

MINUTES OF A SPECIAL MEETING OF THE GOVERNING BOARD OF THE INTERMODAL CONTAINER TRANSFER FACILITY JOINT POWERS AUTHORITY HELD AT SILVERADO PARK COMMUNITY CENTER AT 1545 WEST 31<sup>ST</sup> STREET, LONG BEACH, CALIFORNIA 90810, ON TUESDAY, OCTOBER 26, 2010 AT 6:00 P.M.

Board Members present:

Cindy Miscikowski, Port of Los Angeles  
Geraldine Knatz, Port of Los Angeles  
Nick Sramek, Port of Long Beach  
Richard D. Steinke, Port of Long Beach

Board Members absent:

None

Also present:

Doug Thiessen, Port of Long Beach  
Sam Joublat, Port of Long Beach  
Thomas A. Russell, General Counsel  
Richard Cameron, Port of Long Beach  
Lisa Ochsner, Port of Los Angeles

CHAIRPERSON SRAMEK PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Board Member Miscikowski motioned, seconded by Board Member Steinke and unanimously carried, the minutes of the special meeting of October 21, 2009, were approved.

NEW BUSINESS

1. ELECTION OF CHAIR AND VICE-CHAIR FOR FY 2010-2011

Communication from Douglas Thiessen, Executive Director, dated October 26, 2010, recommending the Governing Board elect a Chair and Vice Chair of the ICTF Governing Board for FY 2010-2011, was presented to the Governing Board.

Board Member Sramek motioned, seconded by Board Member Steinke that Cindy Miscikowski be elected as Chair of the Governing Board for FY 2010-2011. Carried by unanimous vote.

Board Member Miscikowski motioned, seconded by Board Member Steinke, that Nick Sramek be elected as Vice Chair of the Governing Board for FY 2010-2011. Carried by unanimous vote.

Newly elected Chairperson Miscikowski presided as Chair of the remainder of the meeting.

2. FINANCIAL AUDIT REPORT – FISCAL YEAR ENDED JUNE 30, 2009 – RECEIVED AND FILED

Communication from Douglas Thiessen, Executive Director, dated October 26, 2010, recommending the Governing Board receive and file the financial audit report for fiscal year ended June 30, 2009, was presented to the Governing Board.

Board Member Sramek motioned, seconded by Board Member Steinke, that the Financial Audit Report be received and filed. Carried by the following votes:

AYES: Members: Steinke, Sramek, Miscikowski,  
NOES: None  
ABSENT: Knatz

Board Member Knatz arrived at the meeting.

3. AGREED-UPON PROCEDURES (AUP) FOR YEAR ENDING NOVEMBER 1, 2009 –RECEIVED AND FILE

Communication from Douglas Thiessen, Executive Director, dated October 26, 2010, recommending the Governing Board receive and file the Agreed-Upon Procedures (AUP) for Year Ending November 1, 2009, was presented to the Governing Board.

Board Member Steinke motioned, seconded by Board Member Sramek, that the Agreed Upon Procedures be received and filed. Carried by the following votes:

AYES: Members: Steinke, Knatz, Sramek, Miscikowski,  
NOES: None  
ABSENT: None

4. FISCAL YEAR-2011 ANNUAL BUDGET – ADOPTED

Communication from Douglas Thiessen, Executive Director, dated October 26, 2010, recommending the Governing Board adopt the 2010-2011 budget in the amount of \$4,609,207, was presented to the Governing Board.

Board Member Sramek motioned, seconded by Board Member Steinke, that the FY 2011 annual Budget be adopted as recommended. Carried by the following votes:

AYES: Members: Steinke, Knatz, Sramek, Miscikowski  
NOES: None  
ABSENT: None

#### 5. DISTRIBUTION OF FUNDS - APPROVED

Communication from Douglas Thiessen, Executive Director, dated October 26, 2010, recommending the Governing Board authorize distribution of \$6,000,000 to be shared equally by the Port of Long Beach and the Port of Los Angeles was presented to the Governing Board.

Board Member Knatz motioned, seconded by Board Member Sramek, that the item be approved as recommended. Carried by the following votes:

AYES: Members: Steinke, Knatz, Sramek, Miscikowski  
NOES: None  
ABSENT: None

#### OTHER BUSINESS

Richard Cameron, Director of Environmental Planning from the Port of Long Beach and Lisa Ochsner, Project Manager from the Port of Los Angeles, gave an update to the JPA board on the status of the preparation of the Intermodal Container Transfer Facility (ICTF) Environmental Impact Report (EIR).

The following individual's spoke regarding the Proposed ICTF Modernization Project:

Elena Rodriguez, West Long Beach Resident  
Monica Parrilla, North Long Beach Resident  
Bernice Banares, Cabrillo High School Teacher  
Yolanda Lopez, West Long Beach Resident  
Erika Olvera, Long Beach Resident  
Jocelyn Vivar, East Yard Communities for Environmental Justice  
Gilbert Gallahar, UTR Plus  
John Cross, West Long Beach Neighborhood Association  
Andrea Hricko, Professor, Keck School of Medicine at USC  
Joan Greenwood, Wrigley Area Neighborhood Alliance  
Isella Ramirez, East Yard Communities for Environmental Justice  
James Larson, West Long Beach Resident  
Tony Rivera, WESTPAC  
Jesse Marquez, Executive Director, Coalition for a Safe Environment

Public comments referenced on the attached California Deposition Reporters transcription report.

Comments and questions regarding the ICTF EIR preparation were made by Board Members, panel, and audience. Comments referenced on the attached California Deposition Reporters transcription report.

#### ADJOURNMENT

At 8:05 p.m., Board Member Steinke motioned, seconded by Board Member Knatz that the meeting was adjourned sine die.

JOINT POWERS AUTHORITY  
GOVERNING BOARD  
of the  
INTERMODAL CONTAINER TRANSFER FACILITY

SPECIAL MEETING

TUESDAY, OCTOBER 26, 2010  
SILVERADO PARK COMMUNITY CENTER  
LONG BEACH, CALIFORNIA

1 CHAIRPERSON SRAMEK: Could everybody take your  
2 seats, please, so we can get started?

3 So we'd like to get started. I'd like to  
4 welcome everybody to the JPA meeting for ICTF. I'd also  
5 like to welcome everybody to my neighborhood and my  
6 community. So I hope you're enjoying it over here.  
7 This area that is affected by this ICTF.

8 So what I'd like to do is start by having roll  
9 call.

10 SECRETARY: Board member Steinke.

11 MR. STEINKE: Here.

12 SECRETARY: Board member Miscikowski.

13 MS. MISCIKOWSKI: Here.

14 SECRETARY: Board member Sramek.

15 CHAIRPERSON SRAMEK: Here.

16 SECRETARY: Board member Knatz.

17 CHAIRPERSON SRAMEK: She's on her way.

18 Okay. I'd like to read an opening statement.

19 Persons in the audience may address the Board in  
20 connection with any agenda item or during the public  
21 comment period. As provided by the Brown Act, the Board  
22 has limited each individual's speaking time to three  
23 minutes. Anyone desiring to speak during the public  
24 comment period is requested to complete a speaker card  
25 and submit it to the secretary prior to the start of the

1 meeting.

2           So first up we'd like to take public comment on  
3 nonagenda items. So if there is anybody here that wants  
4 to speak on something that is not on the agenda? I know  
5 the ICTF is. So if there's anybody that wants to just  
6 make general public comments, I'd like to invite them  
7 up.

8           Do we have any speaker cards for those?

9           MR. THIESSEN: Yes, Mr. Chairman, we have a  
10 number of speaker cards. Most of the speakers have  
11 requested to speak on Item 5 on the agenda. Some,  
12 however, have expressed an interest on Item B which is  
13 comments from the public on nonagenda items. I would  
14 defer to the Board. If you would like to hold these off  
15 until the end, I'm not sure if some of the items -- some  
16 of the speakers may actually wish to talk on Item 5, but  
17 have . . .

18           CHAIRPERSON SRAMEK: Okay. Let me just invite  
19 anybody who is here to speak on something other than  
20 Item 5. Okay. Come up. Okay.

21           Seeing none, okay, we will go to the next item.  
22 It's approval of the minutes. Has everybody read the  
23 minutes?

