# Chapter 28
# RESPONSES TO COMMENTS

## 28.1 Introduction

The draft EIR/EIS was released to the public and regulatory agencies for a 60-day (EIR) and 57-day (EIS) review period ending April 10, 2012. See Section 1.8.1 for details of the distribution and public hearing process. The Sanitation Districts and Corps received 52 comment letters, oral comments, and comment cards on the draft EIR/EIS during the public review period. Table 28-1 presents a list of agencies, organizations, and individuals who commented on the draft EIR/EIS. Letters, public hearing transcripts, and comment cards are provided in Appendix 28-A.

**Table 28-1. List of Comment Letters Received on the Clearwater Program Draft EIR/EIS**

| Commenter | Source of Comment | Date (2012) |
|---|---|---|
| **Agencies** | | |
| A1 | U.S. Department of Homeland Security, Federal Emergency Management Agency | February 14 |
| A2 | California Native American Heritage Commission | February 15 |
| A3 | City of Commerce | February 23 |
| A4 | City of Los Angeles, Department of Public Works, Bureau of Sanitation | March 1 |
| A5 | Port of Los Angeles (Public Hearing) | March 8 |
| A6 | U.S. Department of the Interior, Office of Environmental Policy and Compliance | March 16 |
| A7 | California State Lands Commission, Division of Environmental Planning and Management | March 23 |
| A8 | State of California, Governor's Office of Planning and Research, State Clearinghouse | March 27 |
| A9 | Central San Pedro Neighborhood Council | March 28 |
| A10 | City of Rancho Palos Verdes | April 9 |
| A11 | Port of Los Angeles | April 9 |
| A12 | U.S. Environmental Protection Agency | April 9 |
| A13 | U.S. Environmental Protection Agency | April 10 |
| A14 | California Department of Conservation, Division of Oil, Gas, and Geothermal Resources | April 10 |
| A15 | Northwest San Pedro Neighborhood Council | April 10 |
| A16 | South Coast Air Quality Management District | April 19 |
| A17 | City of South Gate | April 24 |
| A18 | State of California, Governor's Office of Planning and Research, State Clearinghouse | May 25 |
| A19 | State Water Resources Control Board | May 23 |
| **Public** | | |
| P1 | ConocoPhillips Pipe Line Company | February 27 |
| P2 | Janet Gunter, Resident | March 7 |
| P3 | JoAnn Wysocki, Resident (Public Hearing) | March 7 |
| P4 | Kiran Magiawala, Resident (Public Hearing) | March 7 |
| P5 | Janet Gunter, Member, San Pedro Peninsula Homeowners United (Public Hearing) | March 7 |
| P6 | Lonna Calhoun, Resident (Public Hearing) | March 8 |
| P7 | John Winkler, Resident (Public Hearing) | March 8 |

**Table 28-1 (Continued)**

| Commenter | Source of Comment | Date (2012) |
|---|---|---|
| **Public** | | |
| P8 | JoAnn Wysocki, Resident (Public Hearing) | March 8 |
| P9 | George Radovcich, Resident (Public Hearing) | March 8 |
| P10 | Cathy Beauregard, Resident (Public Hearing) | March 8 |
| P11 | Pat Rome, Resident (Public Hearing) | March 8 |
| P12 | Dave McCulloch, Resident (Public Hearing) | March 8 |
| P13 | Jody James, Board Member, San Pedro Peninsula Homeowners United (Public Hearing) | March 8 |
| P14 | Katy Watkins, Resident (Public Hearing) | March 8 |
| P15 | Jody James, Resident (Comment Card) | March 6–8 |
| P16 | Rosellen Trunnel (Comment Card) | March 6–8 |
| P17 | Robert Borden, Resident (Comment Card) | March 6–8 |
| P18 | Pat Rome, Harbor Pine Creek Homeowners Association (Comment Card) | March 6–8 |
| P19 | Katy Watkins, Resident (Comment Card) | March 6–8 |
| P20 | JoAnn Wysocki, Resident (Comment Card) | March 6–8 |
| P21 | Robert Stevens, Resident | March 9 |
| P22 | Laureen Vivian, Resident | March 10 |
| P23 | Jody James, Resident | March 11 |
| P24 | Kiran Magiawala, Resident | March 22 |
| P25 | Jeanne Lacombe, Resident | March 23 |
| P26 | Heal the Bay | April 4 |
| P27 | John Winkler, Miraflores Home Owner Association | Received April 9 |
| P28 | Mark Wells, Resident | April 9 |
| P29 | Lonna Calhoun, Resident | No Date |
| P30 | Heal the Bay | April 10 |
| P31 | Sierra Club Angeles Chapter | April 10 |
| P32 | Southern California Edison | April 10 |
| P33 | JoAnn Wysocki, Resident (Comment Card) | April 10 |

## 28.2 Agencies

# Commenter A1: U.S. Department of Homeland Security, Federal Emergency Management Agency Region IX – Gregor Blackburn, Chief, Floodplain Management and Insurance Branch

Commenter A1

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

February 14, 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601

Dear Mr. Highter:

This is in response to your request for comments on Public Notice of Availability regarding the Clearwater Program Draft Environmental Impact Report.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Los Angeles, Maps revised September 26, 2008. Please note that the County of Los Angeles, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

A1-1

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- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

A1-1 cont.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, at (626) 458-7155.

A1-2

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
George De La O, Senior Civil Engineer, Los Angeles County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office
Cynthia McKenzie, Senior NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region

www.fema.gov

## Response to Comment A1-1

The comment requests that the applicable Flood Insurance Rate Maps (FIRMs) and basic National Flood Insurance Program (NFIP) floodplain management building requirements be reviewed.

During the Preliminary Screening Analysis (Appendix 1-A of the draft EIR/EIS, HYD-9), it was determined that the only project elements located within 100-year or 500-year floodplains, as shown on the applicable FIRMs, would be the shaft sites. The only permanent structures located at these sites would be belowground access facilities. The permanent facilities would not increase base flood elevation levels. No habitable structures would be placed within floodplains. No buildings would be placed in a coastal high hazard area. Therefore, the NFIP floodplain management building requirements would not be applicable.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A1-2

This comment provides information about coordinating with the Los Angeles County floodplain manager to ensure that local floodplain management building requirements are met.

During the project design period for all project components, the project engineer will coordinate with the Los Angeles County floodplain manager's office and other local communities to ensure that the project features are designed in conformance with the local floodplain policies.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A2: California Native American Heritage Commission – Kay Sanchez, Program Analyst

Commenter A2

STATE OF CALIFORNIA Edmund G. Brown Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

February 15, 2012

Steven W. Highter
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601

RE: SCH# 2008101074 Clearwater Program Master Facilities Plan; Los Angeles County.

Dear Mr. Highter:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

A2-1

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Sincerely,
Katy Sanchez
Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

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**Native American Contact List**
Los Angeles County
February 15, 2012

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3098 Mace Avenue, Aapt. D Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
**gtongva@verizon.net**
562-761-6417 - voice
562-761-6417- fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
**tattnlaw@gmail.com**
310-570-6567

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX

bacuna1@gabrieinotribe.org

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 483--3564 cell
(626) 286-1262 -FAX

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

A2-1 cont.

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008101074 Clearwater Program Master Facilities Plan; Los Angeles County.**

## Response to Comment A2-1

The comment provides general guidelines for compliance with historical resources requirements under the California Environmental Quality Act (CEQA) and recommends that a record search be conducted for the Clearwater Program.

As described in Sections 7.2.2 and 7.2.3 of the draft EIR/EIS, on March 2, March 3, and March 16, 2010, an archival records search was conducted at the South Central Coastal Information Center of the California Historical Resources Information System located at California State University, Fullerton, to identify previously recorded archeological cultural resources and historical buildings within a 0.5-mile radius of program and project elements. The records search included a review of federal, state, and local historic registers. Previous architectural historical resources surveys and inventories in the area were also consulted.

Pedestrian surveys were conducted at a number of program element sites including the San Jose Creek Water Reclamation Plant, Los Coyotes Water Reclamation Plant, Long Beach Water Reclamation Plant, and Joint Water Pollution Control Plant. In addition, the Sanitation Districts of Los Angeles County (Sanitation Districts) and U.S. Army Corps of Engineers (Corps), in coordination with the California State Historic Preservation Officer, will conduct pedestrian surveys at the appropriate project element sites to ensure compliance with CEQA, the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA).

Through a letter dated March 16, 2010, ICF International (ICF), the environmental consulting firm responsible for the preparation of the EIR/EIS, contacted the Native American Heritage Commission (NAHC) on behalf of the Sanitation Districts and Corps requesting a Sacred Lands File review. The NAHC responded to ICF via facsimile on April 20, 2010, with a Native American contact list for Los Angeles County. The Sanitation Districts and Corps, in coordination with the California State Historic Preservation Officer, will contact tribal representatives on the contact list to ensure compliance with CEQA, NEPA, and NHPA.

Accidental discovery of buried cultural resources and human remains was addressed with Mitigation Measure CUL-2 in the draft EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A3: City of Commerce – Alex Hamilton, Assistant Director of Community Development

Commenter A3

**Highter, Steve**

**From:** Alex Hamilton <AlexH@ci.commerce.ca.us>
**Sent:** Thursday, February 23, 2012 8:50 AM
**To:** Highter, Steve
**Subject:** FW: SAVE THE DATE - Meeting with US EPA - Integrated Planning Framework
**Attachments:** integrated_planning_framework%20_draft.pdf; EPA_Memo_on_Integrated_Municipal_Planning_10.27.11.pdf

**Importance:** High

Mr. Highter,

It was nice speaking with you today. Again, my compliments to your staff for putting together the Executive Summary for the EIR/EIS for the Clearwater Program. It is an excellent document that uses graphics very effectively to describe a project/program. A3-1

Here is the EPA effort I was speaking to you about.

Alex Hamilton
City of Commerce
Assistant Director of Community Development
2535 Commerce Way
Commerce, CA 90040
323 722-4805 ext 2330

## Response to Comment A3-1

The comment provides positive feedback on the draft Executive Summary for the Clearwater Program draft Master Facilities Plan and draft EIR/EIS. (Note that an attachment to the comment addressed a topic unrelated to the Clearwater Program; therefore, this attachment was not included in the comments on the draft EIR/EIS.)

The Sanitation Districts of Los Angeles County and the U.S. Army Corps of Engineers appreciate the positive feedback on the draft Executive Summary. However, the comment does not address the EIR/EIS, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A4: City of Los Angeles, Department of Public Works, Bureau of Sanitation – Ali Poosti, Acting Division Manager, Wastewater Engineering Services Division

Commenter A4

CITY OF LOS ANGELES
CALIFORNIA

BOARD OF
PUBLIC WORKS
COMMISSIONERS
ANDREA A. ALARCÓN
PRESIDENT
JERILYN LÓPEZ MENDOZA
VICE PRESIDENT
JOHN J. CHOI
PRESIDENT PRO TEMPORE
STEVEN T. NUTTER
COMMISSIONER
VALERIE LYNNE SHAW
COMMISSIONER

ANTONIO R. VILLARAIGOSA
MAYOR

March 1, 2012

DEPARTMENT OF
PUBLIC WORKS
BUREAU OF SANITATION
ENRIQUE C. ZALDIVAR
DIRECTOR
TRACI J. MINAMIDE
CHIEF OPERATING OFFICER
VAROUJ S. ABKIAN
ADEL H. HAGEKHALIL
ALEXANDER E. HELOU
ASSISTANT DIRECTORS

WASTEWATER ENGINEERING SERVICES DIV.
2714 MEDIA CENTER DRIVE
LOS ANGELES, CA 90065
FAX: (323) 342-6210 OR 342-6211

Steven W. Highter, Supervising Engineer, Planning Section
SANITATION DISTRICTS OF LOS ANGELES COUNTY
1955 Workman Mill Road
Whittier, CA 90601

File: SC.CE.

Dear Mr. Highter:

**Clearwater Program Master Facilities Plan – Draft EIR**

This is in response to your January 26, 2012 letter requesting wastewater service information for the proposed project to develop a long-range Master Facilities Plan for the Joint Outfall System serving unincorporated areas in Los Angeles County. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) has reviewed the request and found the project to be related to outfall systems and treatment plants of the Los Angeles County Sanitation Districts only.

A4-1

Based on the project description, we have determined the project is unrelated to our sewers and therefore do not have sufficient detail to offer an analysis at this time. Should the project description change, please continue to send us information so that we may determine if a sewer assessment is required in the future.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

Sincerely,

Ali Poosti, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

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c: Kosta Kaporis, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

Div Files\SCAR\CEQA Review\Final Response Ltrs\Clearwater Program Master Facilities Plan – Draft EIR

## Response to Comment A4-1

The comment states that the City of Los Angeles Bureau of Sanitation has no comments on the draft EIR/EIS as described because the Clearwater Program does not fall within its jurisdiction.

No response is necessary. However, the comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A5: Port of Los Angeles – Augie Bezmalinovich (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter A5

Good evening, everyone. I'm Augie Bezmalinovich, and I'm representing the Port of Los Angeles on this matter. And the Port of Los Angeles would like to go on record that if a tunnel and ocean alignment selected by the Sanitation Districts'

A5-1

California Deposition Reporters Page: 28

construction of a new ocean discharge system runs under the Port of Los Angeles, that, one, the construction access portal cannot be situated on the Trapac Terminal due to the disruptions and expense it would cause, and that any construction by this project would be coordinated with the Port of Los Angeles, such that port operations would not be disturbed.

A5-1 cont.

And two, if the Sanitation Districts' construction of new ocean discharge system runs under the Port of Los Angeles, the Sanitation Districts would coordinate with the Terminal Island Treatment Plant and the Port of Los Angeles to explore the possibility of having the Terminal Island Treatment Plant discharge system tied into the Sanitation Districts' system, if needed.

A5-2

Thank you very much. Have a nice day.

California Deposition Reporters Page: 29

## Response to Comment A5-1

The comment states that the Trans Pacific Container Service Corporation (TraPac) terminal area would not be available for use as shaft site due to the disruption and expenses it would cause. The comment also requests close coordination with the Port of Los Angeles if the project were to be aligned through the port.

Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, either Alternative 1 or Alternative 2 were selected for implementation, the Sanitation Districts of Los Angeles County (Sanitation Districts) would closely coordinate with port staff during the final design and construction phases to address concerns raised by this comment and ensure that port operations would not be disrupted. Based on this comment, if either Alternative 1 or 2 were selected, the Sanitation Districts would need to either eliminate or relocate the proposed TraPac shaft site. If new significant environmental impacts resulted from the access shaft relocation, they would have to be addressed in a subsequent environmental document.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A5-2

The comment requests that the Sanitation Districts explore the possibility of allowing the Terminal Island Water Reclamation Plant to discharge into a new Sanitation Districts' ocean discharge system if the new ocean discharge system were aligned through the Port of Los Angeles.

As shown in Table 4 in Appendix 1-B of the draft EIR/EIS, from early 2006 to late 2011, the Sanitation Districts met with the Port of Los Angeles and/or the City of Los Angeles Bureau of Sanitation on 10 occasions to coordinate the potential construction of a Sanitation Districts' ocean discharge system aligned through the Port of Los Angeles. The possibility of allowing the Terminal Island Water Reclamation Plant to discharge into a new Sanitation Districts' ocean discharge system was discussed at several of these coordination meetings. Alternative 4, which is the recommended alternative identified in the draft EIR/EIS, is not aligned through the Port of Los Angeles. If, however, the recommended alternative were to become Alternative 1 or Alternative 2, the Sanitation Districts would continue to explore this possibility with the Port of Los Angeles and the City of Los Angeles Bureau of Sanitation.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A6: U.S. Department of the Interior, Office of Environmental Policy and Compliance – Patricia Sanderson Port, Regional Environmental Officer

Commenter A6

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 12/101)

*Filed Electronically*

16 March 2012

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Contact: Aaron O. Allen, Ph.D.
Chief, North Coast Branch
(213) 452-3290
Aaron.O.Allen@usace.army.mil

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Proposed Clearwater Program, Los Angeles County, CA

Dear Mr. Allen:

The Department of the Interior has received and reviewed the review of the Draft Environmental Impact Statement (DEIS) for the Proposed Clearwater Program, Los Angeles County, CA and has no comments to offer. A6-1

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

## Response to Comment A6-1

The comment states that the U.S. Department of Interior has no comments on the draft EIR/EIS.

No response is necessary. However, the comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A7: California State Lands Commission – Cy R. Oggins, Chief, Division of Environmental Planning and Management

Commenter A7

STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

**CALIFORNIA STATE LANDS COMMISSION**
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**CURTIS L. FOSSUM,** *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
*California Relay Service From TDD Phone* **1-800-735-2929**
*from Voice Phone* **1-800-735-2922**

***Contact Phone:*** **(916) 574-1900**
***Contact FAX:*** **(916) 574-1885**

March 23, 2012

File Ref: SCH #2008101074

Mr. Steven W. Highter
Sanitation Districts of Los Angeles County
Facilities Planning Department
1955 Workman Mill Road
Whittier, CA 90601

**Subject: Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) for the Clearwater Program, Los Angeles County**

Dear Mr. Highter:

The California State Lands Commission (CSLC) staff has reviewed the subject DEIR/DEIS for the Clearwater Program (Program), which is being prepared by the Sanitation Districts of Los Angeles County (Districts) and the U.S. Army Corps of Engineers (ACOE). The Districts, as the public agencies proposing to carry out a Program, is the Lead Agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The ACOE is the Lead Agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC will act as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Program involves work on sovereign lands, the CSLC will act as a responsible agency.

A7-1

**CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

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extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The Districts, as part of developing the Joint Outfall System (JOS) Master Facilities Plan, have identified the need for new facilities and upgrades that are required to accommodate projected future conditions within the JOS service area, inclusive of a new tunnel and ocean outfall to convey effluent from the Districts' upland treatment plant to the ocean. At the Program level, CSLC staff does not have enough detail to determine whether the Program components or potential alternatives would involve sovereign lands. However, the Districts have evaluated, at the project level in the DEIR/DEIS, four feasible project-specific ocean discharge system alignment alternatives. All of the alternatives would require rehabilitation of the existing ocean outfalls located in Alternative 4. Based on the information provided in the DEIR/DEIS and a review of CSLC records, Alternatives 1, 2, and 3 involve granted lands, while Alternative 4 involves ungranted sovereign lands under the jurisdiction of the CSLC, as follows:

A7-1 cont.

- Alternative 1 would be located partially within lands the State patented as Tideland Locations 57 and 152 and partially located within lands the State legislatively granted to the city of Los Angeles pursuant to Chapters 656, Statutes of 1911, and as amended, no minerals reserved.
- Alternative 2 would be located partially within lands the State patented as Tideland Locations 57 and 152 and partially located within lands the State legislatively granted to the City pursuant to Chapters 656, Statutes of 1911 and Chapters 651, Statutes of 1929 and as amended, no minerals reserved.
- Alternative 3 would be located within lands the State legislatively granted to the City pursuant to Chapters 656, Statutes of 1911 and Chapters 651, Statutes of 1929 and as amended, no minerals reserved.
- Alternative 4 would be covered under CSLC Lease No. PRC 251.9 to the Los Angeles Sanitation District for the life of the structure and also extends into lands the State legislatively granted to the City pursuant to Chapters 443, Statutes of 1951, and as amended, no mineral reserved.

Proposed Alternatives 1, 2, and 3 occupy lands managed by the City of Los Angeles and, as such, no new authorization would be required from the CSLC for those alignments. However, because each of the alternatives would include rehabilitation of the existing ocean outfalls located in Alternative 4, which occupies land covered under CSLC Lease No. PRC 251.9, an amendment to the existing lease would be required regardless of the alternative selected by the Districts for implementation. The Los Angeles Sanitation District should contact the CSLC's Land Management Division through the contact listed at the end of this letter, for additional information regarding

A7-2

the application requirements for a lease amendment. Additionally, other regulatory agencies will need to provide authorization for use. A7-2 cont.

**Program/Project Description**

The Program is a comprehensive planning effort undertaken by the Districts. Its purpose is to develop a long-range Master Facilities Plan (MFP) for the JOS, a regional wastewater management system serving over five million people in 73 cities and unincorporated areas of Los Angeles County. The Program's MFP includes an evaluation of infrastructure needs and will serve to guide the management and development of the JOS through the year 2050.

The Program has the following objectives:

- Provide adequate system capacity to meet the needs of the growing population
- Provide for overall system reliability by allowing for the inspection, maintenance, repair, and replacement of aging infrastructure
- Provide support for emerging recycled water reuse and biosolids beneficial use opportunities
- Provide a long-term solution for meeting water quality requirements set forth by regulatory agencies

CSLC staff understands that the components considered in the Program DEIR/DEIS include five areas for which conceptual options were developed. These include: A7-3

- Wastewater Conveyance and Treatment
- WRP Effluent Management
- Solids Processing
- Biosolids Management
- Joint Water Pollution Control Plant (JWPCP) Effluent Management

Screening at the Program level identified one feasible option for each of four of the five Program component areas. Analysis of the fifth Program component area (JWPCP Effluent Management) resulted in four ranked feasible project alternatives for the ocean discharge system. The four feasible Program alternatives were paired with each of the four ranked feasible project alternatives to produce four ranked feasible alternatives for the Program. The highest ranked of these alternatives (Alternative 4) was selected as the recommended plan in the MFP and identified as the recommended alternative in the DEIR/DEIS.

The JWPCP Ocean Discharge System project (Project) alternatives evaluated were based on the fifth Program component, JWPCP Effluent Management, which includes rehabilitation of the existing ocean outfalls. The Project is composed of three functional categories: (1) tunnel alignment (onshore and offshore), (2) shaft site (JWPCP and intermediate), and (3) riser and diffuser area.

Currently, the Districts rely on two onshore tunnels and four offshore ocean outfall structures to convey effluent from the JWPCP, in the city of Carson, to the Pacific Ocean. The Project purpose and needs are to inspect and upgrade the aging ocean discharge system, to provide sufficient capacity in the JOS to accommodate the estimated 2050 peak wastewater flows, and to comply with all applicable water quality standards, including regulations prohibiting sewer overflows. To meet these needs, the Project evaluates alternatives to both modifying the existing ocean discharge system and constructing a new ocean discharge system. All four of the Project alternatives include rehabilitation to the existing offshore discharge area, which is under the jurisdiction of the CSLC. Alternative 4, which would modify the existing ocean discharge system, was the highest-ranked feasible alternative and is the recommended Project in the DEIR/DEIS.

A7-3 cont.

**Environmental Review**

CSLC staff requests that the Districts consider the following comments on the DEIR/DEIS.

Alternatives

1. The Alternatives listed under the Water Reclamation Plant (WRP) Effluent Management component (Figure 3-1) included the "All Reuse – No Surface Discharge" Alternative, which was subsequently eliminated from consideration during the screening process as described in the Draft Master Facilities Plan. Recent progress has been made in regards to water reuse technology. The DEIR/DEIS should analyze treating wastewater to drinking water standards as a water supply alternative. For example, Groundwater Replenishment Systems (GWRSs) significantly lower the energy currently required to import water and desalinate seawater, supply a reliable water source, and also decrease the amount of wastewater discharged in the Pacific Ocean. This technology is currently being used by the Orange County Water District, which currently produces 70 million gallons per day of potable water, and is being considered by the Padre Dam Water District in San Diego County. As the impacts of coastal wastewater discharges into tidelands are of concern to the CSLC, staff recommends that any water reuse technology that could decrease discharges into the ocean be seriously considered during the CEQA process.

