. However, the DEIR does not indicate what criteria are used to determine feasibility. It is possible that no new technologies will be deemed feasible and that no reductions in GHG will occur as a result of this mitigation measure.

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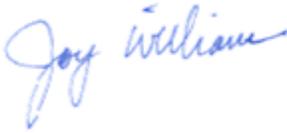
<sup>11</sup> <http://www.arb.ca.gov/ports/shorepower/eo/eo.htm>

<sup>12</sup> <https://www.sandiego.gov/environmental-services/recycling/cd>

### III. SUPPORT FOR REDUCED PLAN ALTERNATIVE

The TAMT Redevelopment Plan, as currently envisioned and analyzed in the DEIR, will create large and incompletely mitigated impacts in the areas of Aesthetics, Air Quality and Health Risk, Greenhouse Gases, Noise, and Transportation/Circulation/Parking. The most immediately adjacent and downwind community, Barrio Logan, is already adversely impacted by industrial activity by the Port and its tenants, and will receive the brunt of health impacts, noise, traffic, and other impacts of the proposed project. The proposed mitigations are not adequate to reduce the impacts. Nor are there any tangible benefits for the community from the project. Barrio Logan residents are being asked to shoulder additional burdens, without any corresponding benefits in terms of local hire, job quality, improved infrastructure, increases in renewable energy, improved waterfront access or other park area, increased public safety, improved filtration and sound attenuation in buildings, or other improvements to quality of life. In contrast, the Reduced Plan Alternative is the Environmentally Preferred alternative. Environmental Health Coalition rejects the proposed plan and views the Reduced Plan Alternative, with mitigations, as the least harmful alternative other than the No Project alternative.

Sincerely,



Joy Williams  
Research Director