24           Could I have a motion?

25           MS. MISCIKOWSKI: I will move the minutes.

<p style="text-align: right;">Page 4</p> <p>1 MR. STEINKE: I will second it.  2 CHAIRPERSON SRAMEK: Okay. We have a motion  3 and a second. Any comments on the minutes?  4 Seeing none, we have a motion and second. All  5 in favor of the motion, say aye.  6 BOARD MEMBERS: Aye (Sramek, Miscikowski,  7 Steinke).  8 CHAIRPERSON SRAMEK: Okay. Thank you.  9 The next is election of officers. We don't  10 need to read the agenda item. I would like to nominate  11 Cindy Miscikowski for chair for the next year of the  12 ICTF JPA.  13 MR. STEINKE: Second.  14 MS. MISCIKOWSKI: All right.  15 CHAIRPERSON SRAMEK: Okay. We have a motion  16 and second. All in favor of the motion, say aye.  17 BOARD MEMBERS: Aye (Sramek, Miscikowski,  18 Steinke).  19 CHAIRPERSON SRAMEK: Motion passes. Thank you.  20 MS. MISCIKOWSKI: Let me, if I could now make a  21 motion, I would like to nominate Nick Sramek as vice  22 chair, please.  23 CHAIRPERSON SRAMEK: Second?  24 MR. STEINKE: Second.  25 CHAIRPERSON SRAMEK: Okay. We have a motion</p>	<p style="text-align: right;">Page 6</p> <p>1 Just a little update on the audit, on the  2 operating revenues for the JPA decreased 29.2 percent in  3 the reporting year to \$5,901,089. Net assets decreased  4 8.3 percent to \$22,140,423. The decrease is largely due  5 to the downturn in global economy, and the container  6 volumes in both ports during the reporting period  7 decreased approximately 7 percent, and again, this is  8 for our fiscal year ending June 2009. This results --  9 resulted in a net decrease to the ICTF gate moves by  10 23 percent downward for a total of 519,173 lifts.  11 Just a comment on the audit, it's attached to  12 your board packet. The recommendation is to receive and  13 file the financial audit for fiscal year ending June  14 2009.  15 CHAIRPERSON MISCIKOWSKI: Are there any  16 questions on the audit as submitted -- or comments?  17 MR. SRAMEK: Move approval.  18 MR. STEINKE: Second.  19 CHAIRPERSON MISCIKOWSKI: Okay. We have a  20 motion and a second to approve. All in favor?  21 BOARD MEMBERS: Aye (Sramek, Miscikowski,  22 Steinke).  23 CHAIRPERSON MISCIKOWSKI: That item is  24 approved.  25 Next item.</p>
<p style="text-align: right;">Page 5</p> <p>1 and second. Any comments?  2 Hearing none, we have a motion and second. All  3 in favor of the motion, say aye.  4 BOARD MEMBERS: Aye (Sramek, Miscikowski,  5 Steinke).  6 CHAIRPERSON SRAMEK: Motion passes. That's it.  7 Two officers here.  8 UNIDENTIFIED SPEAKER: Correct.  9 MR. SRAMEK: Okay. You're up.  10 CHAIRPERSON MISCIKOWSKI: All right. That  11 would then take us to the items of discussion, Sections  12 A and B. I would like to start with reports from the  13 executive director, starting with Item Number --  14 MR. SRAMEK: Is your microphone on?  15 Okay. Try it now. There you go.  16 CHAIRPERSON MISCIKOWSKI: All right. We will  17 hear the board reports from the executive director, and  18 let's start with Item Number 1.  19 MR. THIESSEN: Thank you, Madam Chair. The  20 first item on the agenda is the financial audit for the  21 fiscal year ending June 2009. The ICTF's auditor,  22 Macias Gini and O'Connell, has completed the financial  23 audit of the JPA for the fiscal year. The audit  24 determined the financial position, changes in financial  25 position, and cash flows are presented fairly.</p>	<p style="text-align: right;">Page 7</p> <p>1 MR. THIESSEN: Madam Chair, Item Number 2 is a  2 net facility revenue report and agreed-upon procedures  3 for the annual period ending November 1st, 2009. Again,  4 Macias Gini and O'Connell, the auditor for the ICTF, has  5 reviewed the net revenues for the year ending November  6 1st, 2009. During that period of time, there was a  7 gross 444,809 container movements through the ICTF,  8 generating a revenue of \$13,344,270. This is a  9 42.5 percent decrease from the previous reporting period  10 ending in November of 2008.  11 Gate fees collected by the ICTF minus the  12 allowable deductions resulted in a net revenue to the  13 ICTF of \$9,015,543. As prescribed in the ICTF/JPA  14 agreement, these revenues are to be shared equally  15 between the railroad and the JPA. To that respect, 4.5  16 million and 700 -- I'm sorry -- \$4,507,772 were  17 transferred to the ICTF investment account representing  18 that 50 percent share.  19 The final draft report of the net facility  20 revenue report and agreed-upon procedures is attached.  21 The recommendation to the governing board is to receive  22 and file the net draft facility revenue report for the  23 year ending 2009.  24 CHAIRPERSON MISCIKOWSKI: Are there any  25 questions or comments on this report?</p>



<p style="text-align: right;">Page 8</p> <p>1 MR. SRAMEK: Actually, I'd like to ask a 2 question, just kind of a general question on the 3 container volume at ICTF. Has it picked back up 4 recently with the -- picked back up at the two ports? 5 MR. THIESSEN: Yes, it has. We have some 6 information that's not provided in the board packet. 7 For the current year 2010, the volumes have increased. 8 However, they have not increased as much as they have 9 for the rest of the port facilities. And the reason for 10 that is the railroads, in particular in this case Union 11 Pacific Railroad, has done more on-dock rail activities, 12 and so fewer containers are coming up to the ICTF in 13 comparison to the overall port volumes. And that is -- 14 it's an interesting symptom. Although the ports, both 15 ports, in 2008 and 2009 saw large decreases in their 16 on-dock -- I'm sorry -- in the total cargo volumes, the 17 ICTF gate volumes dropped even more dramatically as the 18 railroads consolidated and managed more train traffic in 19 the on-dock facilities. And likewise, as the volumes 20 have picked up, the recovery in the gate volumes at the 21 ICTF have been slower to recover than we have seen on 22 the on-dock facilities. 23 MR. SRAMEK: Okay. Thank you. 24 CHAIRPERSON MISCIKOWSKI: I had a similar 25 question. As we look at the audit report that we've</p>	<p style="text-align: right;">Page 10</p> <p>1 consolidating more cargo onto the on-dock terminals. 2 They've done that for a number of reasons to reduce 3 costs, improve efficiencies. 4 And we will see some increases in the 2010 5 reporting period at the ICTF, but it -- the jury is 6 still out. I don't think we can predict quite yet what 7 the performance will be, but our expectations will not 8 mirror the cargo volume increases that we've seen at the 9 rest of the port. 10 CHAIRPERSON MISCIKOWSKI: Thank you. 11 Are there any questions on this item? 12 Let the record reflect that we've been joined 13 by Commissioner Geraldine Knatz. 14 And I believe that we are now ready for a 15 motion on the Item Number 2. Motion? 16 MR. STEINKE: Motion to receive and file. 17 MR. SRAMEK: Second. 18 CHAIRPERSON MISCIKOWSKI: All in favor? 19 BOARD MEMBERS: Aye (Knatz, Sramek, 20 Miscikowski, Steinke). 21 CHAIRPERSON MISCIKOWSKI: Opposed? 22 Motion passed. 23 Next item, Item Number 3. 24 MR. THIESSEN: Thank you, Madam Chair. Item 25 Number 3 is a recommendation to adopt a budget for</p>
<p style="text-align: right;">Page 9</p> <p>1 just approved -- which the fiscal year ended in June and 2 this is a net revenue report ending in November of 3 '09 -- the ICTF gate movement decreased in the audit 4 report was 23 percent, but in the financial reporting 5 period that we're looking at now was 42 percent 6 decrease. So is that a significant increase in the -- 7 even though the instances are significantly fewer, I 8 notice that they're not consistent. I don't know if 9 that has to do only with the differential with one 10 ending in June and one ending in November, so that is a 11 worse impact of the last year's recession and the last 12 year and a half. And then I think partly your answer is 13 that there's just more efficiency in on-dock rail 14 movement may also account for some of that discrepancy. 15 MR. THIESSEN: Yes. You're correct in both 16 items. 17 CHAIRPERSON MISCIKOWSKI: And generally going 18 forward, you answered Commissioner Sramek, even though 19 volumes might increase, we're not going to see a 20 corresponding immediate correlation increase on the ICTF 21 movement because of the on-dock rail. 22 MR. THIESSEN: Yes, that's correct. As both 23 ports have increased their on-dock rail facility in the 24 past few years, the railroads have also changed some of 25 their operating procedures in the harbor area,</p>	<p style="text-align: right;">Page 11</p> <p>1 fiscal year 2010-2011. A copy of the budget is attached 2 to the back of your board letter there. The proposed 3 budget for fiscal 2010-2011 is \$4.6 million. 4 The largest percentage of the budget is 5 \$2.6 million that's being proposed to fund primarily the 6 consulting services and legal services associated with 7 the Union Pacific Railroad's application to modernize 8 the ICTF. These proposed funds and previous year's 9 funds expended would amount to approximately \$4 million. 10 This is the anticipated cost of preparing the EIR 11 associated with the application for modernization. UP 12 has agreed to reimburse the Joint Powers Authority for 13 \$4 million for -- not to exceed \$4 million for these 14 costs. Operating expenses for the JPA, such as audit 15 fees for the previous audits that we just reviewed, 16 moving expenses, miscellaneous expenses, are also 17 reimbursable by the Union Pacific Railroad in the amount 18 of not to exceed \$100,000 annually. The budget for 2010 19 reflects an approximate amount of \$24,100 to cover those 20 costs. 21 UP also advances funds and pays for the City of 22 Carson maintenance fees which are expected to increase 23 to an amount of \$108,538, and this is based on an 24 increase in the Consumer Price Index. And that amount 25 is reflected in the proposed budget. A large dollar</p>

<p style="text-align: right;">Page 12</p> <p>1 amount of \$1.9 million is also reserved to pay for the  2 City of Carson impact fees for the improvements to  3 Sepulveda Boulevard. This is a capital project that has  4 been postponed a number of years while the City of  5 Carson completes an environmental review of that  6 project. We have been holding over this amount in  7 previous years in case the City of Carson gets that  8 project ready for -- underway to build the project, so  9 we're recommending that the budget for this coming  10 fiscal year include that \$1.9 million.  11 The overall proposed budget is \$4 million 600  12 thousand -- I'm sorry -- \$4,609,207. We're recommending  13 that the JPA approve the proposed budget for fiscal year  14 2010-2011.  15 CHAIRPERSON MISCIKOWSKI: Is there any  16 questions or discussion?  17 MR. STEINKE: Just have one question. Doug,  18 has the City of Carson given us any indication that an  19 environmental review is forthcoming in this fiscal year,  20 or it's simply a matter of continuing to carry this  21 budget item over from budget to budget in anticipation  22 at some point Carson will do the environmental review  23 and will have this impact?  24 MR. THIESSEN: Yeah, it's the latter. We have  25 not heard from them recently that they are expected to</p>	<p style="text-align: right;">Page 14</p> <p>1 Next item.  2 MR. THIESSEN: Thank you, Madam Chair. Item  3 Number 4 is a recommendation to approve distribution of  4 funds to the -- JPA partners, the Port of Los Angeles  5 and Port of Long Beach. The net revenue received from  6 the Union Pacific for the reporting period is estimated  7 to be \$8.7 million. This exceeds the anticipated needs  8 for fiscal 2010-2011.  9 The agreement, as we discussed, with the City  10 of Carson requires the JPA to contribute at some time in the future  11 approximately \$1.9 million for the improvement project  12 on Sepulveda Boulevard. We're recommending holding  13 those dollars in the fiscal budget as we discussed  14 previously.  15 Additionally, we will recommend leaving a  16 balance of approximately \$2.7 million to be carried over  17 into fiscal 2010-2011 to allow for cash flow associated  18 with the EIR preparation. And that would leave a  19 balance of \$6 million, if approved by the JPA Board,  20 would be shared equally, \$3 million to each -- the Port  21 of Los Angeles and Port of Long Beach. We're  22 recommending at this time a distribution of funds be  23 approved in the amount of \$6 million to be shared  24 equally by the two ports.  25 CHAIRPERSON MISCIKOWSKI: Are there any</p>
<p style="text-align: right;">Page 13</p> <p>1 get this done in 2011, so we will continue to hold this  2 on the budget until such day they're prepared to go  3 forward with those improvements.  4 CHAIRPERSON MISCIKOWSKI: And is the reason  5 between the proposed budget being lower than last year's  6 proposed -- adopted budget?  7 MR. THIESSEN: That's a good question. The  8 previous year's budget anticipated a larger expense on  9 the ICTF modernization EIR. The budgeted amount for the  10 2009-2010 period was approximately \$2.25 million. The  11 actual expenses on the project have been less than  12 \$600,000, and we attribute this to some of the delays in  13 preparing the EIR. That will be a subject of discussion  14 on Agenda Item 5 a little bit describing the current  15 schedule. But we've pushed into the proposed budget for  16 the subsequent year expenditures for that EIR.  17 CHAIRPERSON MISCIKOWSKI: Any questions or  18 comments on the budget?  19 I'm willing to hear a motion.  20 MR. SRAMEK: Move approval.  21 MR. STEINKE: Second.  22 CHAIRPERSON MISCIKOWSKI: All in favor?  23 BOARD MEMBERS: Aye (Knatz, Sramek,  24 Miscikowski, Steinke).  25 CHAIRPERSON MISCIKOWSKI: Budget is approved.</p>	<p style="text-align: right;">Page 15</p> <p>1 questions on this item and recommendation --  2 distribution of funds? There are none.  3 Is there a motion to approve the  4 recommendation?  5 MS. KNATZ: I move approval.  6 MR. SRAMEK: Second.  7 CHAIRPERSON MISCIKOWSKI: All in favor?  8 BOARD MEMBERS: Aye (Knatz, Sramek,  9 Miscikowski, Steinke).  10 CHAIRPERSON MISCIKOWSKI: Okay. That is  11 approved.  12 Next item.  13 MR. THIESSEN: Thank you, Madam Chair. That  14 concludes the actions requested by the JPA staff to the  15 Board for this fiscal year.  16 Item Number 5 is a progress report -- status  17 report on the preparation of the Environmental Impact  18 Report or EIR for the proposed ICTF modernization  19 project. In the audience are members of the staff of  20 both the Ports of Long Beach and Los Angeles. We also  21 have adjacent to me Mr. Rick Cameron, who is the  22 director of Environmental Planning for the Port of Long  23 Beach, and Ms. Lisa Ochsner, who is the project manager.  24 They're going to give a report. I believe there is also  25 members in the audience from Air Quality Management</p>