A7-4

Climate Change

2. Sea Level Rise: The DEIR/DEIS should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the

A7-5

CSLC's website, http://www.slc.ca.gov). One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases. Because it is reasonably foreseeable that long-term coastal facilities will eventually have to operate under higher sea level conditions, the eventual effects of the facilities' operations under those conditions are of interest to the CSLC; staff therefore recommends these effects be considered in the Program and Project's CEQA analysis. A7-5 cont.

Cultural Resources

3. CSLC staff is concerned that the DEIR/DEIS does not present sufficient evidence in regards to the potential for archaeological resources within some of the Program and Project areas due to the lack of a complete and comprehensive pedestrian surveys of the areas. Several areas have only been "partially" surveyed. Complete surveys of all areas within granted and sovereign land where construction may occur should be conducted prior to proposing mitigation relating to unanticipated discovery. A7-6

   Furthermore, the DEIR/DEIS should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The recovery of objects from any submerged archaeological site or shipwreck may require a salvage permit under Public Resources Code section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant. A7-7

Marine Environment

4. Table 13-11 should note the CSLC under "Rehabilitation of the Existing Ocean Outfalls," as the existing structure is currently under lease with CSLC and any rehabilitation activity may require an amendment to that lease. A7-8

5. Mitigation Measure MAR-1a states that "During riser and diffuser construction, analyses of contaminant concentrations… in waters near the dredging operations will be required if the contaminant levels in the dredged sediments are known to be elevated and represent a potential risk to beneficial uses." The measure does not specify when or how often the analyses would occur. In addition, a lead agency may not defer the formulation of a mitigation measure to other agencies; lead agencies must do all that is feasible on their part to address significant impacts even where a subsequent permit from another agency is necessary. While the requirements contained in permits issued by the various regulatory agencies mentioned may ultimately provide a basis to conclude that the A7-9

particular agency's permitting requirements were met, such a conclusion is not, by itself, a basis to conclude that all project-related impacts on those resources are mitigated to below a level of significance under CEQA. Rather, the lead agency has the responsibility to comply with CEQA's substantive mandate to mitigate all project-related impacts to the extent feasible, not simply pass the responsibility to a responsible agency with more limited regulatory and statutory requirements. The DEIR/DEIS has stated that the Project components have been designed to meet the receiving water standards of the California Ocean Plan as well as the requirements of the JWPCP's existing Regional Water Quality Control Board Waste Discharge Request order and National Pollutant Discharge Elimination System permit. CSLC suggests that these documents could be used to improve the Districts' ability to monitor and enforce this mitigation measure.

A7-9 cont.

Thank you for the opportunity to comment on the DEIR/DEIS for the Program and Project. As a responsible and trustee Agency, the CSLC will need to rely on the Final DEIR/DEIS for the issuance of any amended lease as specified above and, therefore, we request that you consider our comments prior to adoption of the DEIR/DEIS. Please send additional information on the Program/Project to the CSLC staff listed below as plans become finalized.

In addition, please send copies of future Program and Project-related documents, including an electronic copy of the Final EIR/EIS, CEQA Findings, and if applicable, Statement of Overriding Considerations, when they become available, and refer questions concerning environmental review to Cynthia Herzog, Environmental Scientist, at (916) 574-1310 or via e-mail at Cynthia.Herzog@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Michelle Andersen, Public Land Management Specialist at (916) 574-0200, or via email at Michelle.Andersen@slc.ca.gov.

A7-10

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Michelle Andersen, LMD, CSLC
Cynthia Herzog, DEPM, CSLC

## Response to Comment A7-1

The comment identifies the California State Lands Commission (CSLC) as a trustee agency under the California Environmental Quality Act (CEQA) for the Clearwater Program EIR/EIS because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The Sanitation Districts of Los Angeles County (Sanitation Districts), the lead agency under CEQA, agree with the designation of the CSLC as a trustee agency. The CSLC is also a cooperating agency under the National Environmental Policy Act (NEPA), with the U.S. Army Corps of Engineers (Corps) as the federal lead agency.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-2

The comment requests that the Sanitation Districts apply for an amendment to existing CSLC Lease No. PRC 251.9 prior to performing the rehabilitation of the existing ocean outfalls.

Subsequent telephone discussions on June 7, 2012, and June 8, 2012, between the Sanitation Districts and CSLC staff concluded that maintenance of the existing ocean outfalls is explicitly allowed under the existing lease, so an amendment is not necessary. In a letter dated July 27, 2012, the CSLC affirmed that no additional authorization from the CSLC is required at this time because the rehabilitation of the existing ocean outfalls would be consistent with repair and maintenance, as authorized by CSLC Lease No. PRC 251.9. The letter is included in the final EIR/EIS in Appendix 28-A.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-3

The comment describes the CSLC's understanding of the project alternatives.

The Sanitation Districts and the Corps concur with the CSLC's description of the project alternatives. No response is necessary. However, the comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-4

The comment requests that the EIR/EIS consider an alternative that evaluates treating wastewater to drinking water standards.

The Sanitation Districts and Corps recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft Master Facilities Plan (MFP), the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day (MGD) of high-quality recycled water. Approximately half of the recycled

water is reused at over 640 sites throughout Los Angeles County. Eight of these WRPs, located in the Joint Outfall System (JOS), intercept and treat the more reclaimable wastewater flow that would instead be treated at the Joint Water Pollution Control Plant (JWPCP) and discharged to the ocean. The tertiary-treated effluent produced at the JOS WRPs essentially meets drinking water standards and is used for groundwater replenishment (i.e., indirect potable reuse) and other important uses, including industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation.

The draft EIR/EIS analyzed a reasonable range of alternatives that feasibly meet the project objectives and purpose and need. These final feasible alternatives were determined through the alternatives analysis process presented in Chapter 6 of the draft MFP and summarized in Chapter 3 of the draft EIR/EIS. Section 6.2.5.1 of the draft MFP, which provided an analysis of options/alternatives for WRP effluent management, determined that complete reuse at the upstream WRPs would not be feasible. The draft MFP also explored the possibility of providing advanced treatment at the JWPCP. Specifically, Section 6.2.6 of the draft MFP analyzed the feasibility of diverting enough flow from the existing JWPCP ocean discharge system to allow for the inspection/repair of each of the existing tunnels (JE 4 Reduced Ocean Discharge). To accommodate reuse and storage of the required 200 MGD of diverted flow, advanced treatment (e.g., microfiltration/reverse osmosis, ultraviolet disinfection, and advanced oxidation) would be necessary. This reduced ocean discharge option specifically contemplated diversion of this advanced-treated effluent to the Central, West Coast, and/or Main San Gabriel Basins for groundwater recharge (i.e., indirect potable reuse). However, the reduced ocean discharge option was determined to be not viable for reasons presented in Section 6.2.6.5 of the draft MFP and thus was not further evaluated in the draft EIR/EIS.

Chapter 11 of the draft EIR/EIS stated that the Sanitation Districts' Clearwater Program is consistent with the State Water Resources Control Board Recycled Water Policy to provide recycled water to purveyors in the region. This policy mandates significantly increasing the use of recycled water in California and replacing potable water with recycled water as much as possible by 2030. These mandates are achieved through a collaborative partnership among multiple entities, including the Sanitation Districts and water purveyors (e.g., city, water company, or water agency). State duplication of service laws requires the Sanitation Districts to work with local water purveyors to provide recycled water in areas with domestic service. The necessary distribution infrastructure (purple pipes) to convey recycled water to the end user would also need to be constructed or expanded by the water purveyor. The Sanitation Districts will continue to consider all feasible projects that would expand the use of recycled water in Los Angeles County to help the region meet the recycled water policy mandates.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-5

The comment requests that the EIR/EIS consider the effects of sea-level rise on the resources potentially affected by the Clearwater Program. The comment references a CSLC policy related to the eventual effects of sea-level rise on facilities located within its jurisdiction. The comment mentions a number of technical and legal issues under CEQA.

Under CEQA, the environmental analysis must consider the impacts of the project on the environment, but not the impacts of the environment on the project. This requirement was recently upheld in the Ballona Wetlands Land Trust et al. v. City of Los Angeles (2001) decision (201 Cal.App.4th 455). The Ballona Wetlands ruling is the most recent case related to "CEQA in reverse," which holds that CEQA is concerned with the impact of the project on the environment, not vice-versa. Therefore, the impacts of sea-level rise on the project are outside the requirements of CEQA.

NEPA has draft guidance on consideration of the effects of climate change (including sea-level rise). In the draft guidance, the Council on Environmental Quality recommends that climate change effects (e.g., increasing sea levels) should be considered in the analysis of projects that are designed for long-term utility within the project's timeframe. However, this is currently only draft guidance, still undergoing the review process.

Under both CEQA and NEPA, there is a requirement to look at the cumulative impacts of the project and other projects on the environment. Cumulative impact analyses were included in the draft EIR/EIS, as documented in Chapter 21. For areas within the jurisdiction of the CSLC, the cumulative impacts on the marine environment are most relevant, which are found in Section 21.2.10 of the draft EIR/EIS.

The project would not be expected to affect sea-level rise, except as a secondary effect from the project's incremental contribution to greenhouse gas emissions. This topic was discussed in Chapter 9 of the draft EIR/EIS.

Under the recommended alternative (Alternative 4), sea-level rise would have no impact on the tunnel because it would be located below ground and pressurized. For any future effluent pumping plant improvements at the JWPCP, the analysis of the effects of sea-level rise on the performance of the pumps would be considered during the design of these improvements.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-6

The comment recommends that complete surveys of all areas within granted and sovereign land where construction may occur be conducted prior to proposing mitigation relating to unanticipated discovery.

The draft EIR/EIS provided both project-level and program-level environmental analyses. As presented in Chapter 7 of the draft EIR/EIS, the cultural analyses of project elements included both record searches and pedestrian surveys and provided mitigation measures to meet the requirements of CEQA and NEPA. For program elements, that is, portions of the Clearwater Program that will be implemented in the future but for which actual construction locations are unknown, record searches were conducted of the general locations, and mitigation was included. This mitigation includes the requirements for additional cultural resources analyses of these sites, including conducting pedestrian surveys, once these elements are better defined and more information is available regarding the limits of disturbance. In accordance with CEQA, the analyses will be documented in the appropriate supplemental environmental documents.

Prior to issuance of Corps' permits and construction, the Sanitation Districts and Corps will ensure compliance with cultural requirements under CEQA and NEPA and, in consultation with the California State Historic Preservation Officer, with the requirements of Section 106 of the National Historic Preservation Act. This will include conducting pedestrian surveys of appropriate project sites.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-7

The comment requests that the draft EIR/EIS state that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. The comment also indicates that a salvage permit may be required for the recovery of objects from any submerged archaeological site or shipwreck.

The need for CSLC permits prior to undertaking salvage or recovery operations is noted. However, no salvage or recovery operations of submerged archaeological sites or shipwrecks are anticipated with the implementation of the recommended alternative (Alternative 4). Section 7.2.1.6, second paragraph, is revised in the final EIR/EIS as follows:

> Shipwrecks off the Southern California coast, in varying states of preservation, represent hundreds of years of history because of the lengthy Southern Californian coast historical maritime period. It has been estimated that there are "upwards of 100 wrecks in the harbors [Los Angeles and Long Beach], which vary in age from significant old wrecks to culturally insignificant modern wrecks" (Weinman and Stickel 1978:76). Approximately 415 vessel losses have been reported within Los Angeles County by the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), and 156 vessel losses have been identified within Los Angeles County by the California State Lands Commission (CSLC) database (see Section 7.4.1.2 for more information on each of these databases). Only a small fraction of these wrecks has ever been located. A number of reported vessels lost off Los Angeles County are reported to be in excess of 400 feet in length and are primarily freighters and tankers (CSLC 2011). Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-8

The comment indicates that the Sanitation Districts may need an amendment to existing CSLC Lease No. PRC 251.9 prior to performing the rehabilitation of the existing ocean outfalls.

See Response to Comment A7-2.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-9

The comment states that the draft EIR/EIS lacks sufficient detail regarding the analyses of sediment contaminant testing during dredging conducted as part of riser and diffuser construction. The comment also emphasizes that the lead agency is responsible under CEQA to mitigate all project-related impacts to the extent feasible and not defer this responsibility to a responsible agency through its permitting authority. Finally, the comment suggests that existing documents that regulate ocean discharge be used to monitor and enforce this mitigation measure.

Sediment testing is required for the placement of dredged materials within the aquatic environment. A full suite of sediment testing entails four tiers: (1) review of data from past sediment tests, (2) testing for grain size and bulk chemistry, (3) testing for toxicity and bioaccumulation, and (4) testing for sub-lethal effects. Agencies that directly regulate placement of dredged material within the aquatic environment require Tiers 1 and 2 at a minimum, and may require Tiers 3 and 4 as needed. Repeated testing is not required once regulatory agencies have reviewed and approved the placement of dredged materials within the marine environment.

The Sanitation Districts and Corps are aware that sediment testing will be required if project elements entail placement of dredged material within the marine environment. However, as described in

Section 7.2.5.4 of the draft MFP, Section 3.3.2.3 of the draft EIR/EIS, and the draft Executive Summary, rehabilitation of the existing ocean outfalls would include only re-ballasting, joint repairs, and cathodic protection. Rehabilitation of the existing ocean outfalls would not require mechanical dredging or removal of large quantities of sediment. Joint repairs would require the temporary removal of sediment and ballast rock to fully expose the joint being repaired. A team of divers would remove the ballast rock and hand-shovel approximately 2 cubic yards of sediment from each joint. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. Cathodic protection would also be restored or added where necessary. It is estimated that approximately 10 to 40 joints would require repair, resulting in the hand removal of approximately 20 to 80 cubic yards of sediment. Therefore, because no mechanical dredging would be associated with Alternative 4 (the recommended alternative), the rehabilitation work would entail removal of *de minimis* quantities of sediment.

Section 3.3.2.3, under Existing Ocean Outfalls, second paragraph, is revised in the final EIR/EIS as follows:

> Alternatives 1 through 4 (Project) would include improvements to the existing ocean outfalls, such as joint repairs and re-ballasting. The re-ballasting work would occur on the existing 72-, 90- and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A small derrick barge would be used to place the ballast rock around the outfalls and support the joint repair work. Joint repairs would involve temporarily removing some of the existing ballast rock from around the outfall to fully expose the joint being repaired. A team of divers would repair an estimated 10 to 40 joints and hand-shovel approximately 2 cubic yards of sediment from each joint. Mechanical dredging would not be required. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. ~~c~~Cathodic protection would also be restored or added where necessary. The marine vessels required for this work are listed in Table 3-10. The majority of the construction work would be based on one 10-hour shift per day, 5 days per week. It is estimated that approximately eight to ten construction workers would be needed for the rehabilitation work. Joint repairs and transport of construction workers would require a work vessel and crew vessel operating one daily round-trip for approximately 1 month, which would most likely deploy from the Port of Los Angeles. All of the work including mobilization, construction, and demobilization would take approximately 9 months.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A7-10

The comment provides information about future coordination with the CSLC.

The Sanitation Districts and Corps will coordinate with the CSLC as requested.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A8: State of California, Governor's Office of Planning and Research – Scott Morgan, Director, State Clearinghouse

Commenter A8

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

March 27, 2012

Steven W. Highter
Los Angeles County
Sanitation Districts
1955 Workman Mill Road
Whittier, CA 90601

Subject: Clearwater Program Master Facilities Plan
SCH#: 2008101074

Dear Steven W. Highter:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 26, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A8-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECD LACSD
DOC # Highter S

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

APR 2'12 AM 11:48

## Response to Comment A8-1

The comment acknowledges that the State Clearinghouse distributed the draft EIR/EIS to affected state agencies. Copies of comment letters from the Native American Heritage Commission and the California State Lands Commission were also provided.

The comment does not address the draft EIR/EIS, so no response is necessary. However, the comment will be provided to the decision makers for their consideration. The attached letters from the Native American Heritage Commission and the California State Lands Commission are included in these Responses to Comments as Commenters A2 and A7, respectively. Therefore, the attached letters are not included in this response.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A9: Central San Pedro Neighborhood Council – Linda Alexander, President

Commenter A9

Central San Pedro Neighborhood Council

**Linda Alexander**
President

**Frank Anderson**
Vice President

**Scott Gray**
Secretary

**Kali Merideth**
Treasurer

March 28, 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA90017

Gentlemen,

The Central San Pedro Neighborhood requests that the public comment period for the Clearwater Program be extended by one month to May 10, 2012. The issues involved are complex and require more extensive review by our Council. Our meeting schedule precludes a vote of our Governing Board to take a position before May. A9-1

Thank you for your consideration.

Sincerely,

Linda Alexander

Linda Alexander
President

cc: Ken Melendez, Co-Chair, Port Community Advisory Committee
Annette McDonald, Board Member Central San Pedro Neighborhood Council

REC'D LACSD
APR 2'12 AM 11:47

DOC #

Highter S

1840 S. Gaffey Street, Box 212, San Pedro, CA 90731 • 310-832-0363 • www.centralsanpedro.org

## Response to Comment A9-1

The comment requests an extension of the comment period for the draft EIR/EIS.

The comment periods for the draft EIR and draft EIS were 60 and 57 days, respectively, which exceeded the 45-day requirements for both the California Environmental Quality Act and the National Environmental Policy Act. On April 5, 2012, the project manager for the Clearwater Program informed the commenter via telephone that, although the comment period would not be extended, the Sanitation Districts of Los Angeles County and the U.S. Army Corps of Engineers would respond to late comments if received within a reasonable timeframe that would not delay preparation of the final EIR/EIS. No further comments were received from this party.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A10: City of Rancho Palos Verdes – Kit Fox, Senior Administrative Analyst

Commenter A10

CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

9 April 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Rd.
Whittier, CA 90601

Dr. Aaron O. Allen
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, Ventura Field Office
2151 Alessandro Dr., Ste. 110
Ventura, CA 93001

**SUBJECT: Comments on the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the Clearwater Program**

Dear Mr. Highter and Dr. Allen:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the above-mentioned project. The City respectfully offers the following comments on the content and analysis of the DEIS/EIR for the proposed project:

1. A small portion of the proposed tunnel alignment for Alternative 4 would appear to traverse the public right-of-way of Western Avenue within the jurisdiction of the City of Rancho Palos Verdes (i.e., roughly between Crestwood Street and Summerland Street). As such, Table 1-3 in Section 1.6 "Relationship to Existing Plans" should include a reference to the Rancho Palos Verdes General Plan, which may be reviewed on the City's website at the following link:

   *http://www.palosverdes.com/rpv/planning/General_Plan_EIR/index.cfm*

A10-1

2. The City has the following concerns regarding the construction of the proposed tunnel exit shaft at Royal Palms County Beach for Alternative 4:

   a. The proposed shaft site is located quite close to a recent landslide at White Point in San Pedro (i.e., the City of Los Angeles). In addition, the

A10-2

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soils of the Palos Verdes Peninsula may be generally characterized as being susceptible to large-scale land movement, such as the on-going Portuguese Bend Landslide and the failure of a portion of the golf course at the Trump National Golf Club in 1999. Chapter 8 "Geology, Soils and Mineral Resources" should address not only the suitability and stability of the proposed shaft site at Royal Palms, but also the potential for the excavation of this shaft site to de-stabilize the White Point Landslide and/or other nearby coastal bluffs. A10-2 cont.

b. As a result of the White Point Landslide, West Paseo del Mar is currently closed to traffic just east of the proposed shaft site. With this closure, east-west neighborhood traffic in the *South Shores* area of San Pedro has been diverted inland to West 25th Street, which is a major arterial that provides access to the southerly portion of the City of Rancho Palos Verdes. Has the analysis in Chapter 18 "Transportation and Traffic (Terrestrial)" taken into account the impacts of diverted truck trips and other construction-related traffic on West 25th Street as a result of the closure of West Paseo del Mar? A10-3

3. The City has the following concerns regarding the proposed tunneling activities related to Alternative 4:

a. The proposed tunnel alignment would follow Western Avenue from Trudie Drive/Capitol Drive to the proposed exit shaft site at Royal Palms County Beach. Although most of this segment of the proposed tunnel would be located in San Pedro, a small portion would fall within the City of Rancho Palos Verdes. In recent years, the City of Rancho Palos Verdes has experienced failures of storm drains under Western Avenue, most dramatically in the case of a sinkhole that occurred near Delasonde Drive/Westmont Drive in 2005. Does Chapter 8 "Geology, Soils and Mineral Resources" address the potential impact of tunneling activities upon storm drains and similar, underground public infrastructure within the alignment of the proposed tunnel? A10-4

b. We note that Chapter 10 "Hazards and Hazardous Materials" discusses the close proximity of the tunneling activities for Alternative 4 to contaminated soils at the Defense Fuel Support Point (DFSP) on North Gaffey Street in San Pedro. The analysis of "risk of upset" from tunneling activities under Alternative 4 appears to be limited to the exposure of hazardous materials in the soil related to the operation of the tunnel boring machine. However, the City respectfully suggests that the DEIS/EIR should also analyze the "risk of upset" that tunneling activities might pose upon nearby industrial facilities, particularly the Rancho LPG butane storage facility at North Gaffey Street and Westmont Drive. A10-5

c. Chapter 14 "Noise and Vibration (Terrestrial)" states that there are currently no Federal regulations or State environmental guidelines regarding vibration from tunneling operations. The analysis in the DEIS/EIR is based upon studies conducted for the construction of the Red Line subway in the City of Los Angeles, and concludes that there will be no significant groundborne vibration impacts in areas where the depth of the tunnel base is more than one hundred ten feet (110') below the ground surface. Within the City of Rancho Palos Verdes, most of the properties abutting the Western Avenue right-of-way in the vicinity of the proposed tunnel alignment are zoned and developed for non-residential use. However, there is a motel (America's Best Value Inn) located at 29601 Western Avenue, a 70-unit residential condominium (*Eastview Townhouse*) located at 29641 Western Avenue and a 116-bed residential care facility for the elderly (Palos Verdes Villa) located at 29661 Western Avenue. What is the depth of the proposed tunnel base in the vicinity of these properties (relative to ground surface), and how significant is the impact of groundborne vibration expected to be upon them? A10-6

4. Among the major goals of the Clearwater Program are the achievement of system redundancy and the ability to inspect (and possibly repair) the existing 8- and 12-foot-diameter tunnels connecting the Joint Water Pollution Control Plant (JWPCP) to the existing ocean outfalls. As you are aware, these existing tunnels traverse the *Eastview* area of the City of Rancho Palos Verdes. Do the Sanitation Districts have any sense yet of what will be involved in the future inspection and possible repair of these existing tunnels? Should the City expect that the staging of these future activities might occur in our Eastview Park, which is located on land leased from the Sanitation Districts? Can the expected impacts of these future activities somehow be included in the current DEIS/EIR? A10-7

Again, thank you for the opportunity to provide comments on this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at *kitf@rpv.com*.