<p style="text-align: right;">Page 16</p> <p>1 District who will be available to answer questions of 2 the Board.</p> <p>3       Should I turn it over to you now, Rick or Lisa? 4       MS. OCHSNER: It's on?</p> <p>5       Good evening, members of the Board. My name is 6 Lisa Ochsner. I am with the Port of Los Angeles 7 environmental management division. I am also the 8 project manager for the ICTF EIR as well as the SCIG 9 EIR.</p> <p>10       Just a quick overview, JPA staff from both 11 ports is overseeing the preparation of the environmental 12 analysis. AQMD, otherwise known as the South Coast Air 13 Quality Management District, is the primary consultant 14 that is preparing the document.</p> <p>15       Since the last JPA Board meeting, we have made 16 considerable progress in the development of the Draft 17 Environmental Impact Report. We have been working 18 closely with the applicant Union Pacific to finalize the 19 project description as well as all of the assumptions 20 that support the technical analysis that is currently 21 underway. We are also spending time to ensure that both 22 the ICTF Environmental Impact Report is synchronized 23 with the proposed BNSF SCIG project EIR which is also 24 undergoing an EIR process.</p> <p>25       With that we are ensuring that the two</p>	<p style="text-align: right;">Page 18</p> <p>1       CHAIRPERSON MISCIKOWSKI: Can I ask a question? 2 When you indicated that we might be looking at releasing 3 the two EIR projects, either concurrently or pretty 4 close in time -- I know you talked about holding a -- an 5 extended public comment period for both, and then a 6 public hearing -- are you expecting that we would hold a 7 joint public hearing on the two projects or each 8 appropriate agency holding a separate public hearing on 9 each? Okay.</p> <p>10       MS. OCHSNER: We expect separate hearings 11 because the BNSF SCIG project is under the Port of L.A. 12 as the lead agency, and the ICTF EIR is under the JPA as 13 the lead agency under CEQA.</p> <p>14       CHAIRPERSON MISCIKOWSKI: Okay.</p> <p>15       MR. SRAMEK: I'd like to just find out, How do 16 you align them for consistency? Do you use the maximum 17 capacity for each one -- maximum planned capacity? How 18 do you align the two?</p> <p>19       MS. OCHSNER: Well, it just so happens that 20 there are certain elements of the project that are 21 similar. For instance, the capacity -- they're both -- 22 SCIG and ICTF are identical, which is 2.8 million to use 23 each. So where there is overlap or similarities in the 24 project description itself, we would obviously make note 25 of that and make sure that the assumptions to support</p>
<p style="text-align: right;">Page 17</p> <p>1 documents are aligned for consistency as well as to 2 support a special combined cumulative assessment that we 3 had discussed at the last board meeting which would look 4 at the combined impacts of both facilities in the area 5 of the traffic, noise, and air quality which we expect 6 to have the greatest amount of impact.</p> <p>7       Our goal is to complete the Draft EIR by first 8 quarter 2011. We expect that with both the SCIG and 9 ICTF EIRs being done concurrently, that the two 10 documents would be released at the same time or within a 11 short time frame of each other. So with that we would 12 most likely consider an extended review period of up to 13 90 days.</p> <p>14       At the time of the Draft EIR release, we will 15 have extensive noticing of public outreach to indicate 16 the release of the document, where it is available for 17 public review period. We will also hold a public 18 hearing which is required.</p> <p>19       At the time of the Draft EIR, once we receive 20 public comments, we would then work on finalizing the 21 EIR, and we would expect to have that completed -- or 22 our goal rather is to have that completed by third 23 quarter 2011. And that's just a brief overview.</p> <p>24       Rick, was there anything else that you wanted 25 to add?</p>	<p style="text-align: right;">Page 19</p> <p>1 certain elements of the project that feed into the air 2 analysis, the traffic analysis, the noise, are all 3 consistent, that we use similar protocols and 4 methodology. I will say that is really the heart of 5 where we're trying to align the two documents for 6 consistency purposes.</p> <p>7       CHAIRPERSON MISCIKOWSKI: Does that lead to the 8 conclusion that it's unlikely that since the ultimate 9 capacity for each is pretty much the same, that whatever 10 protocols that will be developed in terms of mitigation, 11 that it's likely that each project will have basically 12 the same group of mitigations?</p> <p>13       MS. OCHSNER: They should. That is our goal. 14 Just from an environmental impact standpoint, we would 15 expect that mitigation that is developed by the two 16 ports with the JPA would then consider and adopt at the 17 time of the Final EIR certification would be similar as 18 well as -- I guess that's really where we would maintain 19 the --</p> <p>20       MR. CAMERON: Yeah, well each project has its 21 own analysis, and their individual locations may have 22 specific impacts that need to be addressed a little bit 23 differently. And in that case, you might see variation 24 in types of mitigation that would be applied on either 25 one of the projects.</p>

<p style="text-align: right;">Page 20</p> <p>1 I can't speak for the SCIG project, per se, but  2 that may be the case for the UP project for the ICTF.  3 But I think I would agree with Lisa, as Commissioner  4 Sramek said, the previous question about consistency  5 trying to line up a lot of the standard mitigation  6 measures, CAAP measures, for instance, other mitigation  7 measures that both ports have developed over the course  8 of the last couple of years in trying to be consistent  9 with the use for those two projects. So I hope that  10 answers your question.  11 CHAIRPERSON MISCIKOWSKI: It does, and I  12 appreciate that, so we have more consistently -- for  13 consistency sake because if they got out of sync, one  14 project could, I would assume, a group of mitigations  15 would use up available mitigation and leave the next  16 project less able to meet what we would be necessary to  17 mitigate.  18 MR. CAMERON: I would also add that it's  19 important that, as we get to a certain point of  20 completing the analysis, that significant purpose  21 document that has to be the ICTF expanded project that  22 we would be having significant applicants discussing the  23 possible variation. There's a difference in operations;  24 there may be a difference in how they want to attack a  25 particular impact that would differ from the SCIG</p>	<p style="text-align: right;">Page 22</p> <p>1 I have one. I don't know whether or not it's a  2 fair question, but inasmuch as you're working with --  3 for ICTF Union Pacific and the City of L.A. is working  4 the SCIG with the BNSF, are the two entities -- although  5 they are different in how they might operate, are they  6 mostly approaching the EIR and the issues that are being  7 set forth in terms of the basic EIR Draft analysis  8 pretty consistently, or is there a large variance  9 between the two entities?  10 MS. OCHSNER: I would say overall that the two  11 are similar. With the BNSF we do meet more often and  12 regularly, but that hasn't changed anything in terms of  13 the progress or the development of the EIR. We do have  14 meetings with Union Pacific. More recently this year,  15 we've had quite a bit of meetings than what's been done  16 in the past when the EIR process was started, but we do  17 host face-to-face meetings, Webinars, conference calls,  18 all types of communication.  19 CHAIRPERSON MISCIKOWSKI: Okay. Thank you for  20 that report.  21 I believe, unless there is any other questions,  22 at this time we should probably move to the public  23 hearing on this item, and I understand that's what the  24 majority of the people in the audience are here to talk  25 to us about, so we'll open it up now to public comment.</p>
<p style="text-align: right;">Page 21</p> <p>1 project and how maybe we would want to attack it. And I  2 think that is where -- and staff would be very clear  3 about what the impact is, what potential variations they  4 may want to propose, and do the best that we can to  5 document that and make it as clear as possible for the  6 draft document and through the process.  7 CHAIRPERSON MISCIKOWSKI: Are there other  8 questions?  9 MR. SRAMEK: Yeah, I've got a question on who  10 is the lead agency for the SCIG EIR?  11 MS. OCHSNER: It's the Port of Los Angeles.  12 MR. SRAMEK: Okay. So that allows you to  13 really with AQMD work with the two together then. I was  14 just curious. I didn't realize that you're the lead  15 agency for the city EIR because making sure those two  16 work together could have been a problem -- an issue.  17 MR. CAMERON: Thank you, and that's where we  18 sit down with Ralph previously, but what we said over  19 the course of the last 18 months or over a year, Lisa  20 has done a great job with both of those projects. It  21 has been very challenging for her, but I think she's  22 done a great job with that so far.  23 MR. SRAMEK: Okay. Thank you.  24 CHAIRPERSON MISCIKOWSKI: Okay. Are there  25 other questions before we go into the public hearing?</p>	<p style="text-align: right;">Page 23</p> <p>1 MR. THIESSEN: Madam Chair, we have a number of  2 speaker cards, and I would just ask anybody in the  3 audience who wishes to speak who has not filled out one  4 of these cards, please go back to the back table there,  5 and there is a card. You can fill it out, and it will  6 be brought up here to the front, and we're going to do  7 these -- recommend we do these in the order that we  8 received.  9 And also I'd like to say that we have provided  10 a translator tonight. In previous meetings some of the  11 speakers have spoken Spanish. And so we have a person  12 in the audience, if you can raise your hand, our  13 translator right here. Thank you. Up in the front.  14 And if a speaker needs assistance with translation, we  15 will make that available.  16 Perhaps you'd like to say something to the  17 audience in Espanol.  18 INTERPRETER: (Statement in Spanish not  19 transcribed.)  20 CHAIRPERSON MISCIKOWSKI: Okay. Do you plan to  21 call a speaker?  22 MR. THIESSEN: Yes. The first comment is from  23 Elena Rodriguez. And I would ask the speakers to --  24 approximately three minutes is the time limit to provide  25 time for the next speaker, please.</p>