Sincerely,

**Kit Fox, AICP**
Senior Administrative Analyst

cc: Mayor Anthony Misetich and City Council
Carolyn Lehr, City Manager
Carolynn Petru, Deputy City Manager

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## Response to Comment A10-1

The comment requests that the City of Rancho Palos Verdes General Plan be added to Table 1-3 of the final EIR/EIS. Table 1-3 is revised in the final EIR/EIS to include the following rows at the end of the table, as requested:

> City of Rancho Palos Verdes General Plan/Environmental Impact Report, 1975
>
> The Infrastructure chapter of the City of Rancho Palos Verdes General Plan (City of Rancho Palos Verdes 2012) provides policies related to public infrastructure. The Disposal/Recovery Systems addresses sanitation, while the Transportation Systems discusses the vehicular networks. The general plan is currently being updated.

In addition, Section 25.1.1 is revised in the final EIR/EIS to include the city's general plan by adding the following references:

> City of Rancho Palos Verdes. 1975. City of Rancho Palos Verdes General Plan/Environmental Impact Report. Adopted June 26. As amended through September 13, 1988.
>
> City of Rancho Palos Verdes. 2012. General Plan Update. Available: < http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm>. Accessed: July 13, 2012.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A10-2

The comment expresses concerns regarding the proximity of the Royal Palms shaft site to the recent White Point landslide and the nature of the Palos Verdes Peninsula soils, which the comment characterizes as susceptible to large-scale land movement. The comment requests that Chapter 8 of the draft EIR/EIS discuss the suitability and stability of the Royal Palms shaft site and the potential for the project to de-stabilize the White Point landslide and/or other coastal bluffs.

The draft EIR/EIS discussed the potential for landslides at the Royal Palms shaft site (part of Alternative 4 [the recommended alternative]), in Section 8.4.6.2, Impact GEO-1, Shaft Site – Royal Palms. The draft EIR/EIS stated that the shaft would be constructed in Altimira Shale, which could contain weak layers, and that excavation could result in ground failure in the vicinity of the shaft. The draft EIR/EIS recognized this as a significant impact. Mitigation was included to reduce this impact to less than significant. Specifically, Mitigation Measure (MM) GEO-1 and MM GEO-6a require geotechnical investigation and site-specific recommendations for stabilization of slopes and shaft instability. The mitigation measures require that all recommendations be incorporated into the final design. In addition, MM GEO-6b requires construction monitoring at the shafts and along the onshore tunnel.

In addition, Appendix 8-A of the draft EIR/EIS included a letter report prepared by Fugro West that addressed the potential for Alternative 4 (the recommended alternative) to affect slope stability in the Royal Palms area. This report was prepared in response to the recent landslide activity on Paseo Del Mar near White Point State Beach. In summary, the report stated that the Monterey Formation throughout the peninsula can be folded and variable over short distances. Weak bentonitic layers contained within the

formation have resulted in some of the landslides when the bedding plane is out of slope (i.e., slopes downhill towards the ocean). In the vicinity of Royal Palms Beach, the bedding planes are sloped in a favorable inclination, which was confirmed during the excavation of the Sanitation Districts of Los Angeles County's (Sanitation Districts') 8- and 12-foot tunnels in 1938 and 1957, respectively. The report concluded that impacts on the stability of the existing slopes in the vicinity of the Alternative 4 alignment resulting from tunnel construction would be unlikely. Furthermore, the reinforced concrete tunnel may improve slope stability. The study recommended that (1) additional geotechnical investigation be conducted during final design and (2) the slopes be instrumented and monitored in advance of, and during, construction activities as a precautionary measure. Implementation of MM GEO-2, MM GEO-6a, and MM GEO-6b would fulfill these recommendations.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A10-3

The comment asks whether the Chapter 18 traffic analysis took into account the impacts of additional traffic on 25th Street as a result of the recent closure of West Paseo Del Mar.

Since collection of the 2010 baseline traffic data in support of the traffic analysis presented in Chapter 18 of the draft EIR/EIS, Paseo Del Mar has been closed for an indeterminate period due to a landslide east of the Royal Palms shaft site. This closure of the roadway link between Western Avenue and Weymouth Avenue to motorized traffic has resulted in localized traffic patterns that differ from those that prevailed when the baseline traffic counts were collected. Therefore, to determine whether there would be differences in the impacts reported in the draft EIR/EIS if Paseo Del Mar were not re-opened by the time construction began for Alternative 4 (the recommended alternative), a new study was conducted. In May 2012, new baseline traffic counts were collected at five study intersections along key access routes to and from the Royal Palms shaft site: Gaffey Street and Interstate 110 ramps, Gaffey Street and 9th Street, Western Avenue and Paseo Del Mar, Western Avenue and 9th Street, and Western Avenue and 25th Street. (Note that the Western Avenue and 25th Street intersection was not previously analyzed in the draft EIR/EIS.) An analysis of the new data determined that the proposed project-related construction-period traffic under Alternative 4 (the recommended alternative) would not result in significant traffic impacts, even if West Paseo Del Mar were to remain closed. These findings are consistent with the original findings presented in the draft EIR/EIS.

The new 2012 study is referenced in Section 18.4.6.2 and included as Appendix 18-D in the final EIR/EIS. No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A10-4

The comment expresses concerns about the potential for tunneling to affect storm drains and other infrastructure in Rancho Palos Verdes, and asks whether the draft EIR/EIS addressed this issue.

The draft EIR/EIS discussed the potential for ground failure to affect people, structures, or property in Section 8.4.6.2. Impact GEO-6 addressed unstable earth conditions or changes in geologic substructure, and found that there was a potential for settlement during tunneling, and that this impact would be significant. Therefore, mitigation was included in the draft EIR/EIS to reduce this impact to less than significant. MM GEO-6a requires geological investigations to characterize the subsurface conditions and anticipated ground behavior, and that recommendations identified in the investigation be incorporated into the final design, along with contingency measures if excessive settlement were to occur.

MM GEO-6b requires a detailed plan for construction monitoring to minimize potential ground surface settlement along the onshore tunnel.

In comparison to the January 2005 sinkhole in Western Avenue just north of Westmont Avenue, the proposed tunnel would be constructed with different material at much greater depths. For Alternative 4 (the recommended alternative) the proposed reinforced concrete tunnel would be constructed through a rock-like material along Western Avenue at depths ranging from 350 to 450 feet below ground surface. Conversely, the January 2005 sink hole resulted from the storm-related failure of an old corrugated metal storm drain constructed through much looser material at a depth of only 25 feet. Therefore, the circumstances are significantly different.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A10-5

The comment suggests that the risk of upset on nearby industrial facilities be analyzed for tunneling activities, particularly the Rancho Liquefied Petroleum Gas (LPG) facility at North Gaffey Street and Westmont Drive.

Alternative 4 (the recommended alternative), would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment (Alternative 4). At this location, the tunnel invert would be approximately 100 feet below the ground surface. Section 14.4.1.4 of the draft EIR/EIS specifically analyzed potential groundborne vibrations associated with tunnel construction and concluded that vibrations would not be perceivable beyond a distance of 110 feet through the soil. Furthermore, implementation of Mitigation Measure (MM) NOI-2a (rail maintenance plan) and MM NOI-2b (vibration control plan) would reduce vibration impacts to less than significant. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A10-6

The comment requests information on the depth of the proposed tunnel base relative to the ground surface and the potential for groundborne vibration impacts for three residential properties along Western Avenue.

The tunnel depth would be approximately 400 feet below the ground surface in the vicinity of the identified properties. Therefore, the impact of groundborne vibrations from the tunneling operation would be less than significant, as described in Section 14.4.6.2 of the draft EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A10-7

The comment asks what activities would be involved in the future inspection and possible repair of the existing tunnels, would the staging of these future activities occur in Eastview Park, and could the impacts of these future activities be included in the draft EIR/EIS.

The Sanitation Districts have attempted various methods of determining the condition of the existing tunnels (e.g., remote operated vehicle inspection) and will continue to explore additional options. Unfortunately, the information obtained thus far has been insufficient to make a determination. Because both tunnels flow full every day, it appears that the only means of conclusively assessing their condition would be to dewater each and perform a physical inspection as described in the draft Master Facilities Plan and draft EIR/EIS. Implementation of Alternative 4 (the recommended alternative) would allow for such an inspection. The existing shaft at Eastview Park would be included in the overall tunnel inspection. Depending on the location and extent of any necessary tunnel/shaft repairs, a portion of the park may be temporarily used to stage the repair activities. Due to the unknown condition of the tunnels and, consequently, the highly speculative nature of the repair work, it was determined that the potential repair project is beyond the scope of the draft EIR/EIS for the Clearwater Program. However, if it were determined that repairs are required, the associated work would be subject to the California Environmental Quality Act, and appropriate documentation would be prepared at that time. Moreover, if staging activities at Eastview Park were necessary, the Sanitation Districts would coordinate closely with the city of Rancho Palos Verdes to ensure that any potential impacts would be minimized to the extent feasible.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A11: The Port of Los Angeles – Christopher Cannon, Director of Environmental Management

Commenter A11

THE PORT OF LOS ANGELES
425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org



April 9, 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601
shighter@lacsd.org

Dear Mr. Highter:

**SUBJECT: CLEARWATER PROGRAM DRAFT EIR**

The City of Los Angeles Harbor Department (LAHD) supports the Los Angeles County Sanitation Districts (LACSD) Clearwater Program as it would improve the regional wastewater infrastructure. More specifically, LAHD supports improvements to the Joint Wastewater Pollution Control Plant (JWPCP) and its ocean discharge system since they would reduce the likelihood of untreated effluent entering various watercourses such as the Dominguez Channel, Wilmington Drain, and Machado Lake. These watercourses influence water quality within the Port of Los Angeles (Port). A11-1

LAHD has reviewed the Clearwater Program Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) (State Clearinghouse No. 2008101074) and submits the following comments for your consideration.

**Offshore Tunnels**
As indicated in the DEIR/DEIS, Alternatives 1 and 2 include the construction and operation of offshore tunnels through the Port that terminate at the Palos Verdes Shelf or San Pedro Shelf. The offshore tunnel alignments are depicted in Figures 3-12 and 3-13 of the DEIR/DEIS and would be approximately 100 to 250 feet below the ground surface or seafloor. Given the general alignment and depth of these tunnels, close coordination with the Port would be required if either of these alternatives is selected. The Port and other utility companies have a number of deep utility crossings (100 feet and deeper) within the Main and East Channels that could be affected. A11-2

**Shaft Sites**
Alternatives 1 and 2 include shaft sites within the Port, referred to as the TraPac and the LAXT Shaft Sites.

*TraPac Shaft Site*
Figure 3-19 of the DEIR/DEIS depicts the approximate location, configuration and size of the TraPac Shaft Site. Construction and operation of the access shaft site would disrupt ongoing operations of the TraPac Container Terminal at Berths 136-147. According to the DEIR/DEIS, A11-3

construction of the shaft would take between 10 and 11 months. During construction, approximately 30 to 65 trucks per day would be required for delivering supplies and removing excavated material. According to Table 3-13 of the DEIR/DEIS, tunnel construction and shaft operation would occur for several years. Once construction of the onshore and offshore tunnels is completed, a permanent easement of approximately 0.3 acre would be needed for future operation and maintenance (O&M) activities. A11-3 cont.

The following facts should be considered by LACSD. Redevelopment of the TraPac Container Terminal is expected to begin within 2012 and continue through 2016. Construction and operation of the shaft site could potentially conflict with the TraPac redevelopment. Additionally, construction workers would need to be eligible for the Transportation Worker Identification Credential through the Maritime Transportation Safety Act in order to access the TraPac Container Terminal. A11-4

The noise analysis in Chapter 14 of the DEIR/DEIS did not account for potential noise impacts to the Wilmington Waterfront Park, which is considered a sensitive receptor. The property is owned and operated by LAHD. The park is located between Harry Bridges Boulevard and C Street to the north, from Figueroa Street to Lagoon Avenue to the east. The analysis should account for short-term construction and long-term operational noise impacts to this sensitive receiver. A11-5

LAHD recommends that the TraPac Shaft Site be substituted with a shaft site located between I-110 and Figueroa Street, just north of Harry Bridges Boulevard, where vacant Port property is or will become available. A11-6

*LAXT Shaft Site*
Figure 3-20 depicts the approximate location, configuration and size of the LAXT Shaft Site. It is generally northwest of the intersection at Ferry Street and Terminal Way, and immediately east of the City of Los Angeles Terminal Island Water Reclamation Plant. LAHD does not object to this shaft site, however is obligated to inform LACSD of conditions that could affect the Clearwater Program. The Port has proposed the Pacific L.A. Marine Terminal (PLAMT) project in the vicinity and PLAMT construction would coincide with construction and/or operation of the shaft site. The availability of property and access to the shaft site would be confined by the PLAMT project. Furthermore, railroad tracks intersecting the shaft site are active and operated by Pacific Harbor Line (PHL) for railcar storage and locomotive fueling and could further interfere with the construction and operation of the shaft site. A11-7

Thank you for the opportunity to comment on this project. We look forward to your response to our comments and notification when the Final EIR/EIS becomes available. Should you have any questions, please contact me at 310-732-3675. A11-8

Sincerely,

CHRISTOPHER CANNON
Director of Environmental Management

CC:LO:JB:[illegible]

## Response to Comment A11-1

The comment expresses support for the Clearwater Program, and specifically for the proposed improvements to the Joint Water Pollution Control Plant and the ocean discharge system.

The Sanitation Districts of Los Angeles County (Sanitation Districts) and the U.S. Army Corps of Engineers appreciate the Port of Los Angeles' support for the Clearwater Program. However, the comment does not address the analysis in the EIR/EIS, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-2

The comment requests close coordination with the Port of Los Angeles if Alternative 1 or 2 is chosen because of the potential for either alternative to have an impact on deep utility crossings in the Main and East Channels.

As shown in Table 4 in Appendix 1-B of the draft EIR/EIS, the Sanitation Districts met with the Port of Los Angeles on seven occasions between early 2006 and late 2011 to coordinate the possible construction of a Sanitation Districts' ocean discharge system aligned through the Port of Los Angeles. As proposed, the tunnel alignment for Alternative 1 or 2 would be at depths sufficient to avoid port substructures and utility crossings based on the information provided at these coordination meetings. Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, either Alternative 1 or Alternative 2 were selected for implementation, the Sanitation Districts would closely coordinate with port staff during the final design and construction phases of the project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-3

The comment asks that the EIR/EIS consider the impacts of Alternatives 1 and 2 on both ongoing operations and future planned redevelopment of the Trans Pacific Container Service Corporation (TraPac) Container Terminal.

Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, Alternative 1 or Alternative 2 were selected for implementation, the Sanitation Districts would closely coordinate with port staff during the final design and construction phases to address concerns raised by this comment, thus ensuring that port operations would not be disturbed.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-4

The comment states that construction workers within the Port of Los Angeles would be required to comply with the Maritime Transportation Safety Act.

Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, Alternative 1 or Alternative 2 were selected for implementation, construction workers would comply with the Maritime Transportation Safety Act.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-5

The comment states that the draft EIR/EIS did not account for potential noise impacts on Wilmington Waterfront Park.

The draft EIR/EIS did not address the potential impacts at Wilmington Waterfront Park because the park did not exist at the time of the notice of preparation/notice of intent, which is the recommended baseline for addressing impacts under the California Environmental Quality Act (CEQA), and is allowed under the National Environmental Policy Act. This site is nearest the TraPac shaft site, which is part of Alternatives 1 and 2. At the nearest point, the park is approximately 100 feet from the TraPac shaft site. Predicted noise levels at 100 feet from this shaft site would be approximately 83 A-weighted decibels (dBA) without a noise barrier. Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, either Alternative 1 or Alternative 2 were selected for implementation, additional analysis and mitigation would be required in order to comply with the city of Los Angeles' noise ordinance.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-6

The comment recommends an alternative site to TraPac that is located on vacant port property.

Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, Alternative 1 or Alternative 2 were selected for implementation, the Sanitation Districts would closely coordinate with port staff during the final design and construction phases and would consider either relocating or eliminating the proposed TraPac shaft site as necessary to address the concerns raised by this comment. The site recommended by this comment (port property between Interstate 110 and Figueroa Street, just north of Harry Bridges Boulevard) would require significant tunnel realignment for Alternative 1 or 2. If new significant environmental impacts result from the access shaft relocation and/or tunnel realignment, they would have to be addressed in a subsequent environmental document.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-7

The comment advises that both an existing railcar facility and proposed marine terminal project could have a significant impact on the Los Angeles Export Terminal (LAXT) shaft site.

As shown in Table 4 in Appendix 1-B of the draft EIR/EIS, the Sanitation Districts met with the Port of Los Angeles on seven occasions between early 2006 and late 2011 to coordinate the possible construction of a Sanitation Districts' ocean discharge system aligned through the Port of Los Angeles. During these coordination meetings, it was suggested that the former LAXT property would be a suitable location for a construction shaft site as proposed under Alternatives 1 and 2. However, based on this comment, at least one new condition has emerged that could potentially interfere with construction at the LAXT shaft site. Alternative 4 (the recommended alternative) would not be aligned through the Port of Los Angeles. If, however, either Alternative 1 or Alternative 2 were selected for implementation, the Sanitation Districts would closely coordinate with port staff during the final design and construction phases of the project to ensure that the Sanitation Districts' proposed LAXT shaft site would be compatible with the proposed

adjacent Pacific L.A. Marine Terminal project and the active Pacific Harbor Line railroad tracks that intersect the site.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A11-8

The comment expresses interest in seeing the responses to these comments, and provides future coordination contact information.

As required by CEQA, all commenting agencies are provided with responses to their comments at least 10 days prior to certification of the EIR.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A12: U.S. Environmental Protection Agency, Region IX – Kathleen Martyn Goforth, Manager

Commenter A12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

APR 0 9 2012

Dr. Aaron O. Allen
Regulatory Division, Ventura Field Office
U.S. Army Corps of Engineers
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Subject: Draft Environmental Impact Statement for the Sanitation Districts of Los Angeles County Clearwater Program, Los Angeles County, CA (CEQ # 20120028)

The U.S. Environmental Protection Agency is providing comments on the Draft Environmental Impact Statement for the Clearwater Program, Los Angeles County, California. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated at 40 CPR 230 under Section 404(b)(1) of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act. A12-1

EPA appreciated the opportunity to coordinate early and discuss our concerns with the Districts on December 10, 2007, and with the Army Corps of Engineers and the Districts on February 9, 2010 and August 24, 2011. We provided detailed comments on the January 2, 2008 Draft Notice of Intent in our letter dated March 5, 2008. EPA also submitted a letter to the Districts, dated July 30, 2008, clarifying our Superfund Program comments with respect to the effluent-affected sediment deposit on the Palos Verdes Shelf. In a November 4, 2008 letter, we confirmed that our comments on the Draft NOI still applied, based on our review of the NOI released on October 6, 2008.

We commend the Corps and the Districts for selecting their preferred alternative (Alternative 4) which would not necessitate construction of new outfalls that would have the potential to disturb contaminated sediment and generate additional air emissions. We are also pleased that the preferred alternative should avoid impacts to the Palos Verdes DDT Superfund Site and the LA-2 Ocean Disposal site. A12-2

While we acknowledge these positive developments and the need to update the county's sanitation infrastructure, we have rated the preferred alternative in the DEIS as Environmental Concerns – Insufficient Information (EC-2) (please see enclosed "*Summary of Rating Definitions*") due to concerns regarding impacts to air quality, aquatic resources, children's health and environmental justice communities. A12-3

We remain concerned with the localized and cumulative impacts to the already health burdened communities in the vicinity of the project, and recommend the Districts and the Corps commit, in the Final Environmental Impact Statement and Record of Decision, to implementing measures, beyond those identified in the DEIS, that would further reduce air emissions and associated health risks. For example, in anticipation of the availability of cleaner engines prior to commencement of project construction in 2015, we recommend the Districts and the Corps fully integrate the cleanest engines and the best available emission control technologies for equipment to be used during the project's construction phases, A12-4

as well as for the operational elements of the Clearwater Program (e.g. truck hauling of biosolids from Joint Water Pollution Control Plant to various locations for beneficial use or disposal). A12-4 cont.

We were pleased to note that rehabilitation work of the existing outfalls will be limited to depths between 20 and 50 ft below the water's surface. While we believe this should minimize impacts to potentially contaminated sediments, we recommend the FEIS and ROD include Best Management Practices to ensure minimum disturbance to sediments and marine habitats. To better identify potential impacts to aquatic resources, we recommend the FEIS provide additional information describing the potential frequency of bottom sediment disturbance and the volume of bottom sediments disturbed during outfall joint rehabilitation, as well as any direct or indirect impacts to kelp forests and/or kelp bed habitat. This information may be useful in identifying additional avoidance measures. A12-5

Please see the enclosed detailed comments for a more thorough discussion of the comments provided above, as well as additional comments on air and aquatic resources, the Palos Verdes Shelf Superfund Site, greenhouse gas emissions, physical safety, and noise. A12-6

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have questions, please contact me at (415) 972-3521 or Tom Plenys of my staff at plenys.thomas@epa.gov. A12-7

Sincerely,

Connell Dunning

FOR Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures:
(1) Summary of EPA Rating Definitions
(2) EPA's Detailed Comments

cc: David Castanon, Chief, Regulatory Branch, Los Angeles District, Corps of Engineers
Thomas J. LeBrun, Department Head, County Sanitation Districts of Los Angeles County
Steven Highter, Supervising Engineer, County Sanitation Districts of Los Angeles County

# SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

## ENVIRONMENTAL IMPACT OF THE ACTION

***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

A12-3 cont.

## ADEQUACY OF THE IMPACT STATEMENT

***"Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SANITATION DISTRICTS OF LOS ANGELES COUNTY CLEARWATER PROGRAM, LOS ANGELES COUNTY, CALIFORNIA, APRIL 9, 2012

**Air Quality**

EPA is concerned about the direct, indirect and cumulative impacts of construction emissions associated with the project, even after mitigation measures have been taken into account. The DEIS includes estimated emissions for criteria pollutants and description of the mitigation measures that will be implemented to reduce the adverse air impacts identified in the DEIS; however, even with implementation of these mitigation measures, combined peak daily emissions from outfall rehabilitation, coupled with the construction of the on-shore tunnel and shaft sites, would exceed South Coast Air Quality Management District daily emissions significance thresholds for nitrogen oxides under the preferred alternative (p. 5-114). Table 5-56 indicates the construction of the on-shore tunnel, alone, from 2016 to 2020 would exceed the 100 pounds per day $NO_x$ threshold.

Given the severe air quality problems within the project area, all feasible measures should be implemented to reduce and mitigate air quality impacts to the greatest extent possible. This is especially important for the South Coast Air Basin nonattainment criteria pollutants including volatile organic compounds, $NO_x$, and particulate matter, both 10 microns or less ($PM_{10}$) and 2.5 microns or less ($PM_{2.5}$). A12-8

*Recommendation:*
The Districts and Corps should ensure that mitigation measures in the DEIS, and additional mitigation measures that go beyond those in the DEIS (see recommendations, below), are implemented on a schedule that will reduce construction emissions to the maximum extent feasible. All mitigation measures proposed in the DEIS and any additional measures should be included in the Final Environmental Impact Statement and the Record of Decision. The FEIS should describe how these mitigation measures will be made an enforceable part of the project's implementation schedule. We recommend implementation of applicable mitigation measures prior to or, at a minimum, concurrent with the commencement of construction of the project.

*Additional mitigation for non-road engines*

EPA appreciates the efforts of Corps and the Districts to identify the suite of seven air quality mitigation measures to reduce emissions from project construction (p. 5-127). In particular we were pleased to note the use of the all-electric tunnel boring machine.

In light of the air quality in and around the Ports of Los Angeles and Long Beach, and the SCAB in general, we recommend that the Corps and the Districts commit to implementing best available emission control technologies for construction, ahead of the California Air Resources Board's in-use off-road diesel vehicle regulations, regardless of fleet size.[1] EPA began phasing-in Tier 4 standards for non-road engines in 2008,[2] and the DEIS notes the availability of Tier 4 non-road engines, effective January 1st, 2015. The use of such engines would result in an approximately 90% reduction in $NO_x$ and PM emissions as compared to Tier 3 (p. 5-13); yet, although construction is expected to begin after January 1, 2015, MM AQ-2b and 3b state that all off-road diesel powered equipment used during construction will be equipped with an EPA Tier 3 engine, except for A12-9

[1] See CARB's Factsheet at: http://www.arb.ca.gov/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf
[2] See EPA website: http://www.epa.gov/nonroad-diesel/2004fr/420f04032.htm#standards

1

specialized equipment that is not available (p. 5-121). The DEIS leaves open the possibility of using Tier 4 engines, if available, but does not commit to their use (p. 5-42).

*Recommendations:*
The FEIS and ROD should commit to using non-road construction equipment that meets Tier 4 emission standards, when available, and best available emission control technology, for construction that occurs prior to Tier 4 standards availability.

The FEIS should indicate the expected availability of Tier 3 and Tier 4 engines for the construction equipment list provided in Appendix 3-A.

The FEIS should update the tables in the Chapter 5 impact analysis to reflect the additional criteria pollutant emissions reductions that would result from using Tier 4 engines for each component of project construction.

A12-9 cont.

Mitigation Measure AQ-2f for harbor craft recommends the use of the cleanest marine diesel engines available at the Port of Los Angeles. The mitigation measure does not specifically discuss new Tier 4 standards applicable to harbor craft in 2015.

*Recommendation:*
Mitigation Measure AQ-2f should be revised to require Tier 4 equivalent harbor craft as of January 2015. It should also be revised so that the contractor is required to provide proof that the cleanest Tier is unavailable in California, Oregon or Washington, before allowing the use of a lower Tier harbor craft.

A12-10

Mitigation Measure AQ-2g for tunnel locomotives recommends the use of US EPA Tier 4 engines. The mitigation measure does not discuss the availability of battery-electric locomotives.

*Recommendations:*
The FEIS should include a discussion of available battery-electric locomotives suitable for tunnel construction.

Mitigation Measure AQ-2g should be revised to require battery-electric locomotives during tunnel construction pending availability and applicability.

A12-11

*Additional mitigation for on-road engines*

The DEIS estimates 30 to 65 truck trips per day during construction of the West Shaft Site, 10 to 40 truck trips per day during construction of the Royal Palms Shaft Site, and 48 to 95 truck trips per day during on-shore tunnel alignment construction (p. 3-15 and 3-17). As a result of the expansion of the Joint Outfall System and the increased biosolids processing at the Joint Water Pollution Control Plant, it is anticipated that there would be an additional 20 truckloads per day above 2008 baseline levels to haul biosolids to various locations for beneficial use or disposal (p. 5-25). By 2050, approximately 27,500 trucks per year would transport biosolids from the JWPCP to the beneficial use and landfill locations (p. 3-8).

MM AQ-2a and 3a state that all on-road heavy-duty diesel trucks used during construction (greater than 26,000 pounds) will include a particulate matter trap or have a 2007 model engine or newer (p. 5-121). MM AQ-2d and 3d indicate alternative fuels will be evaluated for their use during construction.

A12-12

In view of the heavily impacted air basin and nearby residents, exceedances of the SCAQMD thresholds for $NO_x$, and the potential adverse impacts to environmental justice communities, the cleanest achievable $NO_x$ emission controls are justified for trucks and equipment used on this project during the construction phase as well as the program operational elements.

*Recommendations:*

The FEIS should address $PM_{10}$, $PM_{2.5}$ and $NO_x$ emission levels as part of the on-road diesel engine discussion in Chapter 5 (p. 5-13), and include a table, similar to Table 5-8 for off-road engines, highlighting emission levels for on-road engines. Discuss and compare these levels to those that would be achieved with alternative fuel use.

The FEIS should discuss the availability of on-road engines that meet the $NO_x$ emission standard of 0.2 g/bhp-hr for each on-road vehicle application required as part of the project construction and program operational elements. It should note that EPA on-road standards allowed manufacturers to phase-in compliance with this standard, and that 100 percent of vehicle sales met the standards as of 2010.

Mitigation Measures AQ-2a and 3a, as well as MM AQ-2d and 3d, should commit to meeting the cleanest available on-road emission standards for trucks to be used during project construction, as well as program operational elements (e.g. hauling of biosolids from JWPCP).

MM AQ-2a and 3a should be updated to apply to all on-road heavy-duty diesel trucks greater than 14,000 pounds versus the current 26,000 pounds mentioned in the DEIS.

The FEIS should update the tables in the Chapter 5 impact analysis to reflect the additional criteria pollutant emissions reductions that would result from using the cleanest available on-road engines for each component of project construction and program operational elements.

The FEIS should describe the location of expected final disposal locations for excavated materials and include criteria that would minimize overhaul hauling distances.

Provide a quantification of (1) the additional air quality impacts associated specifically with the trucking of the excavated material and (2) the air quality benefits expected to be achieved by specific mitigation measures. If prior analysis of emissions and mitigation strategies has been conducted, update the FEIS to reflect this.

A12-12 cont.

The Ports' Clean Trucks Programs, key elements of the neighboring Ports' Clean Air Action Plan, have substantially reduced port-related air emissions, especially diesel emissions, in the vicinity of the project. Last August, the Ports released the technical document, "Roadmap for Moving Forward with Zero Emissions Technologies at the Ports of Long Beach and Los Angeles – Technical Report." The report is their mechanism for evaluating various methods of transport that produce no air pollution at the tailpipe. Through the CAAP, the ports created the Technology Advancement Program, which places a priority on the development and demonstration of zero emission technologies for port-operations, consistent with this report.[3]

A12-13

[3] Website for the report at: http://www.cleanairactionplan.org/civica/filebank/blobdload.asp?BlobID=2527

3

*Recommendations*:
The FEIS should discuss the Ports' Clean Trucks Programs and how their success could be transferred to truck applications proposed for construction of the Clearwater project, as well as the fleet of trucks used to transport biosolids from the JWPCP. The FEIS should also discuss incentives and require continuous improvement for trucks servicing the construction sites and the JWPCP.

The FEIS should describe zero and near zero emission tailpipe demonstration and deployment projects, and include a mitigation measure providing a schedule for phase-in of zero emission heavy duty trucks, as practicable, for construction related heavy duty trucks, as well as biosolids transport trucks, following successful demonstrations by the ports through their Clean Trucks Programs.

The FEIS should commit to reviewing periodically (e.g., every three years from the date of the ROD), new technologies and regulations specific to heavy-duty trucks to further reduce $NO_x$ and other criteria pollutant and air toxics emissions. Additionally, technology reviews and any recommendations that result should be made available to the public.

A12-13 cont.

*Analysis of Localized Emissions Impacts*

Potential local effects can include emissions of volatile organic compounds, carbon monoxide, nitrogen oxides, $PM_{10}$, and $PM_{2.5}$. Because some communities impacted by this project are predominantly minority and low income communities, these impacts could constitute a disproportionately adverse impact on minority and low income populations. We note the DEIS evaluates the localized impact of construction emissions using the SCAQMD's Localized Significance Thresholds and that the "NOx LST" was scaled to reflect the federal $NO_2$ standard (p. 5-32).

A12-14

*Recommendation:*
The FEIS should clarify the calculations used to adjust the LST threshold based on the federal $NO_2$ standard and demonstrate compliance with both EPA and SCAQMD localized thresholds.

Impact AQ-6 considers whether the public is exposed to significant levels of toxic air contaminants. The DEIS concludes, for each alternative, that, because exposure to diesel exhaust would be well below the 70-year exposure period at any given location, construction of the preferred alternative is not anticipated to result in an elevated cancer risk to exposed persons, due to the short term nature of construction. While we recognize that Table 5-23 includes a hazard index of greater than or equal to 1.0 as presumably a non-cancer significance threshold, Impact AQ-6 does not discuss or analyze the non-cancer risks associated with short term exposures. Numerous scientific studies have linked particulate pollution exposure to a range of health problems, including premature death, increased hospital and emergency room visits for cardiovascular and respiratory effects, and development of chronic respiratory disease.

A12-15

*Recommendations:*
Discuss, in the FEIS, the range of potential non-cancer health problems linked to particulate pollution, including diesel PM.

Discuss and analyze, for each alternative, as appropriate, the relative contribution (or project increment) to the acute hazard index from toxic air contaminants during construction as well as a total hazard index (background plus project exposure).

4

Consider incorporating, into the FEIS, additional mitigation, as appropriate, such as altering the construction schedule or using high emitting equipment only when emissions would otherwise be low, which may sufficiently change the timing of emissions to avoid an acute residential or non-residential hazard.

A12-15 cont.

*Greenhouse Gas Emissions - Construction and Operation Bid Specifications*

In soliciting future contracts for project construction and program operations, consider including in the FEIS, and adopting in the ROD, the following additional requirements:

a) Soliciting bids that include use of energy- and fuel-efficient fleets;
b) Giving preference to construction bids that use Best Available Control Technology, particularly those seeking to deploy zero emission technologies;
c) Requiring that contractors ensure to the extent possible that construction activities utilize grid-based electricity and/or onsite renewable electricity generation rather than diesel and/or gasoline powered generators.
d) Employing the use of alternative fueled vehicles;
e) Using lighting systems that are energy efficient, such as LED technology;
f) Using the minimum feasible amount of GHG-emitting construction materials that is feasible;
g) Use of cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
h) Use of lighter-colored pavement where feasible;
i) Recycling construction debris to maximum extent feasible; and,
j) Planting shade trees in or near construction projects where feasible.

A12-16

**Environmental Justice**

The Department of Defense is signatory to the August 4, 2011 Memorandum of Understanding on Environmental Justice and Executive Order 12898. In addition to reinforcing the federal government's commitment to environmental justice, the MOU is relevant to actions such as the Clearwater Program through its focus on NEPA and Title VI of the Civil Rights Act. In light of this renewed commitment and focus, we recommend that the Corps consider changes to mitigation measures, as proposed in this letter and by other stakeholders, to avoid or further mitigate the project's adverse impacts. Further efforts to reduce environmental justice impacts could assist local entities that receive Federal funds to meet their potential obligations under Title VI of the Civil Rights Act.

A12-17

The Environmental Justice analysis in the DEIS only analyzes impacts that were determined to be significant and unavoidable (p. 15-27). The EJ analysis concludes that, because the significant and unavoidable air quality impacts that would occur as a result of NOx emissions during construction of the Clearwater Program are regional emissions, the emissions would not result in adverse effects on minority and low-income populations, as the impacts on the reference community (Los Angeles County) and the affected community would be the same (p. 15-28). Because of the limitations of the EJ analysis, neither localized emissions from the project nor cumulative impacts are discussed in the EJ analysis.

The DEIS does note that the JWPCP West Shaft Site (proposed under Alternative 4) study area has a greater presence of minority and low-income populations in comparison to the reference community (p. 15-46). Additionally, sensitive receptors are located only 105 ft from the West Shaft

site (Figure 5-11), and numerous homes are located within a few hundred feet. The communities in the study area, and the local communities nearby, are already heavily impacted by air emissions[4], a condition likely to be exacerbated by the many projects currently planned at and around the Ports of Los Angeles and Long Beach, such as the Corps' Pier S and American President Lines' container terminal projects, the Southern California International Gateway, and perhaps the expansion of Interstate 710. Therefore, all impacts, even seemingly small ones, are important to consider and mitigate in order to fully offset the adverse project-related impacts to the local community.

There is a growing body of evidence that environmental justice communities are more vulnerable to pollution impacts than other communities[5]. As discussed in EPA's *Framework for Cumulative Risk*[6] and *Integrated Science Assessment for Oxides of Nitrogen – Health Criteria*[7] *(July 2008),* disadvantaged, underserved, and overburdened communities are likely to come to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases, unacceptably, burdensome. Thus, certain subpopulations may be more likely to be adversely affected by a given stressor than is the general population.

As stated by the Council on Environmental Quality[8], the identification of disproportionately high and adverse human health or environmental effects on a low-income or minority population does not preclude a proposed agency action from going forward nor compel a finding that a proposed project is environmentally unacceptable. Instead, the identification of such effects is expected to encourage agency consideration of alternatives, mitigation measures, monitoring needs, and preferences expressed by the affected community or population.

A12-17 cont.

*Recommendations:*
Given the magnitude of potential cumulative health impacts, the FEIS should consider all feasible mitigation strategies, monitoring measures, and the preferences expressed by the local community. Examples of mitigation measures that should be considered to reduce the community's exposure and reduce community vulnerability are:

- Fund proactive measures to improve air quality and general health in neighboring homes, schools, and other sensitive receptors;
- Provide public education programs about environmental health impacts to better enable residents to make informed decisions about their health and community;
- Engage in proactive measures to train and hire local residents for construction or operation of the project to improve their economic status and access to health care; and,
- Expand and improve the local community parks and recreation system in areas where air quality is highest, in order to provide increased access to open space and exercise opportunities.

As an element of the Corps' Pier S project, the proponent, the Port of Long Beach, offered grant funds for impacts that could not be fully mitigated. We recommend that the Corps and

[4] Final Report, Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES-III, September 2008, South Coast Air Quality Management District.
[5] Symposium on the Science of Disproportionate Environmental Health Impacts, March 17 - 19, 2010, see the fourteen scientific reviews commissioned by EPA and published in the American Journal of Public Health at: http://www.epa.gov/compliance/ej/multimedia/albums/epa/disproportionate-impacts-symposium.html.
[6] Available at: http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=54944.
[7] Available at: http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=194645#Download.
[8] Environmental Justice Guidance Under the National Environmental Policy Act, Council on Environmental Quality, 10 December 1997.

Districts consider establishing a similar program to facilitate implementation of the above and/or other mitigation measures, and discuss this in the FEIS.

A12-17 cont.

**Children's Environmental Health and Safety**

Executive Order 13045 on Children's Health and Safety directs that each Federal agency shall make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and shall ensure that its policies, programs, activities, and standards address these risks. Analysis and disclosure of these potential effects under NEPA is necessary because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to health and safety risks. Children may be more highly exposed to contaminants than are adults because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and their growing organs are more easily harmed.

Based on current EPA policy and guidance, an analysis of impacts to children should be included in a NEPA analysis if there is a possibility of disproportionate impact on children related to the proposed action.[9] EPA views childhood as a sequence of life stages, from conception through fetal development, infancy, and adolescence. Therefore, exposures to children at each life stage, as well as to pregnant and nursing women, are relevant and should be considered when addressing health and safety risks for children.

A12-18

Chapter 5 of the DEIS discusses air quality impacts and uses the SCAQMD Localized Significance Threshold Methodology to assess localized air quality impacts from construction activities. Table 5-21 provides approximate distances of proposed construction sites to nearest non-resident sensitive receptors.

*Recommendations:*
In addition to considering schools and convalescent homes as non-resident sensitive receptors, the FEIS should discuss and update analyses to include child care facilities as non-resident sensitive receptors when assessing localized air quality impacts from construction activities.

The FEIS should describe the specific location for all staging areas to be used during construction at each shaft site, and confirm that these locations would result in the least environmental impacts and disruption to sensitive receptors, including schools and child care centers. The FEIS should also consider smaller footprints for the proposed shaft sites and construction schedules that would minimize impacts to such sensitive receptors.

Please also identify measures to reduce identified impacts, including measures identified in the recently released Draft Schools Environmental Health Guidelines for reducing exposure of environmental hazards near schools.
http://www.epa.gov/schools/ehguidelines/index.html.

[9] U.S. EPA. April 4, 1996. Memorandum: Interim OFA Program Guidance on Implementing the EPA Policy on Evaluating Health Risks to Children. Available at: http://www.epa.gov/compliance/resources/policies/nepa/children-health-risks-pg.pdf.

7

Chapter 5 states that construction-related air pollution emissions would be reduced with the implementation of mitigation measures; however, construction-related emissions of $NO_x$ would continue to exceed the SCAQMD significance threshold and have an incremental regional air quality effect. Research has linked short-term $NO_2$ exposures with adverse respiratory effects, including airway inflammation in healthy people and increased respiratory symptoms in people with asthma.[10] Children may be more susceptible to air pollution and experience higher exposures than adults. According to the 2007 Los Angeles County Health Survey, 9.5% of children less than 18 years old who live in the Los Angeles County South Bay Service Planning Area (also known as SPA 8) currently have asthma or had an asthma attack in the preceding 12 months.[11]

A12-18 cont.

*Recommendation:*
The FEIS should discuss current rates of asthma in the study area and how construction-related air emissions may impact children's health.

Chapter 10 states that aerially deposited lead and asbestos may be present in surface soils at the JWPCP East, JWPCP West, and TraPac shaft sites. Residences have been identified near these shaft sites and a school was identified as being located near the JWPCP East shaft site. It is unclear whether soil screening has been completed or will be conducted prior to construction to assess the levels of lead and asbestos in surface soil.

A12-19

*Recommendation:*
The FEIS should discuss whether activities have or will be completed to characterize potential surface soil contamination at these sites prior to excavation.

**Palos Verdes Shelf Superfund Site**

The preferred alternative would not require new outfalls and, as a result, should avoid impacts to the Palos Verdes DDT Superfund Site. While we are pleased this alternative would address many of the concerns we previously raised through our scoping comments and during our in person meetings pertaining to the Superfund site, the current alternatives analysis does not sufficiently characterize the impacts to the Palos Verdes DDT Superfund Site under each alternative, nor how such information was used to support selection of the preferred alternative.

*Recommendations:*
The "Description of Alternatives" (p. 3-4), in the FEIS, should include avoidance and impact minimization of the Palos Verdes Shelf Superfund Site as one of the screening criteria.

A12-20

The FEIS should include a discussion on how the construction, operation, rehabilitation and maintenance activities under each alternative would impact the Palos Verdes Shelf Superfund Site and identify any potentially necessary remedial actions.

The FEIS should discuss potential environmental effects due to disturbance of DDT contaminated sediments that could result from effluent discharge and changes in currents as a result of the JWPCP outfall. A discussion of modeling and monitoring results used to determine environmental effects should also be included.

[10] U.S. Environmental Protection Agency. Nitrogen Dioxide: Health, last updated on July 6, 2011, http://www.epa.gov/airquality/nitrogenoxides/health.html.

[11] 2007 Los Angeles County Health Survey. Office of Health Assessment and Epidemiology, Los Angeles County Department of Public Health.

The FEIS should evaluate the alternatives with recognition that two of the offshore tunnel alignments have the potential to cause unavoidable, but mitigable, impacts to the Palos Verdes Superfund Site.

The FEIS should amend Chapter 10 - Hazardous Material – to discuss contaminated sediment at the Palos Verdes Shelf Superfund Site and disclose that two of the proposed offshore tunnel alignments terminate on Palos Verdes Shelf Superfund Site.

Please include the extent of DDT and PCB contamination as recorded in 2007[12] on Figure 13-4, and indicate the location of the proposed existing outfall rehabilitation activities.

The FEIS should acknowledge in Chapter 2 that the Districts entered into a Consent Decree in 1997 with EPA to address the DDT and PCB contaminations on the Palos Verdes Shelf.

A12-20 cont.

We were pleased to note that rehabilitation work on the existing outfalls will be limited to depths between 20 and 50 ft below the water's surface. While we believe this should avoid potentially contaminated sediments and not interfere with the proposed CERLCA remedy[13], we recommend the FEIS and ROD include Best Management Practices to ensure minimum disturbance to sediments and marine habitats.

*Recommendations:*
EPA expects the proposed CERCLA remedy (sediment cap for the Palos Verdes Superfund site) will be implemented by 2018, prior to the proposed construction start date for offshore diffusers and risers and existing outfall rehabilitation. The FEIS and ROD should include commitments from the Corps and the Districts to coordinate with EPA during design and construction to ensure the selected alternative will not interfere with Superfund remediation activities.

A12-21

In the FEIS, for each alternative, as part of the discussion on the existing outfall rehabilitation, off-shore tunneling and riser/diffuser construction:

- Include potential impacts from the construction and rehabilitation activities (e.g. ballasting work) to the proposed CERLCA remedy.
- Propose avoidance measures to minimize impacts from the construction and rehabilitation activities to the proposed CERCLA remedy.
- Propose mitigation measures to mitigate unavoidable impacts to the CERCLA remedy.
- Include a commitment to notify and coordinate with EPA if the proposed outfall rehabilitation activities occur beyond the 50 feet isobath.

**Clean Water Act Section 404**

The preferred alternative identified in the Corps' DEIS and February 13, 2012 Public Notice would avoid and minimize the impacts to aquatic resources described for Alternatives 1-3, including impacts associated with dredging and sediment disposal and fill from new outfall construction.

A12-22

[12] In October, 2007 EPA issued the Final Palos Verdes Superfund Site Remedial Investigation Report. The Remedial Investigation Report contains EPA's last published characterization of the PV Shelf PCB and DDT contamination.

[13] Interim Record of Decision, Palos Verdes Shelf Operable Unit 5 of Montrose Chemical Corporation Superfund Site, Los Angeles County, California, September 2009.

Because of the degree to which project impacts would be avoided and minimized, EPA supports the identification of Alternative 4 as the preferred alternative. We will provide our comments on the Public Notice in a separate letter; but, preliminarily, EPA considers Alternative 4 to be the least environmentally damaging practicable alternative (LEDPA) that will achieve the overall project purpose.

The DEIS states that, in 2008, 150 acres of kelp were reported in the White Point area, but it is not clear whether the project would result in any impacts to this specific habitat. Kelp forest and kelp bed are highly productive aquatic habitats providing areas for spawning, foraging and refuge for several marine species. These habitats can also provide physical buffers that can attenuate wave energy, reducing damage to coastal environments. A12-22 cont.

*Recommendation:*
The FEIS should more accurately describe locations of kelp forest and/or kelp bed in proximity to the proposed project activities, clearly state whether the proposed project is expected to have any direct or indirect impacts to kelp, and, if so, how impacts will be avoided, minimized, and/or mitigated consistent with the CWA 404(b)(1) Guidelines.