Page 24

1 MS. RODRIGUEZ: Good evening. My name is Elena  
 2 Rodriguez, and I'm a resident of West Long Beach. Thank  
 3 you for allowing me to talk about my concerns about --  
 4 and to be here and talk about my concerns with respect  
 5 to the ICTF expansion.  
 6 The existing facilities is [sic] already  
 7 causing a lot of damage for our children and the  
 8 community at large which is also together with -- it's  
 9 close to several schools such as Cabrillo, Hudson,  
 10 Stephens, and Webster which have a total of more than  
 11 7,000 students, many of them from other areas of Long  
 12 Beach. And it is a very high percentage of asthma with  
 13 these children.  
 14 I believe that it was a very grave mistake to  
 15 have built this facility, and so I'm asking that you not  
 16 commit the same sort of mistake building, once again, a  
 17 newer facility. Please be smart about using our lands  
 18 around here. I think that this train goes up to the  
 19 port, and it should be loaded at the port.  
 20 And which you're going to be doing with the 103  
 21 highway, and I think what would be best would be to  
 22 build a park there. That's what we really need in this  
 23 community. We don't need to build any more industry.  
 24 Please, no more pollution and no more sickness.  
 25 If you're willing to do harm to another person, then it

Page 25

1 is out of hate, so I'm asking, please do not build this  
 2 because this does a lot of harm to us. Thank you.  
 3 MR. THIESSEN: Monica Parrilla.  
 4 MS. PARRILLA: Hi, good evening. My name is  
 5 Monica Parrilla. I've been living here in North Long  
 6 Beach more than nine years.  
 7 I'm very worried about the ICTF expanding more.  
 8 I would like for you to take a moment and come and  
 9 really see what sort of conditions the community is  
 10 living in and what it's really like here. And I think  
 11 that once you see this, you will make a much better  
 12 decision deciding not to expand.  
 13 We live in a pollution bomb. And I'm not just  
 14 talking about the port but the airport, the trains, the  
 15 trucks, the refinery zone, and the oil facilities. So  
 16 if you would like to, we would very much and happily  
 17 take you out to see -- to have you see it and take you  
 18 there -- to see the conditions of air pollution and the  
 19 pollution in which we live.  
 20 And I think that you're going to see out there  
 21 that with the expansion, there will be more traffic.  
 22 There will be more sickness, not just cancer. I think  
 23 nowadays we're living in the worse conditions that are  
 24 even worse than before, and I think what we should do is  
 25 to take into consideration -- consider bettering or

Page 26

1 improving the port and improving everything that is  
 2 already there right now, and because we don't know what  
 3 sort of future will be waiting for our children.  
 4 No matter what, this invitation is extended and  
 5 open to you. And thank you very much.  
 6 MR. THIESSEN: Bernice Banares. Bernice  
 7 Banares. Following her will be Yolanda Lopez.  
 8 MS. BANARES: Good evening. My name is Bernice  
 9 Banares. I'm a teacher at Cabrillo High School. I'm  
 10 also part of the Westside School for Clean Air, which is  
 11 a partnership between Cabrillo, Hudson, and Stephens.  
 12 We're fighting for clean air for this community. I've  
 13 worked at Cabrillo for eight years now.  
 14 I have asthma, and it's gotten worse since I  
 15 started teaching at Cabrillo because I needed to be  
 16 intubated which means my airways swelled so much that a  
 17 tube had to be put down my throat and a machine breathe  
 18 for me until the swelling went down. Last October, a  
 19 year ago, a student of mine, 17 years old, looking  
 20 forward to graduating, died of an asthma attack.  
 21 I'm asking that you look at your own numbers, a  
 22 15 percent risk of cancer. At Cabrillo 4,000 students  
 23 and faculty, that means 600 of us are likely to come  
 24 down with cancer just from being in this area.  
 25 I'm asking you to reconsider the way that you

Page 27

1 are modernizing, take advantage of on-dock rail. Do not  
 2 increase any more pollution in this area. People are  
 3 dying. Children are dying, and the longer people stay  
 4 in this community, the sicker they're getting. The  
 5 asthma rate for the nation is 10 percent. Here, the  
 6 district is called District 1 because we're so close to  
 7 the railroads and the ports, we have a 20 percent chance  
 8 of asthma.  
 9 So please reconsider. Thank you.  
 10 MR. THIESSEN: Yolanda Lopez, and following Ms.  
 11 Lopez will be Erika Olvera.  
 12 MS. LOPEZ: Good evening. My name is Yolanda  
 13 Lopez. I live here in Long Beach on the west end. But  
 14 this project that you people want to do is really going  
 15 to affect us too much.  
 16 I've got a daughter. She's an adult, and she  
 17 already has asthma. Even as an adult she has gone to  
 18 emergency rooms for not being able to breathe.  
 19 Therefore, both of us suffered a lot from this, and we  
 20 didn't know at that time that it was asthma, not until a  
 21 person told us about it. And that's when we began to  
 22 take more care.  
 23 Many times they would call me from school  
 24 because she wasn't able to breathe. It got to such a  
 25 point that in the first year her reading teacher wanted

<p style="text-align: right;">Page 28</p> <p>1 to fail her. She wasn't able to read. Because she  2 wasn't able to get enough air in, she wasn't actually  3 able to read.</p> <p>4 The thing is the way I see it -- and that's how  5 I would like it to go -- the children who are growing  6 now -- I would like them to be able to grow up and have  7 a healthy life, and that they could play freely on the  8 streets and the parks. Because even in their own homes,  9 they're not free to play as they wish or breathe because  10 of the air pollution. It comes in through the windows  11 or doors.</p> <p>12 And I would like to please ask you and that you  13 consider, and I believe all of the moms here would wish  14 the same. I think that doing this project -- it's not  15 going to benefit us in any sense. Thank you for  16 listening to me.</p> <p>17 MR. THIESSEN: Following Erika Olvera is Maria  18 Reyes.</p> <p>19 MS. OLVERA: Good evening. My name is Erika  20 Olvera, and I'm a resident of Long Beach. I have a  21 daughter with asthma.</p> <p>22 The reason I'm here is because I do not agree  23 with the ICTF expansion. I know that tonight those who  24 are in favor of this are making the project out to be  25 very beautiful, but our community and children well know</p>	<p style="text-align: right;">Page 30</p> <p>1 because of this project. The thing is that what is  2 already existing is very problematic, especially with  3 the traffic, noise, lighting.</p> <p>4 I live very close to the yard and the railroad,  5 but the thing is that I hear the locomotives -- I don't  6 know if it's something they have to do, if it's an  7 alarm -- they'll be hitting the horn, sometimes at 1:00  8 or 2:30 in the morning. If this is some sort of a  9 warning that must be done, I'm asking you consider using  10 some other sort of thing -- you know, use something else  11 that says, you know, I'm here; I arrived. Because this  12 does bother the neighborhood.</p> <p>13 Also, I want you to see in this project that  14 you're going to make money out of it, that the economy  15 is going to be improved. I really want to know how  16 interested you are in the well-being of the community,  17 and I would like to know very much if you guys are going  18 to come out doing well in this, if also the community  19 would come out a winner because it is very sad to sit  20 there and see that the following generations are looking  21 at a very deplorable and very difficult future.</p> <p>22 I would also like you guys to consider the new  23 technologies that are coming out, all the different  24 advances, because we have too much cancer, premature  25 death, and problems with breathing. And I'd like to</p>
<p style="text-align: right;">Page 29</p> <p>1 that the only thing that is going to come out of it is  2 more pollution, more sickness. And we know that  3 whatever you say to us, it's not going to come --</p> <p>4 INTERPRETER: Excuse me -- may I ask you to  5 repeat?</p> <p>6 MS. OLVERA: And our way of thinking is that  7 what -- everything that you may say is not going to  8 change our way of thinking about this. Because in  9 reality the ones who are suffering are our children, our  10 community -- our community, our grandparents, our  11 uncles, and aunts.</p> <p>12 And really what it is, we are here tonight to  13 tell you that we are not in favor of the proposal, and  14 please -- I'm asking you, please, to make the decision  15 on the project and with everything that you're saying  16 about it, that you follow through with it.</p> <p>17 We'd like to ask something very special of you:  18 That during these meetings there be Spanish-language  19 translation. If it's not such a bother, we'd be very  20 thankful. Thank you.</p> <p>21 MR. THIESSEN: Following Erika is Maria Reyes,  22 and following Maria Reyes is Jocelyn Vivar.</p> <p>23 MS. REYES: Hi, good evening. My name is Maria  24 Reyes. While it may seem that this song is getting a  25 bit repetitive, but it's necessary. Well, I'm here</p>	<p style="text-align: right;">Page 31</p> <p>1 respectfully ask that in this project all of us come out  2 winners and have a better quality of life. I believe  3 most of those who are most affected are the minorities.</p> <p>4 You know because, for example, this comes out like  5 saying I'm going to put in a railroad yard very close to  6 where I live or tracks or trains nearby the schools.  7 Well, that's it, and I am thankful for the time you have  8 given me.</p> <p>9 MR. THIESSEN: Madam Chair, we have  10 approximately eight more speaker cards.</p> <p>11 One of the previous speakers requested this  12 evening that the proceedings of the board meeting be  13 provided in Spanish. At a subsequent meeting, at the  14 board's discretion, it could be made available for live  15 translation with head phones for citizens that would  16 like to hear the proceedings in Spanish be made  17 available. We can make that opportunity available at  18 the next regularly scheduled ICTF hearing.</p> <p>19 CHAIRPERSON MISCIKOWSKI: Yes, I think that  20 would be fine to have that capability.</p> <p>21 MR. THIESSEN: The next speaker is Jocelyn  22 Vivar.</p> <p>23 MS. VIVAR: Hi, good evening. My name is  24 Jocelyn Vivar, and I represent East Yard Communities for  25 Environmental Justice, and we're a community-based</p>

<p style="text-align: right;">Page 32</p> <p>1 organization in the city of Commerce and Southeast L.A.,  2 but we're also organizing in West Long Beach.  3 I'm here today to speak with you on behalf of  4 these communities, and specifically members of Commerce  5 have experienced living through many years with rail  6 yards in their backyards. And I can tell you that this  7 community has experienced the impact to their health and  8 quality of life from the impacts of these rail yards on  9 a daily basis. Personally, we know that the impacts  10 from rail yard activity weigh heavily on the surrounding  11 environmental justice communities where social,  12 economic, environmental, and health practice combined to  13 create a very harmful effect on the most vulnerable  14 population.  15 From personal experience, we can tell you that  16 having these two land uses -- industrial rail yards and  17 residential -- in such close proximity to each other are  18 very poor land use planning.  19 The existing ICTF facility has already causing  20 very harmful effects on the people that live there, and  21 the effects go beyond 1,000 feet. The proposed ICTF  22 expansion will be moving close -- these effects closer  23 to where people live. To some of them it's right in  24 their backyards. And it's -- that's very dangerous for  25 kids to grow up in such conditions. And there are many</p>	<p style="text-align: right;">Page 34</p> <p>1 build a new one. The risk of five in a million is not  2 acceptable, but if these yards are not willing to meet  3 these, we ask that you don't consider them for adoption.  4 Thank you.  5 MR. THIESSEN: Next speaker is Gilbert  6 Gallahar, and following Mr. Gallahar is John Cross.  7 MR. GALLAHAR: Mr. Chairman, Commissioners. I  8 am Gilbert Gallahar. We are a part of UTR Plus. We  9 build yard goats that run on propane. The older yard  10 goats that run on propane are gas-injected; we are  11 liquid injection. What's the benefits of such a thing?  12 Zero PM, zero SOx, and NOx of 0.14.  13 The reason that I'm bringing this up is because  14 that freeway that ends on Willow is bordered by the  15 seven schools, plus the military Cabrillo Village. It's  16 an interesting thing that we send our soldiers off to  17 war, and when they come back, if they didn't die there,  18 come and live in Cabrillo, and you'll surely die there.  19 The problem that I see is that I'm different  20 from the other ladies that are here. They want to stop  21 the project. I think that we can (unintelligible) the  22 Board, or at least in 2008 Union Pacific asked for help  23 in cutting the pollution. And to the wonderment, the  24 Boards of Los Angeles and Long Beach Ports set standards  25 that at the time had no ability to be met. The</p>
<p style="text-align: right;">Page 33</p> <p>1 sensitive receptors already in close proximity to the  2 operations of these rail yards, but expanding them would  3 also increase the effects to -- all these sensitive  4 receptors such as elementary schools, parks, churches,  5 and day-care centers.  6 But in April of 2005, the California Air  7 Resources Board published the air quality and land use  8 handbook which further emphasizes that sensitive  9 receptors, and serving polluted facilities such as rail  10 yards should not be within a hundred feet from each  11 other. This yard should not -- this yard should not  12 have been built here in the first place, and it is very  13 irresponsible to continue with plans to expand this yard  14 and to build a new one that would further exacerbate  15 poor health conditions already faced by these families  16 and increase their risk of cancer and other health  17 ailments.  18 We ask that as you hear these public comments,  19 which we take time out of our schedule to come here and  20 testify, that you take them seriously. People here face  21 decisions, and we know that you understand this. But  22 make a motion; do some sort of action to let us know  23 that you're paying attention. Make a motion so that  24 these projects will not proceed until they decide to  25 clean up the other yards before deciding to expand or</p>	<p style="text-align: right;">Page 35</p> <p>1 technology wasn't there.  2 So part of this request is that you, the Board  3 here, Commissioners, set a similar standard, and then  4 the genius of the United States and a business can come  5 forward and come up with these innovative ideas that can  6 cut the pollution, and we can coexist. We can have the  7 economic activity that we need to be able to get a job  8 and take care of our families and yet be able to breathe  9 the air that we are in.  10 So as an aside, the Port of Long Beach gave  11 \$5 million to the schools to cut pollution or the  12 effects of pollution that was created by the Middle  13 Harbor -- the most polluted areas of these seven schools  14 with pollution levels that are at least ten times more  15 than any other in the whole of Long Beach. And a  16 rhetorical question, How much money went to those seven  17 schools?  18 So what I'm asking the Board is the Board  19 understands where the traffic is that's producing the  20 pollution, and the Board has money. Before you divide  21 it up and give it to the cities and to the ports,  22 consider using that money to mitigate the pollution that  23 is created. And so again if I can reiterate that you  24 set the standards and demand that those that use that --  25 facilities clean up, and the businesses around will come</p>

Page 36

1 to show off their products.

2 But I beg that you do not do what happened with

3 the Air Resources Board. They set a standard, and then

4 they said, "Oh, by the way, here is about -- if you met

5 the standards or could meet the standards, there's going

6 to be a hundred thousand plus units that has to be fixed

7 up." And then they said, "Well, you know what, let's

8 just delay that so that that hundred thousand will never

9 need to be cleaned up."

10 So please set a standard. Set it high enough

11 that we can live and our children can live in this area,

12 and the businesses will perform. And out of the

13 woodwork will come the small businesses that can do what

14 it is that you want to do to make this place livable,

15 workable, and financially livable. Thank you very much.

16 MR. THIESSEN: The next speaker is John Cross.

17 And following John Cross is Andrea Hricko.

18 I'd like to remind the speakers to try to limit

19 their comments to three minutes. We have a number of

20 other speakers in the audience in deference to them to

21 hear their comments.

22 MR. CROSS: Hello, my name is John Cross. I'd

23 like to welcome the commissioners and address the Port

24 of West Long Beach again. I'm currently the vice

25 president of West Long Beach Neighborhood Association,

Page 37

1 and I'm representing the neighborhood association on the

2 west side which encompasses north city limits, Anaheim

3 Street, Terminal Island -- no, I mean west city limits,

4 over to the 710 freeway. And that area is known as the

5 "diesel death zone." That's called in Sacramento.

6 That's because we've got the ports to the south -- which

7 you guys are doing an outstanding job of cleaning them

8 up, by the way; keep up the good work on that -- and the

9 405 on the north, 710 on the east, but we have

10 refineries and a rail yard to the west of us. And

11 they're some of the biggest polluters. Now, the

12 refineries have been cleaned up because they're a

13 stationary source. They can be -- you can see them.

14 Smog level's going down.

15 Now, a lot of the ladies prior to me and the

16 gentleman prior to me made comments that has West Long

17 Beach has some of the dirtiest air in the state, which

18 is true. That's why they call it the diesel death zone.

19 Part of my problem is why would you even consider

20 letting UP expand when the UP representatives made a

21 comment, "If you don't let us expand, we can't clean up

22 the mess we've got now, and you'll live with it for the

23 next 25 years." That comment was made at a public

24 meeting, and I could bring witnesses up here to tell you

25 that. So that's the kind of neighbor we got. Live with

Page 38

1 it for 25 years, or let us expand. That's not the kind

2 of neighbor I want.

3 There's seven schools within a mile of that

4 location, and I'm glad you're tying these EIRs together

5 with the BNSF and the ICTF terminal together because the

6 growth in truck traffic coming through that area is

7 going to be outstanding. I mean, just unbelievable.

8 Even if you use the ICTF number of 1.5 -- the

9 BNSF SCIG project -- 1.5 million trucks a year lifts out

10 of that project area. Even if they're clean trucks,

11 that's equivalent to 300,000 trucks' worth of pollution

12 in a year's time. Three hundred thousand if they're

13 80 percent cleaner. Well, there's not 300 trucks --

14 300,000 trucks going into that area right now. I know

15 that because I'd see them.

16 At one time the Asthma Foundation and lobby

17 counted 600 trucks an hour going down right past Hudson,

18 Cabrillo, and Mary Bethune Schools. Six hundred trucks

19 an hour, and they've got the numbers.

20 Now I've got a question for staff, if staff can

21 answer a question: Are we still using ten in a million

22 as a number?

23 MR. CAMERON: That is correct. That is the

24 standard that's been . . .

25 MR. CROSS: Is that for both projects together,

Page 39

1 or is that for each project?

2 MR. CAMERON: For UP and this project, yes.

3 MR. CROSS: For people in this audience that

4 don't know what ten in a million is, that means ten

5 deaths in a million is an acceptable loss. Ten deaths

6 in a million. A little while ago there was a young man

7 sitting here. I wish he was still here. I'd like him

8 to stand up. Suppose he's that ten in a million. Would

9 you want him to be one of them?

10 Or how about Mr. Sramek here who happens to

11 live close to the rail yard? Or how about Rick, who

12 happens to be an environmentalist? He could be one of

13 those ten in a million. I wouldn't want to be one of

14 those ten in a million. As far as I'm concerned, one

15 loss is not acceptable.

16 Do you think there's no smog problem over here?

17 Let me tell you what. We've got a family in my

18 neighborhood that's four generations, and they live in

19 three different houses. The mom and dad never had

20 asthma. The kids never had asthma. The grandkids never

21 had asthma. All four great-grandkids have asthma, and

22 they live within the three-quarters of a mile of the

23 rail yard right now, the existing facility, the ICTF.