It is unclear to what extent sediment disturbance, during construction of the preferred alternative, could result in increased turbidity and exposure of contaminated sediments. Based on the project description for Alternative 4, some ballast rock would be temporarily removed from the outfall pipes to expose the joints so that couplings and concrete or epoxy can be installed. EPA assumes that the entire circumference of the pipe would need to be exposed around each joint to complete this operation. If so, there is potential to disturb bottom sediments at several locations along the three outfalls. A12-23

*Recommendation:*
While it is expected that turbidity will be localized and temporary, it would be helpful to include additional language in the FEIS better describing the approximate number of locations where outfall joint rehabilitation will occur, and an estimate of the volume of bottom sediments that could be disturbed. This additional information would better inform whether additional sediment sampling and BMPs would be appropriate to prevent the redistribution of contaminated sediments, control turbidity, and protect aquatic organisms in proximity to the project.

**Cumulative Impacts**

The Council on Environmental Quality's regulations for implementing NEPA define cumulative effects as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions (40 CFR Part 1508.7).

The cumulative impact analysis provided in the DEIS does not fully assess and quantify cumulative impacts associated with the project. The DEIS includes a map of 'cumulative projects' in the vicinity of the project (Figure 21-1). It appears that the list of 'cumulative projects' was provided without being incorporated into an analysis of what additional impact to resources those projects may have when also considered with the Clearwater project. A12-24

For air quality, the cumulative impacts analysis indicates that, after mitigation, the incremental effect on cumulative air quality impacts for $NO_x$ during construction for Alternatives 1 through 4 would be significant and unavoidable. The cumulative impacts analysis does not discuss other key

pollutants of concern, such as VOCs, $PM_{10}$ and $PM_{2.5}$. As stated earlier, the cumulative air quality impacts of the proposed project are of concern to EPA; however, the degree of impact cannot be determined without a quantification of emissions of specific pollutants as was done for air quality impacts assessed in Chapter 5. This lack of quantified cumulative emissions leaves the reader uncertain as to how significant these cumulative impacts could be.

*Recommendations:*
The FEIS should update the list of cumulative impact projects and, in tabular format, summarize each project's current status, proximity to, and anticipated schedule overlap with the proposed project. It is critical to understand the full scope of the construction and timing of operation for the multiple ongoing projects in order to assess potential cumulative impacts.

A12-24 cont.

The FEIS should include a quantification of cumulative emissions from the project and, at a minimum, other nearby goods movement projects, including terminal expansion projects at the Ports of Los Angeles and Long Beach, nearby proposed intermodal facilities and freeway expansion projects (e.g. the I-710), where emissions have already been quantified. Results should be provided in tabular format.

Discuss, in the FEIS, whether there are projects that, if all constructed at the same time, would heavily burden specific communities (with regard to construction impacts). Discuss whether there are measures that could be adopted, such as staging construction, so as not to overly-impact one community.

**Noise Impacts**

Chapter 14 discusses noise and vibration impacts from program and project construction. Noise sensitive receptors were identified near the shaft sites and the DEIS includes noise mitigation measures that will be implemented. Mitigation measure MM NOI-4b states that a complaint/response tracking program will be initiated prior to constriction, and a construction schedule will be made available to residents living near construction areas.

A12-25

*Recommendation:*
The FEIS and ROD should include a commitment to provide the construction schedule and contact information of the noise disturbance coordinator to affected sensitive receptors, including schools and child care facilities, that are in the vicinity of construction areas.

**Physical Safety**

The DEIS states that access to the shaft sites will be controlled through the use of fencing and controlled access locations (p. 10-29). The 40 to 60 ft diameter JWPCP West Shaft Site and the 25 to 35 ft diameter Royal Palms Shaft Site could pose a risk of physical injury to anyone who enters the area unsupervised and without permission. Truck traffic, due to construction activities, is also expected to increase in the vicinity of the shaft sites.

A12-26

*Recommendations*:
The FEIS and ROD should include a commitment to ensure signs are posted along the fence line that clearly communicate the danger of entering this area, especially at shaft sites that have nearby residences, schools, child care facilities, and parks.

11

The FEIS and ROD should include a commitment to ensure schools, child care facilities, and/or residences are notified of increased truck traffic, once truck routes are established for program and project elements.

A12-26 cont.

## Response to Comment A12-1

The comment provides an introduction and references the U.S. Environmental Protection Agency's (EPA's) comments on the notice of intent. The comment also expresses appreciation for the coordination meetings conducted during the planning process.

The Sanitation Districts of Los Angeles County (Sanitation Districts) and the U.S. Army Corps of Engineers (Corps) appreciate the EPA's acknowledgement of the Clearwater Program agency scoping meetings. However, the comment does not address the analysis in the environmental documents, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-2

The comment expresses support for the selection of Alternative 4 as the recommended alternative and for avoidance of the Palos Verdes dichlorodiphenyltrichloroethane/polychlorinated biphenyl (DDT/PCB) Superfund Site and the LA-2 Ocean Disposal site.

The Sanitation Districts and the Corps appreciate the EPA's support for the selection of Alternative 4 as the recommended alternative. However, the comment does not address the analysis in the environmental documents, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-3

The comment states that the agency rated the draft EIR/EIS as "Environmental Concerns – Insufficient Information (EC-2)" due to concerns about air quality, aquatic resources, children's health, and environmental justice. The comment also explains the rating system used by the EPA.

See Responses to Comments A12-4 through A12-26.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-4

The comment requests that additional air quality measures, such as using cleaner engines and best available control technologies (BACT) for equipment, be implemented during project construction and as part of the operational phase of the Clearwater Program.

In Chapter 5 of the draft EIR/EIS, mitigation measures that exceed regulatory requirements were included to protect public health to the highest extent practical and to reduce air quality impacts.

The Sanitation Districts are a regional public works agency that awards projects to contractors following an open bid process prescribed by state law. For construction projects, the equipment and vehicles are owned and operated by contractors. The contractor bears the responsibility for the regulatory compliance of its fleet and equipment, and makes the decisions regarding fleet mix and replacement schedule. The

specifications and engineering drawings that are developed for the bid advertisement cannot be based on the presumption that certain technologies or equipment may be available at the start of construction.

Project construction is anticipated to start in 2015. Only equipment or engines that are known with certainty to be in use or available at the start of construction can be specified at this time. As indicated in Section 5.3.1.2 of the draft EIS/EIR, the manufacture of Tier 4 engines is being phased in from 2008 to 2015. Consequently, it is uncertain to what extent contractor fleets will include these diesel engines when construction begins. The mitigation measures proposed exceed California Air Resources Board's (CARB's) fleet turnover compliance schedule.

Several mitigation measures would be incorporated into the project construction to lessen air quality and health risk impacts:

- Mitigation Measure (MM) AQ-2a (same as MM AQ-3a) specifies that heavy-duty diesel trucks used during construction with a gross vehicle weight greater than 26,000 pounds will have a 2007 model year engine or newer. Table 5-11 of the draft EIR/EIS showed that in 2015 only trucks with pre-1994 engines need to be replaced. MM AQ-2a goes beyond this regulatory requirement by requiring a cleaner engine. In response to EPA's request to lower the gross vehicle weight threshold in MM AQ-2a to 14,000 pounds, the Sanitation Districts have revised MM AQ-2a in the final EIR/EIS as follows:

  > MM AQ-2a. All on-road heavy-duty diesel trucks used during construction with a gross vehicle weight rating greater than ~~26,000~~14,000 pounds will ~~include a particulate matter trap or~~ have a 2007 model year engine or newer, or be equipped with a particulate matter trap.

  This revision also applies to MM AQ-3a and MM GHG-1a. This revision applies to Alternatives 1 through 4 and elsewhere in the final EIR/EIS and final Executive Summary where MM AQ-2a, MM AQ-3a, and MM GHG-1a occur.

- MM AQ-2b would require off-road diesel equipment used during construction to be equipped with Tier 3 engines and a diesel particulate matter trap. This would exceed EPA rules for in-use off-road diesel engines and CARB compliance schedule and nitrogen oxide ($NO_X$) targets for off-road diesel fleets (Table 5-12 of the draft EIR/EIS).
- MM AQ-2e would route trucks away from congested streets or sensitive receptor areas as feasible. This measure is not required by regulation, but the Sanitation Districts attempt to minimize project impacts where feasible.
- MM AQ-2f would require using the cleanest harbor craft available at the Port of Los Angeles for the project.
- MM AQ-2g would require a Tier 4 engine for the tunnel locomotive, which would exceed regulatory requirements.

As shown in Table 5-27 of the draft EIR/EIS, the potential impacts from the operational element of biosolids truck hauling were determined to be less than significant without mitigation. No new mitigation measures are necessary. The Sanitation Districts, however, will continue ongoing efforts to promote feasible low emissions technologies and commercially available alternative fuel vehicles (e.g., ethanol, compressed natural gas [CNG], liquefied propane gas, or biodiesel) for hauling biosolids.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-5

The comment recommends that the final EIR/EIS and record of decision (ROD) include best management practices (BMPs) that minimize disturbance to sediment and marine habitats, and provide more detail on the extent of sediment impacts and kelp disturbance.

As described in Section 7.2.5.4 of the draft Master Facilities Plan (MFP), Section 3.3.2.3 of the draft EIR/EIS, and the draft Executive Summary, rehabilitation of the existing ocean outfalls would include re-ballasting and joint repairs. Rehabilitation of the existing ocean outfalls would not require mechanical dredging or removal of large quantities of sediment. A small derrick barge would be used to place the ballast rock around the outfalls and to support the joint repair work. The re-ballasting work would occur on the existing 72-, 90-, and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A tube extending from the barge deck to the ocean floor would ensure that placement of ballast rock would not extend beyond the existing footprint. Joint repairs would require the temporary removal of sediment and ballast rock to fully expose the joint being repaired. A team of divers would remove the ballast rock and hand-shovel approximately 2 cubic yards of sediment from each joint. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. Cathodic protection would also be restored or added where necessary. It is estimated that approximately 10 to 40 joints would require repair, resulting in the hand removal of approximately 20 to 80 cubic yards of sediment. Therefore, because no mechanical dredging would be associated with Alternative 4 (the recommended alternative), the rehabilitation work would entail removal of *de minimis* quantities of sediment.

In the White Point area, kelp can be found on the 72-, 90-, and the 120-inch outfalls at water depths ranging from approximately 40 to 70 feet. Areas shoreward of 40-foot depths do not support kelp due to wave action, sea urchin grazing, and the absence of hard substrate. The proposed re-ballasting work would occur at water depths ranging between approximately 20 and 50 feet. Thus, there would be some overlap between the general work area and the kelp habitat from approximately 40 feet to 50 feet. As a result, re-ballasting activities could impact kelp growing on the outfall pipes and the adjacent rock ballast. However, the impact would be minimized because the proposed method of placing the new ballast rock ensures that the work would be limited to the existing footprint of the outfalls (i.e., pipeline and adjacent rock ballast). The impact would also be temporary because kelp would be able to recolonize the rock ballast upon completion of construction. Furthermore, replacement of rock ballast would increase hard substrate and thus benefit benthic habitat. Overall, direct and indirect impacts on kelp forests associated with the rehabilitation work for Alternative 4 (the recommended alternative) would be minimal and temporary.

Section 3.3.2.3, under Existing Ocean Outfalls, second paragraph, is revised in the final EIR/EIS as follows:

> Alternatives 1 through 4 (Project) would include improvements to the existing ocean outfalls, such as joint repairs and re-ballasting. The re-ballasting work would occur on the existing 72-, 90- and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A small derrick barge would be used to place the ballast rock around the outfalls and support the joint repair work. Joint repairs would involve temporarily removing some of the existing ballast rock from around the outfall to fully expose the joint being repaired. <u>A team of divers would repair an estimated 10 to 40 joints and hand-shovel approximately 2 cubic yards of sediment from each joint. Mechanical dredging would not be required.</u> A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with

> concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. ~~c~~Cathodic protection would also be restored or added where necessary. The marine vessels required for this work are listed in Table 3-10. The majority of the construction work would be based on one 10-hour shift per day, 5 days per week. It is estimated that approximately eight to ten construction workers would be needed for the rehabilitation work. Joint repairs and transport of construction workers would require a work vessel and crew vessel operating one daily round-trip for approximately 1 month, which would most likely deploy from the Port of Los Angeles. All of the work including mobilization, construction, and demobilization would take approximately 9 months.

Section 13.2.2.1, under Existing Ocean Outfalls, Biological Resources, Marine Vegetation, is revised in the final EIR/EIS as follows:

> Giant kelp beds occur inshore of the existing ocean outfalls, though the sizes of the beds have changed over time. Historic trends for kelp beds in the area of the existing ocean outfalls are presented in Appendix 13-A. In 2008, approximately 150 acres of kelp were reported in the White Point area~~.~~ at water depths ranging from approximately 40 to 70 feet. Areas shoreward of 40-foot depths do not support kelp due to wave action, sea urchin grazing, and the absence of hard substrate. There is no eelgrass located at the existing ocean outfalls or within the general vicinity of the existing ocean outfalls. Eelgrass is usually found at depths between +6.0 and -22.0 feet mean lower low water level (MLLW) (+2.4 and -6.6 meter MLLW) (Phillips 1984:4).

Section 13.4.3.2, under Impact MAR-4, Riser/Diffuser Area – San Pedro Shelf, Construction, CEQA Analysis, Marine Habitat, after the first paragraph, is revised in the final EIR/EIS to include the following paragraph:

> As discussed in Section 13.2.2.1, kelp can be found in the White Point area at water depths ranging from approximately 40 to 70 feet. The proposed re-ballasting work would occur at water depths ranging between approximately 20 and 50 feet. Thus, there would be some overlap between the general work area and the kelp habitat from approximately 40 feet to 50 feet. As a result, re-ballasting activities could impact kelp growing on the outfall pipes and the adjacent rock ballast. However, the impact would be minimized because the proposed method of placing the new ballast rock ensures that the work would be limited to the existing footprint of the outfalls (i.e., pipeline and adjacent rock ballast). The impact would also be temporary because kelp would be able to recolonize the rock ballast upon completion of construction. Furthermore, replacement of rock ballast would increase hard substrate and thus benefit benthic habitat. Overall, direct and indirect impacts on kelp forests would be minimal and temporary. Therefore, impacts would be less than significant.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-6

The comment provides an introduction to the EPA's specific comments.

See Responses to Comments A12-8 through A12-26.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-7

The comment provides instructions for distribution of the final EIR/EIS.

The final EIR/EIS will be distributed as requested.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-8

The comment requests that mitigation measures be implemented on a schedule concurrent with the commencement of construction of the project and that additional mitigation measures be included.

Construction mitigation measures associated with both the project and the program were analyzed in the draft EIR/EIS based on implementation at the start of respective construction activities. The Sanitation Districts will incorporate the mitigation measures into the contract bid specifications. Section 5.4.3.1, under Impact AQ-2, CEQA Impact Determination, Mitigation, is revised in the final EIR/EIS as follows:

> Mitigation measures for construction were derived, where feasible, from SCAQMD mitigation measure tables (SCAQMD 2007b), LAHD Construction Guidelines (also part of the Port of Los Angeles' Clean Air Action Plan), and the Sanitation Districts. The following mitigation measures would be implemented at the start of the construction activity to reduce criteria pollutant emissions associated with construction.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-9

The comment requests that all engines used for construction be Tier 4, when available, and that BACT be used for activities that occur prior to Tier 4 standards availability.

As previously described in Response to Comment A12-4, the Sanitation Districts are a regional public works agency that awards projects to contractors following an open bid process prescribed by state law. For construction projects, the equipment and vehicles are owned and operated by contractors. The contractor bears the responsibility for the regulatory compliance of its fleet and equipment, and makes the decisions regarding fleet mix and replacement schedule. The specifications and engineering drawings that are developed for the bid advertisement cannot be based on the presumption that certain technologies or equipment may be available at the start of construction.

Project construction is anticipated to start in 2015. As noted previously, only equipment or engines that are known with certainty to be in use or available at the start of construction can be specified at this time. As indicated in Section 5.3.1.2 of the draft EIR/EIS, the manufacture of Tier 4 engines is being phased in from 2008 to 2015. Consequently, it is uncertain to what extent contractor fleets will include these diesel engines when construction begins. The mitigation measures proposed exceed CARB's fleet turnover compliance schedule.

Several mitigation measures would be incorporated into the project construction to lessen air quality and health risk impacts:

- MM AQ-2a (same as MM AQ-3a) specifies that heavy-duty diesel trucks used during construction with a gross vehicle weight greater than 26,000 pounds will have a 2007 model year

engine or newer. Table 5-11 of the draft EIR/EIS showed that in 2015 only trucks with pre-1994 engines need to be replaced. MM AQ-2a goes beyond this regulatory requirement by requiring a cleaner engine. In response to EPA's request to lower the gross vehicle weight threshold in MM AQ-2a to 14,000 pounds, the mitigation measure is revised in the final EIR/EIS as follows:

> MM AQ-2a. All on-road heavy-duty diesel trucks used during construction with a gross vehicle weight rating greater than ~~26,000~~14,000 pounds will ~~include a particulate matter trap or~~have a 2007 model year engine or newer, or be equipped with a particulate matter trap.

This revision also applies to MM AQ-3a and MM GHG-1a. This revision applies to Alternatives 1 through 4 and elsewhere in the final EIR/EIS and final Executive Summary where MM AQ-2a, MM AQ-3a, and MM GHG-1a occur.

- MM AQ-2b would require off-road diesel equipment used during construction to be equipped with Tier 3 engines and a diesel particulate matter trap. This would exceed EPA rules for in-use off-road diesel engines and CARB compliance schedule and $NO_X$ targets for off-road diesel fleets (Table 5-12 of the draft EIR/EIS).
- MM AQ-2b specifies the use of Tier 3 engines at a minimum regardless of fleet size and ahead of CARB's implementation schedule for in-use equipment. CARB's In-Use Off-Road Diesel Vehicle Regulation requires that fleets meet a Tier 3 equivalent average target at a date later than required for MM AQ-2b. The EPA Tier 3 $NO_X$ standard is 3.5 grams per brake horsepower-hour (g/bhp-hr) $NO_X$ + non-methane hydrocarbons (NMHC) NMHC (3.3 $NO_X$) for equipment less than 100 horsepower (hp) and 3.0 g/bhp-hr $NO_X$ + NMHC (2.85 $NO_X$) for equipment greater than 100 hp. (CARB 2011a.)
- MM AQ-2e would route trucks away from congested streets or sensitive receptor areas as feasible. This measure is not required by regulation, but the Sanitation Districts attempt to minimize project impacts where feasible.
- MM AQ-2f would require using the cleanest harbor craft available at the Port of Los Angeles for the project.
- MM AQ-2g would require a Tier 4 engine for the tunnel locomotive, which would exceed regulatory requirements.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-10

The comment requests that all harbor crafts used for construction have a Tier 4 engine and, if not available locally, that one be transported from other west coast states before allowing the use of a lower tier harbor craft.

The draft EIR/EIS was analyzed with Tier 3 harbor craft engines for both the unmitigated and mitigated scenarios. This reflects the harbor craft repowering schedule shown under Control Measure 4.4.1 in the 2010 Update of the San Pedro Bay Ports Clean Air Action Plan (Port of Los Angeles and Port of Long Beach 2010:134), which was developed jointly by the Port of Los Angeles and Port of Long Beach. It is anticipated that rehabilitation work for the existing ocean outfalls would begin in 2019 and take approximately 4 to 6 months. MM AQ-2f goes above and beyond the CARB requirements for in-use harbor craft. If a Tier 4 harbor craft is available at the Port of Los Angeles when the rehabilitation work begins, it would be used.

The Northwest Ports Clean Air Strategy for the Ports of Seattle and Tacoma and the Vancouver Port Authority (Port of Seattle et al. 2007) does not show any Tier 3 or Tier 4 engines in its harbor vessel repowering schedule. CARB has more stringent requirements than the other western states so the availability of Tier 4 harbor crafts outside of California is unlikely. Additionally, it would be impractical to transport a harbor craft with a Tier 4 engine from another west coast state for a 4 to 6 month project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-11

The comment requests a discussion regarding the potential use of an electric locomotive for tunnel construction.

An electric locomotive was considered but deemed infeasible for several reasons, including: (1) the inability to stay charged given the number of trips back and forth and the tunnel distance involved; (2) the safety hazard of an in-tunnel charging station given the potential of encountering water during tunnel construction; and (3) the need for a reliable, uninterrupted power source to evacuate personnel in the event of an emergency.

MM AQ-2g directly addresses the highest emissions source of $NO_X$ of the proposed project by utilizing the cleanest locomotive engine commercially available. This mitigation would exceed the EPA emission standards applicable to in-use locomotive engines.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-12

The comment requests including an emissions standard table similar to Table 5-8 of the draft EIR/EIS for on-road engines and a comparison of emission levels between alternative-fuel and diesel engines.

A table summarizing EPA's on-road engine standards was not deemed necessary because Section 5.3.1.3 of the draft EIR/EIS already discussed these standards. It should be noted that CARB's On-Road Heavy-Duty Diesel Vehicles Regulation (CARB 2011b) incorporates EPA's on-road engine standards and stipulates a compliance schedule for fleets, as shown in Tables 5-10 and 5-11 of the draft EIR/EIS. It should be further noted that EPA's on-road engine standards and CARB's regulatory requirements are incorporated into the fleet averages used in emission calculations.

MM AQ-2d requires the evaluation of alternative fuel engines for construction. It is premature to include an emissions comparison table between alternative-fuel and diesel engines until a commercially proven engine is selected for the specific construction application and on-road operational use, and the manufacturer's emissions data is obtained.

As previously discussed in Response to Comment A12-4, the potential impacts from the operational element of biosolids truck hauling were determined to be less than significant without mitigation. No new mitigation measures are necessary. The Sanitation Districts, however, will continue ongoing efforts to promote feasible low emissions technologies and alternative fuel vehicles for hauling biosolids.

The comment also requests a discussion on using on-road engines meeting the 0.2 g/bhp-hr $NO_X$ emission standard for construction and operations.

Although EPA on-road standards allowed manufacturers to phase in compliance with this standard, and according to EPA, 100 percent of vehicle sales met the standards as of 2010, this is not reflective of available vehicle fleets. CARB's On-Road Heavy-Duty Diesel Vehicles Regulation (CARB 2011b) incorporates EPA's on-road engine standards and stipulates a compliance schedule for fleets, as shown in Tables 5-10 and 5-11 of the draft EIR/EIS. CARB's inventory, available at the time of the analysis, was used to quantify fleet averages for on-road vehicles reflective of the anticipated activity years, for the unmitigated scenarios. As previously described in Response to Comment A12-4, MM AQ-2a and MM AQ-3a require that trucks used during construction have 2007 model year engines or newer, or be equipped with a particulate matter trap. MM AQ-2d requires the evaluation of alternative fuels for off-road construction equipment as well as for on-road trucks used at the time of construction. These mitigation measures incorporate EPA standards for new on-road engines and go beyond CARB requirements for in-use on-road engines. As previously discussed, the potential impacts from the operational element of biosolids truck hauling were determined to be less than significant without mitigation.

The comment also requests that MM AQ-2a (and MM AQ-3a) stipulate the use of the cleanest on-road emission standards available for diesel trucks.

MM AQ-2a and MM AQ-2d (same as MM AQ-3a and MM AQ-3d, respectively) incorporate EPA standards and go beyond CARB requirements for in-use on-road engines. The use of the cleanest available on-road engines, specifically the use of all 2007 or newer on-road engines, is stipulated in MM AQ-2a (same as MM AQ-3a).

The comment also requests that MM AQ-2a (and MM AQ-3a) be updated to apply to all on-road heavy-duty diesel trucks greater than 14,000 pounds versus the current 26,000 pounds mentioned in the draft EIR/EIS.

It was anticipated in the draft EIR/EIS that haul trucks used during construction and operational activities would have a gross vehicle weight rating (GVWR) greater than 26,000 pounds. However, as discussed in Response to Comment A12-4, MM AQ-2a and MM AQ-3a are revised in the final EIR/EIS to reflect a GVWR of 14,000 pounds or greater.

The comment also requests that the tables in the Chapter 5 impact analysis be updated in the final EIR/EIS to reflect the additional criteria pollutant emissions reductions that would result from using the cleanest available on-road engines for each project construction and program operational element.

Table 5-16 of the draft EIR/EIS delineated the construction and operational emission sources for each element under program and project. Tables 5-30, 5-31, 5-35, 5-41, 5-42, 5-47, 5-48, 5-50, 5-55, 5-56, and 5-58 show emissions after mitigation that would occur under each alternative. With revision of MM AQ-2a and MM AQ-3a, which expand the applicability of emissions controls to a wider range of vehicles, emissions would be slightly lower than what was reported in these tables. However, $NO_X$ emissions would still exceed the significance threshold.

The comment also requests that the final EIR/EIS describe expected final disposal locations for excavated materials and include criteria that would minimize overhaul hauling distances.

For excavated materials suitable for backfill in construction projects, potential disposal locations include San Pedro and surrounding areas. For excavated materials suitable for daily cover at landfills, potential reuse locations are in Los Angeles and Orange Counties. For excavated materials requiring special disposition, the potential disposal location would be Buttonwillow Landfill in Kern County, as worst case,

or a local facility permitted under the Resource Conservation and Recovery Act. The draft EIR/EIS conservatively estimated that excavated materials would be disposed at locations 60 miles from the construction sites. Local beneficial use of the excavated materials is preferred over truck hauling to longer distances.

The comment also requests that the final EIR/EIS provide a quantification of (1) the additional air quality impacts associated specifically with the trucking of the excavated material and (2) the air quality benefits expected to be achieved by specific mitigation measures.

The draft EIR/EIS analyzed and quantified impacts associated with trucking of excavated materials as well as the air quality benefits associated with mitigation measures. For example, trucking emissions were included for each element in Table 5-53 of the draft EIR/EIS, except for onshore tunnel alignment where emissions were due to the tunnel locomotive. Including each type of emissions source for each element would make the tables difficult to read. The appendices contain the detailed calculations.

Overall, as stated above, MM AQ-2a and MM AQ-3a are revised in the final EIR/EIS to reflect a GVWR of 14,000 or greater.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-13

The comment requests that the final EIR/EIS discuss the Ports of Long Beach and Los Angeles' Clean Trucks Programs (Port of Los Angeles 2012) and how their success could be transferred to truck applications proposed for construction of the Clearwater Program, as well as the fleet of trucks used to transport biosolids from the Joint Wastewater Pollution Control Plant (JWPCP).

The Port's Clean Trucks Program banned drayage trucks older than 2007 on Port property since 2012. The use of 2007 or newer trucks for construction is considered to be a mitigation measure by the Port of Los Angeles and the Port of Long Beach (2010). MM AQ-2a (same as MM AQ-3a) parallels the use of 2007 and newer trucks for mitigated construction activities.

As previously discussed in Response to Comment A12-4, the potential impacts from the operational element of biosolids truck hauling were determined to be less than significant without mitigation. No new mitigation measures are necessary. The Sanitation Districts, however, will continue ongoing efforts to promote feasible low emissions technologies and commercially available alternative fuel vehicles for hauling biosolids.

The comment also requests that the final EIR/EIS discuss incentives and require continuous improvement for trucks servicing the construction sites and the JWPCP.

In order to implement MM AQ-2d, commercially available construction equipment and heavy-duty trucks that use alternative fuels will be evaluated for their use during construction and operation prior to finalizing the bid specifications. A periodic review of these technologies will be conducted. In addition, if a CARB-certified technology with a better emissions profile than the existing mitigation measures is identified, it will be evaluated. As previously discussed, the Sanitation Districts will continue ongoing efforts to promote feasible low emissions technologies and commercially available alternative fuel vehicles for hauling biosolids.

The comment also requests that the final EIR/EIS include a mitigation measure for the phase-in of zero emission trucks and a periodic review of new technologies and regulations specific to heavy-duty trucks.

As previously discussed in Response to Comment A12-4, the potential impacts from the operational element of biosolids truck hauling were determined to be less than significant without mitigation. No new mitigation measures are necessary. The Sanitation Districts, however, will continue ongoing efforts to promote feasible low emissions technologies and commercially available alternative fuel vehicles for hauling biosolids.

The Ports' Clean Truck Program is a long-term program intended to address the more than 20,000 daily truck trips associated with the Port of Los Angeles. Construction for the Clearwater Program, in turn, adds truck trips for a short term, and the number of trucks is orders of magnitude smaller by comparison. Based on this much smaller number of truck trips, it is inappropriate to utilize the Ports' Clean Truck Program for the project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-14

The comment requests that the final EIR/EIS clarify the calculations used to adjust the localized significance threshold (LST) based on the federal standard. The comment is also concerned that localized emission impacts could constitute a disproportionately adverse impact on minority and low-income populations.

The analysis in the draft EIR/EIS relied on LSTs developed by the South Coast Air Quality Management District (SCAQMD), which are part of SCAQMD's environmental justice program. LSTs were designed to protect communities from the localized effects of air quality impacts caused by projects. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, thereby not resulting in significant adverse localized air quality impacts. The LSTs are conservative, providing public agencies with a relatively simple method of evaluating ambient air pollutant concentrations without having to conduct more complicated air dispersion modeling.

SCAQMD's LST methodology for nitrogen dioxide ($NO_2$) is based on the California 1-hour ambient air quality standard. In 2010, the EPA created a new federal $NO_2$ 1-hour ambient air standard that is lower than the California standard. Because the SCAQMD has not revised their LST methodology to reflect the new federal standard, a different approach was warranted in addressing localized $NO_2$ impacts as they apply to the federal 1-hour standard.

The analysis determined the $NO_X$ federal screening threshold by scaling SCAQMD $NO_X$ LST by the ratio of the federal 1-hour National Ambient Air Quality Standard (NAAQS) to the California Ambient Air Quality Standard (a ratio of 0.10 to 0.18).

The *de minimis* level for $NO_X$ stipulated in the federal general conformity rule could also be used as the federal screening threshold for $NO_X$. The federal general conformity rule ensures that federal actions do not cause or contribute to a new violation of the NAAQS, do not cause additional or worsen existing violations of the NAAQS, and do not delay attainment of the NAAQS. The conformity regulation stipulates *de minimis* emission levels based on the type and severity of the nonattainment designation. If the federal action would result in emissions below the *de minimis* levels, the action is determined to conform; that is, it would not cause or contribute to a violation of the NAAQS. The South Coast Air Basin (SCAB) is in extreme nonattainment for ozone, for which $NO_X$ is a precursor, and as such is subject to a 10 tons-per-year *de minimis* level (EPA 2010). The general conformity *de minimis* level of 10 tons per year, therefore, could be used to evaluate $NO_X$ impacts as they relate to the NAAQS. If the general

conformity *de minimis* level of 10 tons per year were used, impacts from program construction, project construction, and program operation would not result in a significance determination different from the EIR/EIS. It should also be noted that the SCAB is considered a maintenance area for $NO_2$ and as such is subject to a 100 tons-per-year *de minimis* level.

As discussed in Chapter 15 of the draft EIR/EIS, the study areas for the tunnel alignment and Royal Palms shaft site for the recommended alternative (Alternative 4) do not have a greater presence of minority or low-income populations in comparison to the reference community. The study area around the JWPCP West shaft site does have a greater presence of minority and low-income populations in comparison to the reference community. However, as described in Chapter 5, under Impact AQ-3, implementation of MM AQ-3a through MM AQ-3e and MM AQ-3g would reduce construction impacts for the onshore tunnel and the JWPCP West and Royal Palms shaft sites to below the SCAQMD LSTs for all pollutants for the recommended alternative (Alternative 4). Residual impacts would be less than significant. Therefore, the recommended alternative would not result in significant, disproportionately high, or adverse localized emissions impacts on minority or low-income populations. Environmental justice-related impacts would be less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-15

The comment requests a discussion of potential non-cancer health problems linked to particulate pollution, including diesel particulates.

Non-cancer health issues associated with criteria pollutants, including particulate matter less than 10 and 2.5 microns in diameter ($PM_{10}$ and $PM_{2.5}$), were described in Table 5-3 of the draft EIR/EIS. No revisions to the final EIR/EIS are necessary. For additional information, the California Environmental Protection Agency's (CalEPA's) Office of Environmental Health Hazard Assessment (OEHHA) has a fact sheet that describes the health effects of diesel exhaust (CalEPA OEHHA 2012).

The comment also requests a discussion and analysis of how toxic air contaminants generated during project construction contribute to the acute hazard and total hazard indices.

OEHHA has not developed an acute hazard index for diesel particulate matter, so the short-term construction-related effects of diesel particulate cannot be estimated. Based on CARB's fact sheet, Health Effects of Diesel Exhaust (CARB 2012), the diesel-particulate levels estimated to be present in ambient air in 2000 result in a potential cancer risk of over 540 in 1 million over a 70-year lifetime.

LSTs were used to assess whether or not there would be any significant adverse localized air quality impacts associated with construction. Localized $PM_{2.5}$ impacts associated with program construction and project construction were found to be below the level of significance. Because health impacts associated with short-term exposure are linked to ambient $PM_{2.5}$ concentrations, it is appropriate to define the trigger to quantify such impacts as the finding of significance for the $PM_{2.5}$ ambient concentration impact. Therefore, a less than significant finding for the $PM_{2.5}$ ambient concentration impact would not trigger a quantification of short-term impacts associated with construction activities since the impact has already been found not to be significant.

The comment suggests altering the construction schedule or limiting the use of high emitting equipment as a mitigation to achieve the lowest emissions possible.

It would be infeasible to halt tunnel construction or use equipment intermittently. A longer construction schedule would also result in longer-term impacts. The cleanest engine (Tier 4) would be used for the tunnel locomotive, which is the highest emissions source for the project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-16

The comment suggests adding certain greenhouse gas (GHG) mitigation measures to the construction and bid specifications.

Over the years, the Sanitation Districts have developed cost-effective, environmentally sound programs to reduce GHG emissions. As described in Chapter 1 of the draft MFP, the Sanitation Districts, having successfully pioneered renewable energy technologies at their wastewater and solid waste facilities, are leaders in the production and use of green power. The production of renewable energy from biogas conserves fossil fuels and reduces GHG emissions. In 2010, the Sanitation Districts produced 750,000 megawatt hours (MWh) of power offsetting 220,000 metric tons of carbon dioxide equivalents (CO2e). This is enough renewable energy to power 120,000 homes. (That same year, the EPA recognized the Sanitation Districts as one of the top five "Green Power Partnership" local government leaders in the nation with respect to annual green power usage.) As further described in Chapter 1 of the draft MFP, approximately 84 million gallons per day (93,000 acre-feet per year) of recycled water was reused at 640 sites throughout Los Angeles County in 2010. Assuming this water would otherwise have been supplied by imported water, these recycled water efforts have avoided approximately 250,000 MWh of annual power consumption, offsetting 73,000 metric tons of CO2e. In addition, the Sanitation Districts recently cooperated in the installation of a public CNG refueling station at the JWPCP and have planted trees around the JWPCP and other facilities in the Joint Outfall System, which is one of EPA's suggested mitigation measures.

Nonetheless, based on this comment, the final EIR/EIS is revised to include the following mitigation measures in Chapter 9:

> MM GHG-1f. Use energy efficient lighting systems, such as LED technology, during construction, where feasible.
>
> MM GHG-1g. Use lighter-colored pavement during construction, where feasible.
>
> MM GHG-1h. Recycle construction debris to the maximum extent feasible.

The additional mitigation applies to Alternatives 1 through 4 (Project) and is added elsewhere in the final EIR/EIS and final Executive Summary where GHG mitigation for the project occurs.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-17

The comment requests consideration of all feasible mitigation strategies, monitoring measures, and the preferences expressed by the local community to reduce potential environmental justice and cumulative health impacts.

Section 5.2.3.2 of the draft EIR/EIS acknowledged the carcinogenic risk posed by ambient diesel particulate around the Port of Los Angeles, identified in the MATES III study. In recognition of the

existing ambient air quality, mitigation measures were included that went beyond the existing regulatory requirements. Additionally, a Tier 4 engine is proposed for the locomotive engine, which is the highest emissions source for the project.

As discussed in Chapter 15 of the draft EIR/EIS, the study areas for the tunnel alignment and Royal Palms shaft site for the recommended alternative (Alternative 4) do not have a greater presence of minority or low-income populations in comparison to the reference community. The study area around the JWPCP West shaft site does have a greater presence of minority and low-income populations in comparison to the reference community. However, as described in Chapter 5 under Impact AQ-3, implementation of MM AQ-3a through MM AQ-3e and MM AQ-3g would reduce construction impacts for the onshore tunnel and the JWPCP West and Royal Palms shaft sites to below the SCAQMD LSTs for all pollutants for Alternative 4 (Project). Residual impacts would be less than significant. Therefore, the recommended alternative would not result in significant, disproportionately high, or adverse localized emissions impacts on minority or low-income populations. Environmental justice-related impacts would be less than significant.

The draft EIR/EIS used the SCAQMD's very conservative LST methodology to ensure that public health is protected during project construction. The potential local air quality impacts caused by project construction were determined to be less than significant after implementing the mitigation measures.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-18

The comment requests that, in general, an analysis of impacts on children be included and, specifically, that the final EIR/EIS include child care facilities as non-resident sensitive receptors when assessing localized air quality impacts from construction activities.

The LST analysis in the draft EIR/EIS considered child care facilities as non-resident sensitive receptors.

The comment also requests that the final EIR/EIS describe the specific location for all staging areas to be used during construction at each shaft site, and confirm that these locations would result in the least environmental impacts and disruption to sensitive receptors, including schools and child care centers.

The proposed staging areas would be located within the footprint of the shaft sites or facilities described in the draft EIR/EIS. Impacts from activities at these locations on surrounding sensitive receptors were addressed in the draft EIR/EIS. As described in Table 5-62 of the draft EIR/EIS, LST impacts would be less than significant with mitigation.

The comment also requests that the final EIR/EIS consider smaller footprints for the proposed shaft sites and construction schedules that would minimize impacts on such sensitive receptors.

The comment is noted. The footprint is determined by the space needed to lower the tunnel boring machine and equipment through the shaft, the size and type of equipment needed for construction, the need for construction equipment and vehicles to maneuver or rotate, and other factors. The construction schedules provided in Table 3-13 of the draft EIR/EIS represent a worst-case scenario with respect to overlapping construction of project elements. This ensures a conservative approach for analyzing potential project impacts because it assumes project activities are occurring concurrently, thus resulting in greater air emissions and traffic impacts.

The comment also requests that measures identified in the Draft Schools Environmental Health Guidelines (EPA 2012) for reducing exposure of environmental hazards at schools be discussed.

The EPA's Draft Schools Environmental Health Guidelines are draft voluntary guidelines intended as BMPs to be implemented by school facilities. The guidelines include the following measures to be implemented by states and school facilities.

- Promote the establishment of local school environmental management systems that consider student and staff health and safety in all practices related to design, construction, renovation, operations, and maintenance of schools and school grounds.
- Recommend that new and renovated school facilities are designed and built to ensure a sustainable, healthy environment that also conserves energy and saves money.
- Ensure that environmental factors are considered in school siting decisions as recommended in the EPA's School Siting Guidelines.
- Provide support to schools that are identified as most in need of critical infrastructure repair and/or maintenance.
- Promote energy efficient products and practices.
- Encourage environmentally safe purchasing policies for school districts.

Implementation of these guidelines by the project proponent would not be applicable because the Sanitation Districts have no authority over schools nor does the Clearwater Program involve construction or renovation of schools.

The comment also requests that the final EIR/EIS provide a discussion of current rates of asthma and how construction emissions may impact children's health and refers to the 2007 Los Angeles County Health Survey.

In 2009, the Los Angeles County Department of Public Health released a report entitled Key Indicators of Health (Los Angeles County Department of Health 2009) indicating that, in 2007, an average of 9.5 percent of children of ages 0 through 17 in South Bay had asthma. This is a decline from 2005, which was 11 percent.

The 2007 Los Angeles County Health Survey was a population-based telephone survey that provided information concerning the health of Los Angeles County residents. The data provided by the survey is intended for assessing health-related needs of the population, for program planning and policy development, and for program evaluation. The data is not linked to medical records and is based on self-reported data from a randomly selected sample of Los Angeles County population.

The data, although useful for assessing general rates of asthma in 2007 for state and county health planning purposes, is not meaningful in assessing how construction-related, project-specific air emissions may affect children in the direct vicinity of the proposed project.

It should be noted that asthma is often linked to ambient $PM_{2.5}$ concentrations. The draft EIR/EIS found that $PM_{2.5}$ impacts associated with program and project construction would be below the level of significance even prior to implementation of the mitigation measures. Therefore, a less than significant finding for the $PM_{2.5}$ ambient concentration impact would not trigger a quantification of impacts associated with temporary construction activities because the impact has already been found to be less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-19

The comment requests additional analysis of aerially deposited lead and asbestos in the surface soils around the JWPCP East, JWPCP West, and TraPac shaft sites.

As discussed in Chapter 10 of the draft EIR/EIS, as part of the construction process, excavated material would be monitored and tested at the shaft sites prior to disposal, and disposal of contaminated materials, if found, would comply with all federal, state, and local regulations. Therefore, impacts related to contaminated soil were found to be less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-20

The comment states, in general, that the draft EIR/EIS did not sufficiently characterize project impacts on the Palos Verdes Shelf Superfund Site under each alternative and did not describe how such information was used to support the selection of the recommended (preferred) alternative.

As shown in Table 2 in Appendix 1-B of the draft EIR/EIS, from late 2007 to mid-2011, the Sanitation Districts conducted four scoping meetings with the EPA, Region 9, two of which were attended by the Corps as well. A topic of discussion at each of these meetings was the potential environmental impacts of the proposed riser/diffuser construction and existing outfall rehabilitation on the Palos Verdes Shelf Superfund Site. In addition, the Sanitation Districts' Ocean Monitoring and Research Group had several coordination meetings with the EPA's Superfund Group during the Clearwater Program planning process. Over the course of these scoping and coordination meetings, the EPA indicated that the proposed riser/diffuser for Alternative 1 is beyond the Palos Verdes Shelf Superfund Site study area; the proposed riser/diffuser for Alternatives 2 and 3 is within the Palos Verdes Shelf Superfund Site study area, but in an area of low concern with respect to DDT/PCB sediment concentrations; and the proposed existing outfall rehabilitation under Alternatives 1, 2, 3, and 4 is within the study area for the Palos Verdes Shelf Superfund Site, but would occur primarily in ocean depths ranging between 20 and 50 feet, which is much shallower than the EPA's area of concern with respect to high DDT/PCB sediment concentrations that start at ocean depths greater than 100 feet. The input received from the EPA was used in the screening of each of the viable alternatives and the subsequent ranking of the feasible alternatives. As described in Section 6.3.4.2 of the draft MFP, five weighted screening parameters were used to evaluate the viable project alternatives for feasibility. One of the criteria – constructability – considered hazards (e.g., potential disturbance to areas of high DDT/PCB sediment concentrations during construction) and institutional feasibility (e.g., EPA approval to construct within the Palos Verdes Shelf Superfund Site study area). Another of the criteria – operational considerations – considered potential disturbance to areas of high DDT/PCB sediment concentrations during ocean outfall operation. Therefore, the alternatives analysis presented in the draft MFP and the draft EIR/EIS considered the potential construction and operation impacts of the viable project alternatives on the Palos Verdes Shelf Superfund Site, and the results of the analysis were factored into the aggregate weighted scores presented in Table 6-28 of the draft MFP, which ultimately established the ranked feasible alternatives presented in Table 6-29 of the draft MFP. The highest ranked alternative was the recommended alternative (Alternative 4).

In addition, this comment specifically recommends several changes to the document.

The first specific recommendation is to include avoidance and impact minimization of the Palos Verdes Shelf Superfund Site as one of the screening criteria listed in Section 3.3 of the draft EIR/EIS.

As previously described, minimization of impacts on the Palos Verdes Shelf Superfund Site was considered under two of the screening criteria – constructability and operational considerations. Both of these criteria, which were listed on Figure 3-2 of the draft EIR/EIS, were defined in Section 6.3.4.2 of the draft MFP. The second specific recommendation is to include a discussion on how the construction, operation, rehabilitation, and maintenance activities would impact the Palos Verdes Shelf Superfund Site under each alternative, and identify any potentially necessary remedial actions.

Section 13.2 and Appendix 13-A of the draft EIR/EIS provided a comprehensive description of the marine environmental setting on the San Pedro and Palos Verdes Shelves, including DDT/PCB sediment concentrations. Figure 13-4 of the draft EIR/EIS showed the location of the existing ocean outfalls and the proposed riser/diffuser area for each alternative in relationship to the Palos Verdes Shelf Superfund Site study area. Section 13.4 of the draft EIR/EIS provided a systematic evaluation of the construction and operation impacts for each of the alternatives on the marine environment. Potential impacts on the Palos Verdes Shelf Superfund Site study area were specifically addressed in Sections 13.4.3.2, 13.4.4.2, 13.4.5.2, and 13.4.6.2 of the draft EIR/EIS. Any potentially necessary remedial actions relating to DDT/PCB contaminated sediments were included in mitigation measures, specifically MM MAR-1a and MM MAR-1b.

The third specific recommendation is to discuss potential operational environmental effects due to disturbance of contaminated sediments that could result from effluent discharge and changes in currents as a result of a new diffuser on the seafloor, including a discussion of modeling and monitoring results used to determine environmental effects.