24 Three-quarters of a mile.

25 And you telling me that they're going to be



<p style="text-align: right;">Page 40</p> <p>1 good neighbors and clean up their act? They couldn't  2 even clean up the yard they got now, and they won't do  3 it unless they get to expand.  4 I've had rail-yard officials, cornered them,  5 asked them, "Would you live next door to your rail  6 yard?" "No." Rail-yard officials will not live next  7 door to their rail yard. So just remember ten in a  8 million is not acceptable loss for anybody, especially  9 to your son, your daughter, your mom, or dad.  10 You know, I've got congestive heart failure. I  11 wrote it off as hereditary, but I live here. Maybe it's  12 the railroad that caused my problem. I don't know. But  13 ten deaths in a million is not an acceptable loss.  14 Building one rail yard next -- within a mile of seven  15 schools or expanding one within a mile of seven schools  16 is not acceptable. Not acceptable for anybody in this  17 west side Long Beach area.  18 Now, rail official asked me one time, "What  19 would it cost to make you guys happy?" I said, "Give  20 everybody in the west side a million dollars for their  21 homes." They said, "That's ridiculous." I said, "So is  22 building your rail yard there." "Well, why don't you  23 move?" he asked me. I said, "Hey, you moved into my  24 neighborhood, and I'm not moving into yours." Stay out  25 of my neighborhood and keep it clean. Thank you.</p>	<p style="text-align: right;">Page 42</p> <p>1 the Port of Los Angeles, that both ports control the  2 ICTF. In 1986 the Port -- the Port of Los Angeles  3 signed a 50-year lease with Southern Pacific, which is  4 now Union Pacific. In 1986 the ports said that no air  5 pollution problems were anticipated, so no air pollution  6 mitigation measures were demanded when the EIR was done  7 in 1986.  8 Some 20 years later the California Air  9 Resources Board determined that the diesel cancer risk  10 near the ICTF is among the highest of the state's 18  11 rail yards. Now a new environmental review is underway  12 for a larger ICTF, and now the railroads are asking that  13 the ten-in-a-million cancer risk in the joint ports'  14 Clean Air Action Plans be relaxed. I urge you not to  15 relax those standards and to stick with protecting  16 public health.  17 Meanwhile, USC-UCLA researchers show that  18 living near mobile sources of air pollution and going to  19 school near mobile sources of air pollution are being  20 found to have many more health effects than we first  21 thought. Certainly air pollution -- traffic-related air  22 pollution is causing asthma -- is related to asthmatic  23 exacerbations, to reduced lung function. Now, we  24 also -- not necessarily at USC, but other studies being  25 done around the world, we are seeing studies linking</p>
<p style="text-align: right;">Page 41</p> <p>1 MR. THIESSEN: Following Andrea Hricko is Joan  2 Greenwood.  3 MS. HRICKO: Hello, Directors and  4 Commissioners. Thank you for this opportunity. My name  5 is Andrea Hricko, and I'm a professor of preventive  6 medicine at the Keck School of Medicine at USC.  7 It was exactly five years ago in this hall that  8 hundreds of West Long Beach, Wilmington, and Carson  9 residents turned out for the NOP hearing on the proposed  10 BNSF SCIG project. Around that same time is when Union  11 Pacific announced that it also wanted to expand its  12 yard. Between 2005 and 2010, to your credit, the two  13 ports have enacted a CAAP, Clean Air Action Plan, each  14 of you a different version of the clean trucks program.  15 But to my knowledge inside the ICTF rail yard that the  16 ports have taken no action at all to reduce the high  17 diesel cancer risks that are faced by residents and  18 nearby school children as documented by the AQMD  19 measurements of actual pollution and CARB measurements  20 that are modeling. Now, the ports have had five full  21 years to figure out how to build enough on-dock rail so  22 that the ICTF expansion and the BNSF SCIGs do not have  23 to be -- do not have to go forward.  24 For those in the audience who don't fully  25 understand, the ICTF is located on land that's owned by</p>	<p style="text-align: right;">Page 43</p> <p>1 traffic-related pollution and heart disease,  2 traffic-related pollution and diabetes, and just last  3 week traffic-related pollution and breast cancer. The  4 people who are living close to busy roads and freeways  5 and other sources, mobile sources of exposure of  6 emissions are developing these diseases.  7 So I urge the port to do something to reduce  8 the current existing air pollution problem at this rail  9 yard and to consider all the latest science that shows  10 that it is a very unwise land-use decision to site a  11 rail yard next to schools and homes. Thank you.  12 MR. THIESSEN: After Joan Greenwood is Isella  13 Ramirez.  14 MS. GREENWOOD: Good evening. My name is Joan  15 Greenwood. I live in the Wrigley District of Long  16 Beach. I am the vice president of the Wrigley Area  17 Neighborhood Alliance.  18 I have been following the air quality issues  19 related to the goods movement industry probably since  20 1997. And I have lived in Wrigley since 1986. By  21 training I'm an analytical chemist, and one of the  22 things that motivated me to go back to school was  23 learning that an environmental impact report does not  24 protect you from adverse environmental impacts. And one  25 of the reasons for it, of course, has been the changes</p>

<p style="text-align: right;">Page 44</p> <p>1 that have occurred at the port and looking at mitigation 2 strategies. And I will tell you every study done of 3 EIRs shows that, in general, mitigation is the weak 4 link. 5 Now, I've heard about zero-emission trucks. 6 Last Friday I attended a workshop at UCLA that was 7 entitled EV-101, and I spoke to several of the 8 presenters about the status of these zero-emission 9 trucks. One, they're not here yet. And two, if they're 10 heavy-duty use for cargo, they are going to be very, 11 very, very expensive to run. Now, in the past when I 12 talked to the rail-yard people about -- again, these are 13 executives and not scientists -- they said, "Oh, we 14 can't control the trucks coming into the rail yard." So 15 there is no guarantee to the community that clean trucks 16 will go in. 17 I also want to address this ten-in-a-million 18 risk. Water Board doesn't accept that for an old gas 19 station. Has anyone here looked at LA-USC requirements 20 for school sites in terms of import soil to be used on 21 these school sites? They may support less lenient, and 22 again I want to get back to risks. This is a risk 23 advance factor. Knowledge of chemistry shows that a 24 single exposure may trigger lung cancer later in life. 25 We really don't know. These risk assessments are used</p>	<p style="text-align: right;">Page 46</p> <p>1 expansion. The point is it's incompatible land use. 2 There's nothing that can be done to adequately mitigate 3 it. You can simply approve a project which never should 4 happen. Thank you. 5 MR. THIESSEN: We have four more speakers, and 6 I'd like to remind you -- the speakers to please limit 7 your comments to three minutes. Thank you. 8 Isella Ramirez followed by Jim Larson. 9 MS. RAMIREZ: Good evening. My name is Isella 10 Ramirez, and I'm also with East Yard Communities for 11 Environmental Justice. We're concerned with the 12 expansion proposal because we believe there is 13 sufficient data available that demonstrates the dangers 14 of rail-yard operations, especially when these rail-yard 15 operations are adjacent to neighborhoods and schools. 16 In 2007 the California Air Resources Board 17 completed their health risk assessment for 18 rail yards 18 in California, and the Union Pacific ICTF was one of 19 these rail yards which was evaluated for health impacts 20 associated with toxic air contaminants in and around the 21 yard. And the areas adjacent to the yards are dealing 22 currently with gravely elevated cancer risks that are 23 associated with CpcM emissions at the ICTF. Some risks 24 are as high as 500 chances in a million, 250 chances in 25 a million, and 100 chances in a million as per CARB.</p>
<p style="text-align: right;">Page 45</p> <p>1 to evaluate one scenario against another. They are 2 very, very oversimplified models of reality, but again, 3 I want you to bear in mind we do not know the impacts 4 realistically of what can happen with these exposures. 5 Second of all, many of the chemical 6 constituents that have been released over this past 7 year, they're hanging around. The poly-aromatic 8 hydrocarbons which are the worse carcinogens do not 9 readily decompose in the environment, so they're still 10 flying around, mixing with current emissions. We know 11 that because from doing the surface analysis of the 12 soils, we find them everywhere in this basin. 13 The second thing is I believe at the previous 14 meeting, I presented you with some recent studies of 15 nanoparticulates. This science is really just coming to 16 the forefront now that nanotechnology and concerns about 17 worker safety have inspired scientists to go back and 18 start looking. The nanoparticulates were not taken into 19 consideration when the risk assessment models were 20 developed way back in the '80s. So you're not even 21 using a model anymore that really is current in giving 22 you a true picture. 23 The railroads could have done a lot many, many 24 years ago. They've known about the problem, and yet 25 they've taken no action, and they've asked for</p>	<p style="text-align: right;">Page 47</p> <p>1 Currently through the HRA we know that 2 residents east of the rail yards, otherwise known as the 3 area where we're standing, have an elevated cancer risk 4 of 500 chances in a million or higher. This encompasses 5 an estimated area of about 220 acres where an estimated 6 1200 people are exposed to diesel toxic emissions. 7 About 10,000 residents are exposed to an estimated 8 cancer risk from 250 to 500 chances in a million within 9 an estimated 730 acres around the rail yard. 10 To consider expanding the existing toxic rail 11 yard is to consider moving up the date for premature 12 deaths for many of the local residents. It just doesn't 13 make sense to expand the rail yard that is already 14 dangerously close to schools, parks, and residents. In 15 fact, Union Pacific has plenty of cleaning up to do in 16 the current operations at the ICTF, but also in their 17 commerce and the motor facility. How they can pose 18 cancer risks as high as 500 -- you know, 500 in a 19 million to several communities across the state and 20 still intend on multiplying their capacity, that's not 21 just greedy, but it's also irresponsible. 22 And I grew up in the city of Commerce, and I 23 drive past two rail yards, in particular Union Pacific 24 Commerce rail yard every single day. I play baseball 25 with my family just on the other side of the fence and</p>