As shown on Figure 13-5 of the draft EIR/EIS, prevailing currents in the project vicinity would run parallel to the coast in a northwesterly direction. The proposed diffusers for Alternatives 1, 2, and 3 would be oriented in the same direction, and the proposed diffusers for Alternatives 2 and 3 would be closer to the area of concern with respect to high DDT/PCB sediment concentrations (approximately 1 mile at its closest point) than the proposed diffuser for Alternative 1. Effluent would be discharged perpendicular to the prevailing current at a low velocity (approximately 2 feet per second) from a series of ports located along the entire length of each diffuser leg. Once discharged, the effluent would typically begin to rise (due to its higher temperature and lower salinity than that of the ambient ocean water) until it reaches the thermocline about 10 to 30 meters below the surface (approximately 30 to 100 feet). The prevailing currents would then carry the effluent toward the area of high DDT/PCB sediment concentrations and suspended solids would settle out over time, some of which could further cover the buried DDT/PCB. Furthermore, given the orientation of the proposed diffusers for Alternatives 1, 2, and 3 with respect to the prevailing currents, any potential down-current turbulence moving in the direction of the area of high DDT/PCB sediment concentrations would be generated primarily by the cross-section of the diffuser, not the 8,000-foot diffuser length. The cross-section of the proposed diffuser was shown on Figure 3-25 of the draft EIR/EIS. The maximum height, which is limited to the very top of the diffuser pipe, would be approximately 13 feet above the seafloor. The maximum width of the cross-section would be 54 feet, most of which is 5 feet or less above the seafloor. As described in Section 13.2.2.1 of the draft EIR/EIS, based on a 9-year study conducted by the Sanitation Districts, currents on the Palos Verdes Shelf at a depth of 175 feet (the location and depth of the diffuser proposed for Alternatives 2 and 3) averaged 0.3 feet per second, with a maximum current speed of 2.3 feet per second recorded in 2001. Given the small cross-section of the proposed diffusers, the relatively low current speeds at the diffuser locations and depths, and the 1-mile distance between the tip of the closest diffuser leg and the edge of the higher DDT/PCB sediment concentrations, there would be minimal or no potential for the proposed

diffusers to alter currents in the area of concern. Therefore, additional modeling and monitoring of potential disturbance to contaminated sediments are not warranted.

The fourth specific recommendation is that the final EIR/EIS should evaluate the alternatives with the recognition that two of the offshore tunnel alignments have the potential to cause unavoidable, but mitigable, impacts on the Palos Verdes Superfund Site.

Section 13.4 of the draft EIR/EIS provided a systematic evaluation of the construction and operation impacts of each of the alternatives on the marine environment. Potential impacts on the Palos Verdes Shelf Superfund Site study area were specifically addressed in Sections 13.4.3.2, 13.4.4.2, 13.4.5.2, and 13.4.6.2 of the draft EIR/EIS. Any potentially necessary remedial actions relating to DDT/PCB contaminated sediments are addressed by MM MAR-1a and MM MAR-1b. After mitigation, the draft EIR/EIS concluded that the impacts would be less than significant.

The fifth specific recommendation is that Chapter 10 should discuss contaminated sediment at the Palos Verdes Shelf Superfund Site and disclose that Alternatives 2 and 3 terminate on the Palos Verdes Shelf Superfund Site.

Section 10.1 of the draft EIR/EIS referred the reader to Chapter 13 for a discussion of impacts associated with hazards and hazardous materials resulting from construction of the proposed riser/diffuser. Therefore, Chapter 10 included no such discussion. Contaminated sediment on the Palos Verdes Shelf was discussed in Sections 13.2.2.1, 13.4.3.2, 13.4.4.2, 13.4.5.3, and 13.4.6.3 as well as in Appendix 13-A of the draft EIR/EIS. To date, however, the EPA has not clearly delineated the boundaries of the Palos Verdes Shelf Superfund Site. The EPA has instead provided figures showing the study area for the Palos Verdes Shelf Superfund Site (e.g., Figure 1-1 of the Final Palos Verdes Shelf Superfund Site Remedial Investigation Report [EPA et al. 2007]; Figure 1-1 of the Palos Verdes Shelf Superfund Site Operable Unit 5 of the Montrose Chemical Corp. Superfund Site Final Feasibility Study [EPA et al. 2009]; and Figure 1 of the Interim Record of Decision, Palos Verdes Shelf Operable Unit 5 of the Montrose Chemical Corporation Superfund Site [EPA 2009]). Consequently, to maintain consistency with the EPA's most recently published documents, Chapter 13 of the draft EIR/EIS referred to the "Palos Verdes Shelf Superfund Site DDT/PCB study area" or the "EPA-designated DDT/PCB study area." Figure 13-4 clearly showed that Alternatives 2 and 3 terminate within the Palos Verdes Shelf Superfund Site DDT/PCB study area. The sixth specific recommendation is that Figure 13-4 of the draft EIR/EIS include the extent of DDT and PCB contamination and the location of the proposed re-ballasting of the existing ocean outfalls.

In response to this recommendation, Figure 13-4 is revised in the final EIR/EIS to include the location of the proposed re-ballasting of the existing ocean outfalls. Furthermore, two new figures are added to Chapter 13, Figures 13-7 and 13-8. Figure 13-7 shows the extent of DDT contamination within the Palos Verdes Shelf Superfund Site Study Area and the proposed riser/diffuser and re-ballasting locations. Figure 13-8 shows the extent of PCB contamination within the Palos Verdes Shelf Superfund Site Study Area and the proposed riser/diffuser and re-ballasting locations.

Section 13.2.2.1, under Palos Verdes Shelf, Sediment Quality, is revised in the final EIR/EIS as follows:

> The PV Shelf includes 19,895 acres between the depths of 100 and 400 feet (30 and 120 meters), generally considered midshelf depths. Soft-bottom sediments are approximately 97 percent of the midshelf depths. The PV Shelf riser and diffuser area is within the boundaries of the EPA-designated Palos Verdes Shelf Superfund Site. The location of the DDT/PCB study area is depicted on Figure 13-4. <u>The extent of the DDT contamination within the PV</u>

> Shelf Superfund Site Study Area (EPA 2009a:27–28) and the proposed riser/diffuser and re-ballasting locations are shown on Figure 13-7. The extent of the PCB contamination within the PV Shelf Superfund Site Study Area (EPA 2009a:27–28) and the proposed riser/diffuser and re-ballasting locations are shown on Figure 13-8. See the discussion under Existing Ocean Outfalls for more details regarding the DDT/PCB on the PV Shelf, and refer to Appendix 13-A for levels of sediment contamination.

In addition, Section 25.13.1 is revised in the final EIR/EIS by adding the following reference:

> EPA. 2009a. Interim Record of Decision Palos Verdes Shelf Operable Unit 5 of Montrose Chemical Corporation Superfund Site. San Francisco, CA. Prepared by U.S. EPA, Region IX. 27–28 p.

Section 13.2.2.1, under Existing Ocean Outfalls, Location and Geography, is revised in the final EIR/EIS as follows:

> The existing ocean outfalls extend from the existing manifold structure at Royal Palms Beach and terminate at a depth of approximately 200 feet (60 meters) as described in Section 2.2.4.3. The ~~rehabilitation work~~ proposed re-ballasting would occur along the existing ocean outfalls at depths of 20 to 50 feet as shown on Figures 13-4, 13-7, and 13-8.

The seventh specific recommendation is that Chapter 2 of the final EIR/EIS should state that the Sanitation Districts entered into a consent decree in 1997 with the EPA to address DDT/PCB contamination on the Palos Verdes Shelf.

In response to this recommendation, Section 2.2.4.3, under JWPCP Effluent Management, last paragraph, is revised in the final EIR/EIS as follows:

> The pesticide, dichlorodiphenyltrichloroethane (DDT), was manufactured at the Montrose Chemical Corporation plant in Torrance, California, from 1947 through 1983. From ~~the late 1950s to the early 1970s~~1947 to1971, DDT was disposed of into Sanitation Districts' sewers and conveyed to the JWPCP. Local industries also discharged polychlorinated biphenyls (PCBs) into the Sanitation Districts' sewer system until PCBs were banned in 1976. The JWPCP had no means of removing or containing the DDT or PCBs, which were discharged along with the plant's effluent into the Pacific Ocean approximately 1.5 miles off White Point on the Palos Verdes Shelf. Since the 1970s, the contaminated sediment has been gradually buried by plant effluent and natural sediment, resulting in a layer of cleaner sediment on top of the contaminated sediment. In 1997, the Sanitation Districts entered into a consent decree with the EPA to address DDT/PCB contamination on the Palos Verdes Shelf. The EPA has conducted various studies and investigations to determine the extent of the contaminated area and to evaluate the appropriate remediation measures. In June 2009, the EPA released for public comment their proposed plan to address risks to human health and the environment posed by the contaminated sediment. The proposed plan presented the EPA's preferred alternative, as well as the other alternatives the EPA evaluated to address these risks. On September 30, 2009, the EPA signed an interim record of decision that selected an initial remedial action for the Palos Verdes Shelf of capping, monitored natural recovery, and institutional controls. The cleanup decision will be documented in a record of decision, supported by the EPA's remedial investigation/feasibility study.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-21

The comment states that the proposed rehabilitation work on the existing ocean outfalls would avoid potentially contaminated sediments and would not interfere with the EPA's proposed Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedy for the Palos Verdes Superfund Site, but nevertheless recommends the inclusion of specific BMPs in the final EIR/EIS and ROD to prevent interference with the EPA's proposed CERCLA remedy for the Palos Verdes Superfund Site and ensure minimum disturbance to sediments and marine habitats.

Table 3-13 of the draft EIR/EIS indicated that the proposed rehabilitation of the existing ocean outfalls under Alternative 4 (the recommended alternative) would begin in 2019 and last approximately 9 months. However, the construction schedules provided in Table 3-13 represent a worst-case scenario with respect to overlapping construction of project elements. This ensures a conservative approach for analyzing potential project impacts because it assumes project activities are occurring concurrently, thus resulting in greater air emissions and traffic impacts. In reality, a proposed project element, such as the rehabilitation of the existing ocean outfalls, that is independent of the other project elements with respect to construction sequencing could potentially be accelerated or delayed. Consequently, the proposed rehabilitation work may occur prior to the EPA's implementation of the proposed CERCLA remedy (i.e., placement of a sediment cap) by 2018. Regardless of when the rehabilitation work would actually occur, the Sanitation Districts will coordinate with the EPA during the design and construction phases as was done throughout the planning process. (Note that during the most recent coordination meeting, both parties agreed to enter into a memorandum of understanding that would preserve the EPA's need to implement the proposed CERCLA remedy and the Sanitation Districts' need to operate, maintain, and repair the existing ocean outfalls.)

The proposed CERCLA remedy was most recently presented in Section 9.4 of the EPA's Interim Record of Decision, Palos Verdes Shelf Operable Unit 5 of the Montrose Chemical Corporation Superfund Site (EPA 2009). As proposed, a 45-centimeter-thick cap consisting of clean sand/coarse silt would be placed over approximately 300 acres of the Palos Verdes Shelf where the highest surficial contaminant concentrations appear to be eroding. Figures 7 and 8 of the EPA's Interim Record of Decision (EPA 2009) indicate that the area of high surficial contaminant concentrations is near the terminus of the existing ocean outfalls, beginning at a depth of approximately 150 feet, with the highest concentrations at depths closer to 200 feet. Section 3.3.2.3 of the draft EIR/EIS described the proposed rehabilitation of the existing ocean outfalls. As described in Section 13.4.3.2 of the draft EIR/EIS, the primary sediment-disturbing activity would be placement of additional ballast rock along the existing outfalls at ocean depths ranging from approximately 20 to 50 feet. Given the distance between the proposed re-ballasting work and the EPA's proposed CERCLA remedy, potential impacts on the cap would not occur and mitigation is not required. However, if during final design it is determined that ballast rock is needed at depths greater than 50 feet, the Sanitation Districts would coordinate with the EPA to ensure that the work would not interfere with the proposed CERCLA remedy.

Sediment disturbing activities within the 20 to 50 feet isobaths would be minimal. Mechanical dredging or removal of large quantities of sediment would not be required. Joint repairs would require a localized and temporary removal of sediment and ballast rock. A team of divers would remove the ballast rock and hand-shovel approximately 2 cubic yards of sediment from each joint. It is estimated that approximately 10 to 40 joints would require repair, resulting in the hand removal of approximately 20 to 80 cubic yards of sediment. Therefore, relative to dredging projects, the rehabilitation work would entail removal of *de minimis* quantities of sediment. Re-ballasting activities would utilize a small derrick barge. A tube extending from the barge deck to the ocean floor would ensure that placement of ballast rock would not extend beyond the existing footprint. Furthermore, the Sanitation Districts would be required to

implement special conditions to minimize impacts on the marine environment per the Corps of Engineers' Department of Army permit issued pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-22

The comment supports the identification of Alternative 4 (the recommended alternative) as the least environmentally damaging practicable alternative (LEDPA) because it would not result in the dredging and sediment disposal impacts associated with new outfall construction for Alternatives 1 through 3. The comment also requests that the final EIR/EIS provide more detail to characterize impacts on kelp forests/beds.

The Sanitation Districts and the Corps concur that Alternative 4 (the recommended alternative) would minimize impacts on the marine environment. A draft 404(b)(1) analysis is currently being conducted to determine whether Alternative 4 is the LEDPA. A report summarizing the findings of the draft 404(b)(1) analysis is included as Appendix 24-A of the final EIR/EIS, and the final determination of the LEDPA will be included in the ROD for the EIS.

Table 24-1 is revised in the final EIR/EIS to reletter footnote "a" to footnote "b".

Table 24-1 is revised in the final EIR/EIS to add a footnote "a" to the first row under United States Army Corps of Engineers and the following addition to the footnote section at the end of table:

> [a] The draft 404(b)(1) analysis is included as Appendix 24-A.

See Response to Comment A12-5 regarding potential impacts on kelp forests/beds.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-23

The comment requests that the final EIR/EIS describe the approximate number of joints requiring repair and provide an estimate of the volume of bottom sediment potentially disturbed for the rehabilitation of the existing ocean outfalls to better inform whether additional sampling and BMPs would be appropriate to prevent redistribution of contaminated sediment, control turbidity, and protect nearby marine organisms.

See Response to Comment A12-5.

Section 3.3.2.3, under Existing Ocean Outfalls, second paragraph, is revised in the final EIR/EIS to include the approximate number of joints requiring repair and an estimate of the volume of bottom sediment potentially disturbed for the rehabilitation of the existing ocean outfalls.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-24

The comment states that the draft EIR/EIS did not fully assess and quantify cumulative impacts associated with the project, requests that air quality cumulative impact analysis include additional constituents of concern, and makes additional specific recommendations.

Under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), a cumulative impact analysis is required in an EIR/EIS. The CEQA Guidelines state that

> *an EIR shall discuss cumulative impacts of the project when the project's incremental effect is cumulatively* considerable…. The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness…. (CEQA 2007.)

The Council for Environmental Quality has issued guidance for analyzing cumulative impacts under NEPA, entitled Considering Cumulative Effects Under the National Environmental Policy Act (CEQ 1997). The guidance states that the focus of cumulative effects analysis should be on important cumulative issues in order to lead to better decisions by the lead agency. The primary goal of the cumulative effects analysis is to determine the magnitude and significance of the environmental consequences of the proposed action in context of the cumulative effects of other actions.

EPA's guidance for reviewing cumulative impacts in NEPA documents, entitled Consideration of Cumulative Impacts in EPA Review of NEPA Documents (EPA 1999), states that

> *…Federal agencies have the responsibility of determining how and the extent to which cumulative impacts are assessed in NEPA documents and documenting that effort….*

EPA's guidance also suggests that the information in the cumulative impact analysis should be commensurate with the impacts of the project. In the case of the Clearwater Program, the impacts of the project are primarily related to the construction period. Many of the other projects in the cumulative impact analysis would result in impacts of a much larger scale or for much longer periods of time. For instance, the Port of Los Angeles and Port of Long Beach projects cited in the comment involve generation of large amounts of truck traffic on a long-term basis.

The cumulative analysis for the Clearwater Program is included in Chapter 21 of the draft EIR/EIS. For each resource area, this analysis described the scope of analysis; the impacts of past, present, and foreseeable future projects; and, for each alternative, the activities for which no potentially significant cumulative impact would result as well as the activities for which potentially significant cumulative impacts would result. Therefore, the analysis focused on the important cumulative issues as allowed and recommended by CEQA, NEPA, and the EPA guidance, commensurate with the impacts of the project, which are primarily during the construction phase. In some cases (e.g., air quality), the chapter referenced the cumulative analyses provided in other chapters of the document.

The comment recommends that the final EIR/EIS update the list of projects analyzed in the cumulative impact analysis. This is not required by NEPA, and CEQA requires that the baseline for environmental analysis be the conditions at the time of the notice of preparation for the EIR. Therefore, there is no requirement to update the list of projects and redo the analysis based on a revised list. The comment also requests more detailed information about the 128 projects in the cumulative projects list, but this is not necessary. Each of the resource analyses in the cumulative impacts chapter of the draft EIR/EIS provides

the necessary information for the projects within the scope of analysis for that resource, and discussed that information in the context of the timing and severity of the Clearwater Program impacts.

The comment recommends that there be a quantification of cumulative emissions from the project and other nearby goods movement projects, including terminal expansion projects at the Ports of Los Angeles and Long Beach, nearby proposed intermodal facilities, and freeway expansion projects. The scope of the air quality analysis, as described in Section 21.2.2.1 of the draft EIR/EIS, was the entire SCAB; therefore, the analysis included not only the projects mentioned in this comment, but also many other projects in the basin. This requested analysis would use the "list" approach to air quality analysis rather than the "projection" approach. The projection approach is better suited for air quality because of the scale of the analysis area (the entire SCAB) and the fact that there is a program in place to predict (i.e., make a projection) of air quality impacts and address them on a cumulative basis. Therefore, the SCAB nonattainment status for some pollutant criteria was used as the basis for the cumulative impact analysis.

Because the SCAB is in nonattainment for ozone, $PM_{10}$, and $PM_{2.5}$, the cumulative analysis identified existing cumulative impacts for these pollutants. The project/program would contribute to these cumulative impacts if their emissions would exceed SCAQMD's daily emissions thresholds. Any of the "build" alternatives (Alternative 1 through 4) would result in exceedances of the SCAQMD thresholds for $NO_X$, a precursor for ozone. Therefore, the cumulative impact analysis of air quality found that any of the build alternatives would contribute to a cumulative air quality impact, though only during construction.

For $PM_{10}$ and $PM_{2.5}$, the build alternatives would not result in exceedances of the thresholds, so they would not contribute to a significant cumulative impact. This information was provided in Chapter 5 of the draft EIR/EIS. To clarify that the project and program would not contribute to a significant cumulative impact for these criteria, the following bullet is added to Section 21.2.2.2 of the final EIR/EIS under Alternative 1 Through Alternative 4, Activities for Which No Potentially Significant Cumulative Impacts Would Result:

- Concurrent peak day emissions of $PM_{10}$ and $PM_{2.5}$ (combined construction and operational impacts) would not exceed the SCAQMD daily emissions thresholds at any time, as described in Chapter 5.

The comment recommends that the final EIR/EIS discuss whether there are projects that, if all are constructed at the same time, would heavily burden specific communities (with regard to construction impacts). This analysis is not necessary because the SCAQMD thresholds identify when such an impact would occur (by exceeding the thresholds). As discussed above, for Alternatives 1 through 4, this impact would occur for $NO_X$ during the construction period. As discussed in the draft EIR/EIS, this impact would be unavoidable because mitigation would not reduce the impact to below the thresholds. This impact would not affect one community more than another because the criteria pollutant, $NO_X$, affects the entire basin, as a precursor to ozone. It is not a localized impact.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-25

The comment requests that the final EIR/EIS and ROD include a commitment to provide the construction schedule and contact information of the noise disturbance coordinator to affected sensitive receptors.

In response to EPA's request, MM NOI-1b (same as MM NOI-4b) is revised in the final EIR/EIS as follows:

> MM NOI-1b. Prior to construction, initiate a complaint/response tracking program. A construction schedule will be made available to schools, child care facilities, and residents ~~living~~ in the vicinity of the construction areas, and a noise disturbance coordinator will be designated. The coordinator will be responsible for responding to complaints regarding construction noise, will determine the cause of the complaint, and will ensure that reasonable measures are implemented to correct the problem when feasible. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in the notification of the construction schedule.

This revision also applies to MM NOI-4b and MM REC-1b. This revision applies to Alternatives 1 through 4 and elsewhere in the final EIR/EIS and final Executive Summary where MM NOI-1b, MM NOI-4b, and MM REC-1b occur.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A12-26

The comment recommends that the final EIR/EIS and ROD include commitments to install signage at each shaft site during construction warning of dangers at the construction site.

In accordance with standard practices of the Sanitation Districts, contractors would be held responsible for ensuring that access is controlled at all construction sites, including the shaft sites. Fencing and signage alone are not necessarily sufficient to ensure site security, and in fact could lead to an "attractive nuisance" issue by providing a temptation to trespassers. Depending on the location, appropriate measures may include signage, screening, surveillance cameras, security personnel, or other methods. Besides the requirements of the Sanitation Districts, the contractors' insurance coverage would also require controlled access. Because of these requirements, impacts related to site security would be less than significant and no mitigation is required.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A13: U.S. Environmental Protection Agency, Region IX – Paul F. Amato, Wetlands Regulatory Officer

Commenter A13

**Highter, Steve**

**From:** Allen, Aaron O SPL <Aaron.O.Allen@usace.army.mil>
**Sent:** Tuesday, April 10, 2012 8:00 AM
**To:** Wong, Kenneth SPL; Highter, Steve
**Subject:** FW: SDLAC Clearwater PN, SPL-2008-0087-AOA (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

See USEPA comments below:

-----Original Message-----
From: Paul Amato [mailto:Amato.Paul@epamail.epa.gov]
Sent: Tuesday, April 10, 2012 7:35 AM
To: Allen, Aaron O SPL
Cc: Jason Brush; Allan Ota; Thomas Plenys
Subject: SDLAC Clearwater PN, SPL-2008-0087-AOA

Hi Aaron,

The following comments are provided for your consideration and are essentially a repeat of our comments on the DEIS for the subject project.

Alternative 4, identified as the preferred alternative in the Corps' February 13, 2012 Public Notice, would avoid and minimize the impacts to aquatic resources described for Alternatives 1-3, including impacts associated with dredging and sediment disposal and fill from new outfall construction. Because of the degree to which project impacts would be avoided and minimized, EPA supports the identification of Alternative 4 as the preferred alternative and preliminarily EPA considers Alternative 4 to be the least environmentally damaging practicable alternative (LEDPA) that will achieve the overall project purpose. A13-1

Though not mentioned in the PN, the DEIS states that in 2008, 150 acres of kelp were reported in the White Point area; however it is not clear whether the project would result in any direct or indirect impacts to this specific habitat. Kelp forest and kelp bed are highly productive aquatic habitats providing areas for spawning, foraging and refuge for several marine species. These habitats can also provide physical buffers that can attenuate wave energy, reducing damage to coastal environments. Potential project impacts to kelp beds and forest should be assessed and avoided if they have the potential to occur. A13-2

It is unclear to what extent sediment disturbance, during construction of the preferred alternative, could result in increased turbidity and exposure of contaminated sediments. Based on the project description for Alternative 4, some ballast rock would be temporarily removed from the outfall pipes to expose the joints so that couplings and concrete or epoxy can be installed. EPA assumes that the entire circumference of the pipe would need to be exposed around each joint to complete this operation. If so, there is potential to disturb bottom sediments at several locations along the three outfalls. While it is expected that turbidity will be localized and temporary, it would be helpful to provide an estimate of the volume of bottom sediments that could be disturbed, This additional information would better inform whether additional sediment sampling and BMPs are appropriate to prevent the redistribution of contaminated sediments, control turbidity, and protect aquatic organisms in proximity to the project. A13-3

Please feel free to contact me directly to discuss any of the above comments.