<p style="text-align: right;">Page 48</p> <p>1 Bandini Park, and I know what it's like to see a family 2 member impacted with aggressive cancer. 3 We do need to be more efficient with rail, and 4 we have to focus on expanding rail infrastructure within 5 the port complex and not outside of it where our 6 communities live. And just because I wanted to say that 7 when I say efficient, I don't mean add more trucks, add 8 more locomotives, but efficiently reducing the amount of 9 the deaths that we have every single year because of the 10 rail-yard operations. Thank you. 11 MR. THIESSEN: The next speaker is Jim Larson. 12 Following Jim Larson is Tony Rivera. 13 MR. LARSON: Good evening. My name is James 14 Larson. I am a homeowner on the west side. I've owned 15 my residence since 1989. I have spoken before this 16 Board four or five times now, and while I find you all 17 very nice company and very charming, I'm growing weary 18 of this process. 19 We've heard people say tonight that they would 20 like to see you do a motion. They would like to see 21 something out of this Board -- some indication that 22 you're listening. And while I understand this 23 process -- and the process is that you're a fact-finder 24 and, you know, you're not supposed to engage in 25 discourse -- you know, it's been five years. So you</p>	<p style="text-align: right;">Page 50</p> <p>1 be adequate with proper planning. 2 So you know, I would like this Board to do 3 something. And I -- you know, because here we are five 4 years later, you know, a lot of money has been spent, 5 your salaries, having these hearings, of going through 6 this process, and we don't know what's going on. I 7 cannot -- I talk and talk and talk. Is anyone 8 listening, you know? That's just the natural, you 9 know -- you would feel the same way if you were in my 10 shoes. Anybody would. 11 And I don't really blame you because I 12 understand that's your role, but it's a bad role, you 13 know. It's a bad spot to be in. So I would just like 14 to emphasize that, you know, the economic technology, 15 everything goes towards loading it on the port, railing 16 it out, and moving it in the directions it needs to go 17 in. But to do it five miles in a residential area from 18 the port makes no sense whatsoever unless you belong -- 19 unless you own a truck or unless you belong to the labor 20 union for the railroad or, you know, someone that has an 21 interest in it from that standpoint. 22 And I won't belabor the health risks because 23 that's been well-documented and well-stated, but believe 24 me, as a long-term resident, the soot and the crap keeps 25 falling. It keeps falling, and I keep cleaning it up.</p>
<p style="text-align: right;">Page 49</p> <p>1 know, it's natural, human, you know, feelings here that 2 maybe we're not being listened to. Maybe this is just 3 some hearing to fulfill litigation that we have a public 4 hearing. 5 But you know, because my views basically 6 haven't changed in the last five years. I still oppose 7 this project, I oppose the expansion of the ICTF, and I 8 oppose the new yard by Burlington Northern. I feel that 9 the present traffic does not warrant expansion. I feel 10 that the -- there's a 23 percent reduction in the ICTF 11 traffic. It's not matching what's coming into the port 12 because that's starting to increase again now. 13 But you know, lo and behold, there's on-dock 14 loading going on, and that's been increasing, and that's 15 what we want to see more of. And what we feel is that 16 this is public property at the yard, and there are 17 decisions by this Board to be made on what is the 18 necessary mitigation if this project goes forward. 19 And too, is this really the proper use of this 20 public land? Do we want to lock ourselves into a 21 procedure or a process that we can't get out of for the 22 next 25 years? In a long-term lease in view of this 23 type of thing when there is new technology coming down 24 the road, and that on-dock loading is going to be a 25 reality, and the space available at the port is going to</p>	<p style="text-align: right;">Page 51</p> <p>1 Thank you. 2 MR. THIESSEN: Following Tony Rivera will be 3 Jesse Marquez, the last speaker of the evening. 4 MR. RIVERA: Good evening. My name is Tony 5 Rivera, here from the WESTPAC which is located on the 6 south of Pacific Coast and north of Anaheim Long Beach 7 freeway and (unintelligible) freeway. 8 One of the things that I've been hearing today 9 is well done towards the health risk and all that, but I 10 want to emphasize as a businessman in this area and a 11 resident of Bell Gardens, I want to say something. I 12 feel sorry for the people who live next to the rail 13 tracks, the ICTF, because I live next to Randall, and 14 for some reason the rail now is started stacking those 15 rail cars over there. And at midnight or at 2 o'clock 16 in the morning they come and pick them up, and I wake 17 up, and I think that I'm in Long Beach or have an 18 earthquake coming because it's so hard to where the 19 noise is coming in. So that's one thing I want to 20 mention. 21 But back in this area the traffic is going to 22 be with all these containers increase on the west side 23 and for that matter the whole Long Beach, it will be 24 stopped. We already notice it because we're living it. 25 We're not -- I'm not going to play with numbers or try</p>

<p style="text-align: right;">Page 52</p> <p>1 to be scientific about it. I just live in it every day.  2 And living on the west side where every time we want to  3 go out to the business, it used to be 15 minutes to get  4 out of this area to go downtown. Now it takes you  5 sometimes an hour, and that's if an accident doesn't  6 happen.  7 So I just want to make sure that also for the  8 kids, the PCH -- we have a lot of kids in PCH that take  9 the bus. I would recommend that the port authority  10 takes a really hard look on overall going out for this  11 rail the route from the port and going out all the way  12 to the desert. If you're not, I would say this tonight:  13 You're not doing your job because before we was talking  14 about more, like, on-dock rail. But at this time the  15 way everything is -- is going and the way people are  16 lying -- and I tell you, I'm a little familiar with the  17 truck, in that the UP right now is the staging  18 containers in the yards, sending clean trucks, and then  19 moving with dirty yards -- with dirty trucks from that  20 yard. You go to 60 freeway and take note of those  21 containers, and you will see the way they're operating,  22 so we can't trust them.  23 The same thing in Long Beach, you see Long  24 Beach freeway. They coming in with bins now, coming in  25 from other areas, coming in to this facility, the ICTF.</p>	<p style="text-align: right;">Page 54</p> <p>1 so I'll be speaking on behalf of our members in Long  2 Beach, Carson, and Wilmington, and along the  3 transportation corridor. And these comments will also  4 be shared on my behalf as an individual that lives in  5 Wilmington.  6 We have made many comments in the past during  7 the NOP stage, and I'm going to repeat some of those,  8 and the reason I'm going to repeat some of these  9 requests and some of these comments is because we want  10 no excuse when you release the Draft EIR that they were  11 not brought up in the past.  12 We asked you before that we want a health  13 impact assessment to be included in this Environmental  14 Impact Report. We want no excuse it cannot be done. We  15 want no excuse that's not a valid health instrument.  16 The only excuse right now is the sorry excuse for a  17 health risk assessment. And the reason I'm saying that  18 is because the health risk assessment done for this  19 terminal was not based on one single fact of public  20 health on this community. Not one.  21 A health risk assessment cannot tell you how  22 many people are sick with asthma. It cannot tell you  23 how many people have died of asthma. It cannot tell you  24 how many people have C.O.P.D. It cannot tell you how  25 many people have died of C.O.P.D. It is based on a</p>
<p style="text-align: right;">Page 53</p> <p>1 I would recommend for you to take and have yourself just  2 do the whole area for the whole area so they have the  3 chance to manipulate these numbers and manipulate these  4 deliveries, otherwise we will be spending back.  5 I happened to go through the Alameda Corridor  6 which I thought was another waste of money from our  7 taxes, only I see 25, 30 locomotives over there and  8 sometimes running, but I don't see Union Pacific or  9 whoever is the company with those trucks that the Port  10 of Long Beach is trying to do something. Even if it's  11 not working, but at least they have the intentions to  12 alleviate the problem, to eliminate the smoke that is  13 going out to the people of Carson and for them that are  14 coming to Long Beach when it's windy.  15 So I would really emphasize for everybody to  16 really put your two cents. The growth of this ICTF at  17 this time is not warranted or open another company is  18 not warranted, you know, unless -- you know, unless you  19 do a very good study all the way out and try to find  20 another way to do it, especially for you and affect this  21 neighborhood including mine because I live 50 miles  22 away. Thank you.  23 MR. MARQUEZ: Good morning, Board members and  24 Commissioners. My name is Jesse Marquez. I am the  25 executive director of Coalition for a Safe Environment,</p>	<p style="text-align: right;">Page 55</p> <p>1 model that was a statewide model that has almost no  2 relevance to this specific community.  3 A health risk assessment is a comprehensive  4 health assessment that is based on a public health  5 baseline. That baseline can be based on a public health  6 survey, so that you know who is sick with what. So when  7 you determine what is appropriate mitigation or  8 appropriate technology, it is based on facts. And you  9 do have not those facts right now.  10 And so we're requesting again that that be  11 included in this health risk assessment. Both UC  12 Berkeley, UCLA have institutes for health impact  13 assessments, and then there's also an impact -- health  14 impact partners who are also consulting that specialize  15 in this.  16 And I have read hundreds of your reports, and  17 you've spent anywhere from half a million to millions on  18 your consultants, and so we the public ask you do the  19 same investment in this type of study as well. We want  20 the project to include an assessment as to what it would  21 take to have 50 percent of all trucks to be zero  22 emissions. Balqon Corporation has electric trucks  23 operating right now. Vision Motor Corp. has  24 zero-emissions, hydrogen-gas-fuel-cell trucks operating  25 right now.</p>

<p style="text-align: right;">Page 56</p> <p>1 You say you have no authority. I want you to  2 show us what section of law that prevents you from  3 requiring zero-emission trucks. I want you to show me  4 what section of law says that you cannot use a zero  5 emission transportation system such as a maglev train or  6 electric train. Show us those section of laws that  7 you're claiming you cannot do certain things that we are  8 asking.</p> <p>9 We also ask that you look and assess  10 alternative sites. We do not want you to do something  11 such as what the Port of L.A. did not too long ago in  12 one of their EIRs where they did and looked at 14  13 different alternatives. They did not look at one of the  14 public-requested alternatives.</p> <p>15 So some of the alternatives that we want to be  16 done that we brought up last time, the Port of Long  17 Beach has the Toyota logistics import car terminal. We  18 stated before you can build multistorage car parking  19 lots and not take up the land space so you can put in  20 the intermodal facility there.</p> <p>21 We asked that you also do an assessment. How  22 much of an increase would require all the different  23 terminals to increase the usage of the Alameda Corridor  24 would it take so they would not have to do this? We  25 want to see that figure in here as well.</p>	<p style="text-align: right;">Page 58</p> <p>1 ten in a million is an acceptable death rate for the  2 public. It is not acceptable to us. We are the public.  3 It's our families, friends, and children that will be  4 the ones that could die from this proposed project and  5 its expansion. We want to see an assessment study that  6 shows what would it take to achieve zero deaths. Don't  7 tell us to accept ten in a million. We want to know,  8 What does it take to achieve zero in a million? You  9 tell us that first because that cost may not be all that  10 high.</p> <p>11 Also, both the South Coast Air Quality  12 Management District and the California Air Resources  13 Board has put together and published and released  14 land-use guidelines, and in those land-use guidelines,  15 it states what are considered the protected buffer zones  16 for the public. You're not complying with it. So here  17 we have two government agencies telling you right off  18 the cuff that there are buffer zones that have been  19 determined. In addition to that, there have been other  20 scientific studies that are telling us that there needs  21 to be a larger buffer zone distance. We want those  22 studies to be part of the record. Also we want to make  23 sure that you do a life risk assessment in the EIR as  24 well. Thank you.</p> <p>25 MR. THIESSEN: Madam Chair, members of the</p>
<p style="text-align: right;">Page 57</p> <p>1 We also want assess -- see an assessment that  2 the different terminals that will feed into this  3 terminal are, in fact, using on-dock rail, but we don't  4 want an excuse. We want to have on-dock rail that is  5 built dockside to the ship. Don't fool the public  6 because we're not fooled when you're telling us on-dock  7 is okay when all you're doing is still taking the  8 container off the ship, dropping it onto land, has to be  9 picked up and moved at least two times. We want to see  10 on-dock rail where the train goes right to the ship and  11 can be unloaded directly onto the ship. So we want an  12 assessment study that assesses that possibility.</p> <p>13 We want to make sure that all homes, sensitive  14 receptors, public schools, anybody within one mile will  15 have air purification systems and soundproofing of their  16 homes installed. We want the soundproofing to be with  17 an STC rating of 80 and above which means it's  18 soundproof.</p> <p>19 Do not even propose -- don't even write it down  20 that you're going to recommend and propose double-pane  21 windows. They only have an STC rating of about 30 to  22 35. I paid 30,000 for my house to do it and found out  23 it's a joke. It does not work. We need it to be an STC  24 rating of 80 and above.</p> <p>25 You state and you have voted and decided that</p>	<p style="text-align: right;">Page 59</p> <p>1 Board, that concludes the public speaking portion of the  2 evening. There are no other additional speakers. I  3 would recommend that the Board adjourn the meeting for  4 this evening.</p> <p>5 CHAIRPERSON MISCIKOWSKI: All right. Are there  6 any comments?</p> <p>7 As indicated, this is only a progress and  8 status report. So there is nothing before us to act on.  9 I can appreciate the folks that have been coming for  10 five years or more and yet anything -- something  11 substantive before us to act on, but I think we did hear  12 that the likelihood that a Draft EIR will be released in  13 the first quarter of next year, which if we stay true to  14 that schedule, it will make our next meeting a very,  15 very potent one.</p> <p>16 I think we did hear that staff can provide  17 translation capability at our next meeting. And I think  18 by consensus of the Board to ask for that so that we can  19 make that happen.</p> <p>20 MR. THIESSEN: Okay. We will take care of it.</p> <p>21 MR. SRAMEK: I'd like to ask probably Tom or  22 Doug if you could explain the process that an entity has  23 to go through when they get in an application for  24 projects like this, that you have to go through the  25 application, the EIR, and then the project approval or</p>

<p style="text-align: right;">Page 60</p> <p>1 denial. Just explain that. People are saying it's been  2 five years, and we haven't made a decision and why we  3 haven't made a decision. If you could just explain  4 that.</p> <p>5 MR. RUSSELL: Before you can make a decision  6 which is to approve, say for example, an amendment to  7 the sublease that you have with UP or an agreement with  8 the Port of Los Angeles, that is an action that is  9 subject to an environmental assessment and verification  10 of the environmental document. So we have to go through  11 that process first before certifying the environmental  12 document before you can go forward and approve the  13 necessary lease and other agreements that you're going  14 to have to do to implement this project with UP if you  15 were to go that way.</p> <p>16 So what we're doing right now is what we  17 explained to you earlier is to go through drafts of the  18 environmental document, and there are explanations as to  19 why there have been delays in that. Until you get that  20 document in front of you, there's no legal action that  21 we can take with respect to this project.</p> <p>22 MR. SRAMEK: Thank you very much.</p> <p>23 The other question I have is on the ten in a  24 million. Where did that number come up, and how are we  25 -- Geraldine, you may get into it. You want to talk</p>	<p style="text-align: right;">Page 62</p> <p>1 restate it, it is a 70-year period. If the proposed  2 project may have a threshold that exceeds ten -- an  3 incidence of ten or greater risks in a million of  4 life -- of cancer risk in 70 years -- the following  5 threshold of cancer risk instead of the years, then  6 that's considered significant, and that must be analyzed  7 and assessed and determined as to what impact is and  8 what will be mitigated.</p> <p>9 MS. OCHSNER: Correct. And the gamut of  10 risk -- of cancer risk for residential.</p> <p>11 MR. SRAMEK: And we've just adopted what is in  12 our plan, and we've adopted that AQMD 70-year threshold.</p> <p>13 MS. OCHSNER: That is currently in the CAAP  14 update which has yet to be adopted, but we have accepted  15 that threshold and have used it in many of our certified  16 EIRs.</p> <p>17 MS. KNATZ: Actually, that's in the original  18 CAAP. We have used that all along, and it's actually  19 not a part of the update. It's being carried over as  20 the factor that we used.</p> <p>21 CHAIRPERSON MISCIKOWSKI: Are there any other  22 questions or comments?</p> <p>23 MR. STEINKE: Just a comment, and I think it's  24 important that there is a sense of frustration that  25 people that continue to come to these meetings. This</p>
<p style="text-align: right;">Page 61</p> <p>1 about that number?</p> <p>2 MS. KNATZ: Yeah. It's actually a lot of  3 people have said ten deaths in a million. It's not  4 really ten deaths. It's actually a level of  5 significance -- a threshold of significance that was  6 established by the Air Quality Management District, and  7 they use that when you do an analysis for health risks.  8 And the model that we use actually looks at an exposure  9 that an individual would have for a 70-year period under  10 those conditions. It is a conservative model because  11 people don't stay in one spot for 70 years, and the AQMD  12 considers ten and lower than that really an  13 insignificant level, based on the type of model analysis  14 that's done. So it's not cancer deaths. It's a cancer  15 risk assessment.</p> <p>16 MR. SRAMEK: So it's an AQMD model?</p> <p>17 MS. KNATZ: Yes. They established that  18 threshold of significance, and that's why we utilize  19 that.</p> <p>20 MS. OCHSNER: Just to add to Geraldine's  21 comment, it is based on residential cancer risk, so it  22 is just for residences.</p> <p>23 MR. SRAMEK: So 70-year period?</p> <p>24 MS. KNATZ: Seventy-year period.</p> <p>25 CHAIRPERSON MISCIKOWSKI: So basically to</p>	<p style="text-align: right;">Page 63</p> <p>1 process is important. It is valuable to have us and  2 staff hear these comments and the resulting Draft EIR --  3 what's going to be present in this document. So I sense  4 their frustrations, but it's part of the process, I  5 think, that is good, and as the Chair said, the Draft  6 EIR will be coming out, and that will be where everybody  7 will get a view of the result of a lot of discussion and  8 the work that's taking place on this sort of thing.</p> <p>9 MR. MARQUEZ: So is the health impact going to  10 be included or not included?</p> <p>11 CHAIRPERSON MISCIKOWSKI: Is there any staff  12 response?</p> <p>13 MS. OCHSNER: Would you like me to respond to  14 that?</p> <p>15 We are still considering that. The US EPA just  16 held a public scoping meeting in September and released  17 guidance on HIAs -- I'm sorry -- yes, an HIA. There is  18 no accepted methodology currently in place. An HIA  19 appears to primarily be focused on the NEPA side, which  20 is the National Environmental Policy Act. We are not  21 preparing a document under NEPA. We are not subject to  22 NEPA, so there is a bit of an issue, if you will, with  23 SCIG and ICTF in that we are only complying with CEQA at  24 this time and preparing an Environmental Impact Report  25 for each of those projects.</p>

<p style="text-align: right;">Page 64</p> <p>1 So we do not have a decision yet because we are  2 looking for guidance from the US EPA -- they are a  3 federal agency -- as well as federal agencies that would  4 be subject to this analysis under their responsibilities  5 for NEPA. So there is a lot of discussion that is  6 occurring between both ports.</p> <p>7 CHAIRPERSON MISCIKOWSKI: And are we seeking  8 any other advice or analysis from other agencies or  9 entities, public academic institutions or the like,  10 which might have at least established some guidelines or  11 framework or parameters for how an HIA might be  12 considered -- specifically considered for the scoping  13 request that EPA did? There is still not clear  14 delineating guidelines to how you would model or look at  15 something, or are we scouring the universities to find  16 out what or if or how there might be some standards that  17 might be applicable and/or acceptable for some kind of  18 consideration?</p> <p>19 MS. OCHSNER: Yes, we are. As part of the  20 scoping meeting that was recently held, the US EPA  21 followed up with a list of Web sites and other agencies  22 or institutions that have used HIA in previous analyses,  23 and we have looked up those. We are going through quite  24 an extensive review. The majority of them appear to be  25 related to plans and policies.</p>	<p style="text-align: right;">Page 66</p> <p>1 would much prefer that that not happen, but the elected  2 officials who are part of the project committee have  3 voted two times now that it is to happen, and it is to  4 be part of the EIR.</p> <p>5 MS. OCHSNER: Okay. Thank you for that.</p> <p>6 CHAIRPERSON MISCIKOWSKI: Okay. I appreciate  7 that. We obviously need to coordinate with whatever is  8 the latest capable, applicable measure that we might see  9 that we would likely have to consider.</p> <p>10 MR. MARQUEZ: And there is nothing that  11 prohibits you from requiring either.</p> <p>12 CHAIRPERSON MISCIKOWSKI: Well, we actually  13 need to know what the guideline is and not just take  14 something out of thin air. We need to know what the  15 standards are and who sets the standards, and are those  16 acceptable standards. And I think that's what we are  17 trying to establish.</p> <p>18 Any other comments? Any questions? If not, I  19 think a motion to adjourn is in order.</p> <p>20 MR. STEINKE: Motion to adjourn.</p> <p>21 MS. KNATZ: Second.</p> <p>22 CHAIRPERSON MISCIKOWSKI: All in favor?  23 BOARD MEMBERS: Aye (Knatz, Sramek,  24 Miscikowski, Steinke).</p> <p>25 CHAIRPERSON MISCIKOWSKI: We are adjourned.</p>
<p style="text-align: right;">Page 65</p> <p>1 We have not yet really found one other than an  2 Alaska oilfield project that was specifically for an  3 identified project that was established through the EIS  4 process. I would say that the next likely project that  5 is very close to us would be the I-710 corridor project,  6 and there is discussions going on, too, about whether or  7 not that is a stand-alone analysis outside of the  8 EIR/EIS document. That has also not yet been decided  9 upon, so there's really no firm example with an  10 established methodology protocol that has been vetted  11 through an agency at this time.</p> <p>12 CHAIRPERSON MISCIKOWSKI: And where is the 710  13 freeway project analysis with these agencies that our  14 project and the timing of the EIR?</p> <p>15 MS. OCHSNER: The timing? I do not know when  16 the Draft EIR/EIS is due to be released.</p> <p>17 MS. HRICKO: There's an error in what she just  18 said. If I may? The project -- I don't know how this  19 goes off.</p> <p>20 THE REPORTER: It's on.</p> <p>21 MS. HRICKO: The project that is for the I-710  22 was voted two times, that there will be a health impact  23 assessment for the 710, and that it will be part of the  24 EIR. So that's clear. It's not -- it's no longer up  25 for grabs except the Gateway Council of Governments</p>	