1

Paul

Paul F. Amato
Wetlands Regulatory Officer
Wetlands Office
U.S. EPA, Region 9
75 Hawthorne Street, WTR-8
San Francisco, CA 94105-3901
t:(415) 972-3847
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e:amato.paul@epa.gov

Classification: UNCLASSIFIED
Caveats: NONE

2

## Response to Comment A13-1

The comment supports the identification of Alternative 4 as the recommended alternative and preliminarily considers Alternative 4 to be the least environmentally damaging practicable alternative (LEDPA).

The Sanitation Districts of Los Angeles County and the U.S. Army Corps of Engineers concur that Alternative 4 (the recommended alternative) would minimize impacts on the aquatic environment. A draft 404(b)(1) analysis is currently being conducted to determine whether Alternative 4 is the LEDPA. A report summarizing the findings of the draft 404(b)(1) analysis is included as Appendix 24-A of the final EIR/EIS, and the final determination of the LEDPA will be included in the record of decision for the EIS.

Table 24-1 is revised in the final EIR/EIS to reletter footnote "a" to footnote "b".

Table 24-1 is revised in the final EIR/EIS to add a footnote "a" to the first row under United States Army Corps of Engineers and the following addition to the footnote section at the end of table:

[a] The draft 404(b)(1) analysis is included as Appendix 24-A.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A13-2

The comment requests that the project assess and avoid any potential impacts on kelp forests and kelp beds because of their importance as marine habitat and physical coastal buffer.

As described in Section 3.3.2.3 of the draft EIR/EIS, rehabilitation of the existing ocean outfalls would include re-ballasting and joint repairs. Rehabilitation of the existing ocean outfalls would not require mechanical dredging or removal of large quantities of sediment. A small derrick barge would be used to place the ballast rock around the outfalls and to support the joint repair work. The re-ballasting work would occur on the existing 72-, 90-, and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A tube extending from the barge deck to the ocean floor would ensure that placement of ballast rock would not extend beyond the existing footprint. Joint repairs would require the temporary removal of sediment and ballast rock to fully expose the joint being repaired. A team of divers would remove the ballast rock and hand-shovel approximately 2 cubic yards of sediment from each joint. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. Cathodic protection would also be restored or added where necessary. It is estimated that approximately 10 to 40 joints would require repair, resulting in the hand removal of approximately 20 to 80 cubic yards of sediment. Therefore, because no mechanical dredging would be associated with Alternative 4 (the recommended alternative), the rehabilitation work would entail removal of *de minimis* quantities of sediment.

The 150 acres of kelp noted in Section 13.2.2.1 of the draft EIR/EIS are not strictly located within the White Point area but are spread over approximately 5 miles of coastline. In the White Point area, kelp can be found on the 72-, 90-, and the 120-inch outfalls at water depths ranging from approximately 40 to 70 feet. Areas shoreward of 40-foot depths do not support kelp due to wave action, sea urchin grazing, and the absence of hard substrate. The proposed re-ballasting work would occur at water depths ranging between approximately 20 and 50 feet. Thus, there would be some overlap between the general work

area and the kelp habitat from approximately 40 feet to 50 feet. As a result, re-ballasting activities could impact kelp growing on the outfall pipes and the adjacent rock ballast. However, the impact would be minimized because the proposed method of placing the new ballast rock ensures that the work would be limited to the existing footprint of the outfalls (i.e., pipeline and adjacent rock ballast). The impact would also be temporary because kelp would be able to recolonize the rock ballast upon completion of construction. Furthermore, replacement of rock ballast would increase hard substrate and thus benefit benthic habitat. Overall, direct and indirect impacts on kelp forests associated with the rehabilitation work for Alternative 4 (the recommended alternative) would be minimal and temporary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A13-3

The comment requests that the final EIR/EIS provide an estimate of the volume of bottom sediment potentially disturbed for the rehabilitation of the existing ocean outfalls to better inform whether additional sampling and best management practices would be appropriate to prevent redistribution of contaminated sediment, control turbidity, and protect nearby marine organisms.

As described in Section 7.2.5.4 of the draft MFP, Section 3.3.2.3 of the draft EIR/EIS, and the draft Executive Summary, rehabilitation of the existing ocean outfalls would include re-ballasting and joint repairs. See Response to Comment A13-2 for discussion on outfall rehabilitation.

Section 3.3.2.3, under Existing Ocean Outfalls, second paragraph, is revised in the final EIR/EIS as follows:

> Alternatives 1 through 4 (Project) would include improvements to the existing ocean outfalls, such as joint repairs and re-ballasting. The re-ballasting work would occur on the existing 72-, 90- and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A small derrick barge would be used to place the ballast rock around the outfalls and support the joint repair work. Joint repairs would involve temporarily removing some of the existing ballast rock from around the outfall to fully expose the joint being repaired. A team of divers would repair an estimated 10 to 40 joints and hand-shovel approximately 2 cubic yards of sediment from each joint. Mechanical dredging would not be required. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. ~~e~~Cathodic protection would also be restored or added where necessary. The marine vessels required for this work are listed in Table 3-10. The majority of the construction work would be based on one 10-hour shift per day, 5 days per week. It is estimated that approximately eight to ten construction workers would be needed for the rehabilitation work. Joint repairs and transport of construction workers would require a work vessel and crew vessel operating one daily round-trip for approximately 1 month, which would most likely deploy from the Port of Los Angeles. All of the work including mobilization, construction, and demobilization would take approximately 9 months.

No other revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A14: California Department of Conservation, Division of Oil, Gas, and Geothermal Resources – Syndi Pompa, Associate Oil and Gas Engineer

Commenter A14

**Highter, Steve**

**From:** Pompa, Syndi <Syndi.Pompa@conservation.ca.gov>
**Sent:** Tuesday, April 10, 2012 3:59 PM
**To:** Highter, Steve
**Subject:** Clearwater Program SCH 2008101074

Mr. Highter,

I did some research on what we may have done in the past with this issue, and it looks like we commented during the NOP/NOI phase in October of 2008. I found our comment letter in Appendix 1-B.

What was said then, would be the same thing I would say now, so I'm not going to comment on this Draft EIR. A14-1

You are aware of our concerns.

Thank you for making available your draft EIR, for the Clearwater Program, to review.

Syndi Pompa
Associate Oil & Gas Engineer
DOGGR/Facilities
5816 Corporate Ave., Ste. 200
Cypress, CA 90630
714-816-6847 (office)
714-816-7822 (direct)

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STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR


# DEPARTMENT OF CONSERVATION

## DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731
PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEBSITE conservation.ca.gov

October 17, 2008

Mr. Steven W. Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601

Subject: Notice of Preparation of an Environmental Impact Report for the Clearwater Program Master Facilities Plan

Dear Mr. Highter:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located within the administrative boundaries of the Torrance and Wilmington oil field. There are numerous active, idle, plugged and abandoned wells within or in proximity to the project boundaries. The wells are identified on Division maps 126, 128, W1-6 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well. A14-2

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

*The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.*

OCT 21 2008 AM 10:54 DOC #

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division's Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction. A14-2 cont.

Thank you for the opportunity to comment on the Notice of Preparation. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,

Paul Frost

Paul Frost

Associate Oil & Gas Engineer

Division of Oil, Gas and Geothermal Resources
District 1

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Linda Campion – Headquarters
Sacramento

## Response to Comment A14-1

The comment states that the comments provided for the notice of preparation (NOP) still apply to the draft EIR/EIS. The commenter also included a copy of the letter submitted for the NOP.

See Response to Comment A14-2.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A14-2

The comment states that the project would be located within the administrative boundaries of the Torrance and Wilmington Oil Fields. The comment recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps and that construction over or in proximity of an idle or plugged and abandoned well be avoided if possible. Information is also provided regarding proper review procedures for construction projects.

As discussed in Section 10.2.2.1 of the draft EIR/EIS, the Wilmington to San Pedro Shelf alignment and the Wilmington to Palos Verdes Shelf alignment would pass through the Wilmington Oil Field, which contains numerous active, idle, and abandoned oil wells; the Figueroa/Gaffey to Palos Verdes Shelf alignment would skirt the southwestern margin of the Wilmington Oil Field; and the Figueroa/Western to Royal Palms alignment would briefly skirt the southwestern margin of the Wilmington Oil Field and may include the southeastern margin of the Torrance Oil Field. It was also stated that relatively few active, idle, or abandoned oil wells were mapped in the vicinity of the Figueroa/Western to Royal Palms alignment, which is the recommended alternative (Alternative 4).

Section 10.3.2.9 of the draft EIR/EIS described the role of the California Division of Oil, Gas, and Geothermal Resources (DOGGR) and acknowledged that the project would be located within the administrative boundaries of the Torrance and Wilmington Oil Fields. Additionally, it was stated that the tunnel alignments presented in the document were located specifically to minimize interference with active and idle wells. In the unlikely event that an abandoned oil well is encountered at a shaft site or during tunnel boring, the text indicated that the well would be re-abandoned in accordance with the California Code of Regulations Title 14, Division 2, Chapters 2 through 4, and with the approval of the local DOGGR office. Furthermore, as a part of the final design, wells would be included on the contract drawings that are based on DOGGR maps.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A15: Northwest San Pedro Neighborhood Council – Diana Nave, President

Commenter A15

**Northwest San Pedro Neighborhood Council**

"Your Community Voice"



April 10, 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601
shighter@lacsd.org

**RE: DEIR for Proposed Clearwater Project**

Please accept the attached comments from the Northwest San Pedro Neighborhood Council with regard to the DEIR for the proposed Clearwater Project. At our governing board meeting on April 9, the Northwest San Pedro Neighborhood Council unanimously passed the attached resolution opposing Alternative 4 and supporting Alternative 1. The primary concerns of the council members and the community with regard to Alternative 4 are the proximity to the White Point Landslide and to the earthquake fault, which in 1933 caused the closure of the White Point/Royal Palms thermal pools. The resolution goes on to enumerate steps that should be taken in the event that the Districts decide to move forward with Alternative 4.

A15-1

Thank you for your consideration of these comments.

Diana Nave, President
Northwest San Pedro Neighborhood Council

Cc: Councilmember Joe Buscaino
Aaron Allen, USACE

638 S. Beacon Street Box 688 • San Pedro, CA 90731 • (310)-732-4522
www.nwsanpedro.org

Northwest San Pedro Neighborhood Council
Sanitation Districts of Los Angeles County
Clearwater Program

Whereas, The Sanitation Districts of Los Angeles County's (the District's) have prepared a Draft Environmental Impact Report (DEIR) for the Clearwater Program which includes a third effluent treated water line from its Carson Plant to discharge off the coast of San Pedro; and

Whereas, four tunnel alignment alternatives were studied as part of the DEIR with Alternative 4 being chosen as the preferred option primarily based on cost. Alternative 4 is the only alternative that utilizes the existing ocean outfall infrastructure instead of additional tunneling and construction beneath the sea floor through the use of vertical shaft at Royal Palms Beach.

Whereas, the Alternative 4 of the Clearwater project will be tunneled under streets in Northwest San Pedro primarily Gaffey Street, Capital Drive, Western Avenue, and Dodson Avenue. A15-2

Whereas, the Clearwater project's Alternative 4 shaft site at Royal Palms will be used to tie in the existing ocean outfall infrastructure with the new treated effluent pipeline and remove the tunnel boring machine. Soil from the tunneling will be removed at the Carson shaft site. Shaft construction at the Royal Palms site will last between 6–9 months with approximately 10 to 40 trucks (maximum) per day leaving the site with soil. The onsite interconnection work will take approximately 18 months and the shaft will become a permanent structure at Royal Palms following completion of the tunneling project.

Whereas, Alternative 4, as proposed, has the following potentially harmful impacts on the environment and Northwest San Pedro; A15-3

- Potential for the Royal Palms Shaft site to initiate a landslide or ground failure in the surrounding cliffs due to the shaft construction.
- Construction truck traffic and noise impacts to the residents of Northwest San Pedro related to the construction of the Royal Palms Shaft site. A15-4
- The potential for a catastrophic failure of all treated effluent tunnels, existing and the proposed tunnel from Alignment 4, due to the proximity of all tunnels to the seismic zones along the Western Avenue route. A15-5
- Degradation of the aesthetics of Royal Palm Beach due to the construction of the shaft site and continued use of the site after construction has been completed. A15-6

Whereas Alternative 1 would not have many of these negative impacts, A15-7

Therefore, the Northwest San Pedro Neighborhood Council opposes the recommendation for Alternative 4 and recommends Alternative 1; A15-8

However, should the District decide to proceed with Alternative 4, we provide the following mitigations and studies to be performed prior to, and during construction:

- The District's should perform a detailed geotechnical study of the Royal Palms shaft site to provide a detailed understanding of the slope stability in the area. Details from this geotechnical study should be used to make specific recommendations to mitigate potential slope instability that may be caused by the shaft construction. A15-9
- Should the Royal Palms Site be used the surrounding slopes should be instrumented and monitored in prior to, during, and after construction of the shaft site. A15-10
- Modify MM AQ-3a (on-road heavy-duty diesel trucks), MM AQ-3b (off-road diesel-powered equipment), to require use of best available control technology/latest emissions-reduction technology, as soon as Air Resources Board (ARB) certified if applicable, regardless of Year or Tier stated. A15-11
- Modify MM AQ-3d to require use of construction equipment and heavy-duty trucks that use alternative fuels as soon as the equipment/fuels are ARB Certified. A15-12
- Modify MM AQ-3e to define periods when routing equipment away from congested streets and/or sensitive receptors is not feasible or remove the qualification "as feasible." A15-13
- Modify MM NOI-1a (Noise) to require that all equipment used within 500 feet of residential areas be equipped with best available control technology specifically designed for noise reduction. A15-14
- Provide specific Truck Trips projections and daily truck trip quantities from the Royal Palm Shaft site. A15-15
- Develop an alternative that includes car pooling to reduce the Passenger Car Equivalent trips per day during shaft-site construction and manifold construction. A15-16

Adopted April 9, 2012

## Response to Comment A15-1

The comment provides an introduction to the attached resolution by the Northwest San Pedro Neighborhood Council and expresses support for Alternative 1 rather than Alternative 4 (the recommended alternative).

See Responses to Comments A15-2 through A15-16.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-2

The comment states that four tunnel alignment alternatives were analyzed in the draft EIR/EIS for the Clearwater Program and that Alternative 4 was chosen as the recommended alternative based primarily on cost. The comment also describes the general tunnel alignment of Alternative 4 and the construction of the Royal Palms shaft site, including the proposed use of the shaft site, truck trips, and duration. The comment states that Alternative 1 would not have many of the negative impacts associated with the construction described for Alternative 4.

As shown in Table 6-26 of the draft Master Facilities Plan, which lists the screening parameters and weighting used in the analysis of the viable project alternatives, cost effectiveness was only weighted 20 percent, and five other parameters (i.e., environmental impacts, public input, operational considerations, constructability, and long-term uncertainty) were collectively weighted 80 percent. Furthermore, environmental impacts and long-term uncertainty were each weighted just as heavily as cost effectiveness. Therefore, Alternative 4 (the recommended alternative) was not the highest ranked feasible alternative based primarily on cost.

The draft EIR/EIS provided a co-equal level of analysis for each of the four project alternatives, as well as the No-Project Alternative and No-Federal-Action Alternative. The draft Executive Summary contained a comprehensive table listing all of the significant environmental impacts and associated mitigation measures for each of the four project alternatives. Chapter 22 of the draft EIR/EIS provided a comparison of alternatives, which was summarized in Tables 22-1 and 22-2. Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternative 1 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to its longer tunnel length. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-3

The comment states that construction of Alternative 4 (the recommended alternative) has the potential to initiate a landslide or ground failure in the cliffs surrounding the Royal Palms shaft site.

As described in Chapter 8 of the draft EIR/EIS, implementation of Mitigation Measure (MM) GEO-1 at the Royal Palms shaft site, which involves performing a detailed geotechnical investigation and incorporating site-specific recommendations into the final design of the project, would reduce impacts to

less than significant. The detailed investigation would address issues such as landslide potential, slope stability, and ground failure.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-4

The comment states that Alternative 4 (the recommended alternative) would have harmful impacts on the environment and Northwest San Pedro due to construction truck traffic and noise impacts related to the construction at the Royal Palms shaft site.

As discussed in Chapter 18 of the draft EIR/EIS, traffic impacts associated with Alternative 4 (the recommended alternative) would be less than significant for both the construction and operational phases of the project.

As described in Chapter 14 of the draft EIR/EIS, construction noise from the Royal Palms shaft site would generally not produce a significant increase in overall ambient noise levels at residential areas north of Royal Palms Beach, particularly areas that do not have a direct line of sight into the shaft site. Occasionally, however, construction noise would exceed city noise standards at nearby residences and recreational uses, and impacts would be significant before mitigation. Implementation of MM NOI-1a and MM NOI-1b would reduce those impacts to less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-5

The comment states that there would be a potential for the catastrophic failure of both the existing and proposed tunnels for Alternative 4 (the recommended alternative), due to their proximity to the seismic zones along Western Avenue.

If a major earthquake on the Palos Verdes Fault were to occur that produced surface displacement, the existing tunnels could be severely damaged. All four alternatives analyzed in the draft EIR/EIS must cross the Palos Verdes Fault as shown on Figure 8-1 of the draft EIR/EIS. The risk of failure for the new tunnel does not increase or decrease based on the distance from the existing tunnels. Implementation of MM GEO-2, which involves performing site-specific fault hazard investigations to minimize the damage to the tunnel and structures, would reduce impacts to less than significant. The geotechnical recommendations will be incorporated into the final design and may include remediation measures, such as special lining systems inside the tunnel through the fault zone.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-6

The comment states that there would be a degradation of the aesthetics of Royal Palms Beach due to the construction of the shaft site and continued use of the site after construction has been completed.

As described in Chapter 4 of the draft EIR/EIS, under Impact AES-3, Shaft Site – Royal Palms, construction and operation at the Royal Palms shaft site would substantially degrade the existing visual character or quality of the site or its surroundings before mitigation. MM AES-3a would be implemented

to improve the aesthetic quality of the noise barrier during construction. This impact would remain significant after mitigation, but would be a temporary impact limited to the construction period.

The only visible element remaining after construction would be access hatches and vent stacks that are similar to the existing facilities. The hatches would be either flush with the ground or protrude slightly above the ground surface. MM AES-3b would be implemented to reduce the visibility of new structures during operation. This mitigation would reduce visual impacts associated with the access hatches and vent stacks at the Royal Palms shaft site after construction to less than significant. Therefore, there would not be a degradation of aesthetics at Royal Palms Beach due to the continued use of the site after construction has been completed.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-7

This introductory comment states that Alternative 1 would not have many of the negative impacts of Alternative 4 (the recommended alternative).

See Response to Comment A15-2.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-8

The comment expresses the Northwest San Pedro Neighborhood Council's opposition to Alternative 4 (the recommended alternative) and preference for Alternative 1.

The comment does not address the analysis in the draft EIR/EIS, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-9

The comment recommends that a detailed geotechnical study on slope stability in the area be performed and specific recommendations based on the study be used to mitigate potential slope instability from construction.

Chapter 8 of the draft EIR/EIS included MM GEO-1 for the Royal Palms shaft site, which involves performing a detailed geotechnical investigation and incorporating site-specific recommendations into the final design of the project. The detailed investigation would address issues such as landslide potential, slope stability, and ground failure. Implementation of MM GEO-1 would reduce impacts to less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-10

The comment recommends that the slope at Royal Palms Beach be monitored to mitigate potential slope instability from construction.

Chapter 8 of the draft EIR/EIS included MM GEO-1 as discussed in Response to Comment A15-9. In addition, MM GEO-6b requires construction monitoring at shafts and along the onshore tunnel. With implementation of these mitigation measures, impacts would be reduced to less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-11

The comment requests that MM AQ-3a and MM AQ-3b require the use of best available control technology for off-road trucks and equipment as soon as California Air Resources Board (CARB) certification is obtained.

The Sanitation Districts of Los Angeles County (Sanitation Districts) are a regional public works agency that awards projects to contractors following an open bid process prescribed by state law. For construction projects, the equipment and vehicles are owned and operated by contractors. The contractor bears the responsibility for the regulatory compliance of its fleet and equipment, and makes the decisions regarding fleet mix and replacement schedule. The specifications and engineering drawings that are developed by the Sanitation Districts for the bid advertisement cannot be based on the presumption that certain technologies or equipment may be available at the start of construction.

Project construction is anticipated to start in 2015. Only equipment or engines that are known with certainty to be in use or available at the start of construction can be specified at this time. As indicated in Section 5.3.1.2 of the draft EIR/EIS, the manufacture of Tier 4 engines is being phased in from 2008 to 2015. Consequently, it is uncertain to what extent contractor fleets will include these diesel engines when construction begins. The mitigation measures proposed exceed CARB's fleet turnover compliance schedule.

Several mitigation measures would be incorporated into the project construction to lessen air quality and health risk impacts:

- MM AQ-2a (same as MM AQ-3a) specifies that heavy-duty diesel trucks used during construction with a gross vehicle weight greater than 26,000 pounds will have a 2007 model year engine or newer. Table 5-11 of the draft EIR/EIS showed that in 2015 only trucks with pre-1994 engines need to be replaced. MM AQ-2a goes beyond this regulatory requirement by requiring a cleaner engine. In response to multiple comments, the mitigation measure is revised in the final EIR/EIS as follows:

  > MM AQ-2a. All on-road heavy-duty diesel trucks used during construction with a gross vehicle weight rating greater than ~~26,000~~14,000 pounds will ~~include a particulate matter trap or~~have a 2007 model year engine or newer, or be equipped with a particulate matter trap.

  This revision also applies to MM AQ-3a and MM GHG-1a. This revision applies to Alternatives 1 through 4 and elsewhere in the final EIR/EIS and final Executive Summary where MM AQ-2a, MM AQ-3a, and MM GHG-1a occur.

- MM AQ-2b would require off-road diesel equipment used during construction to be equipped with Tier 3 engines and a diesel particulate matter trap. This would exceed EPA rules for in-use off-road diesel engines and CARB compliance schedule and nitrogen oxide ($NO_X$) targets for off-road diesel fleets (Table 5-12 of the draft EIR/EIS).

MM AQ-2b specifies the use of Tier 3 engines at a minimum regardless of fleet size and ahead of CARB's implementation schedule for in-use equipment. CARB's In-Use Off-Road Diesel Vehicle Regulation requires that fleets meet a Tier 3 equivalent average target at a date later than required for MM AQ-2b. The EPA Tier 3 $NO_X$ standard is 3.5 grams per brake horsepower-hour (g/bhp-hr) $NO_X$ + non-methane hydrocarbons (NMHC) NMHC (3.3 $NO_X$) for equipment less than 100 horsepower (hp) and 3.0 g/bhp-hr $NO_X$ + NMHC (2.85 $NO_X$) for equipment greater than 100 hp. (CARB 2011a.)

- MM AQ-2g would require a Tier 4 engine for the tunnel locomotive, which would exceed regulatory requirements.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-12

The comment requests that MM AQ-3d be revised to require the use of construction equipment and heavy-duty trucks that use alternative fuels as soon as the equipment/fuels are CARB-certified.

In order to implement MM AQ-3d (and MM AQ-2d), commercially available construction equipment and heavy-duty trucks that use alternative fuels will need to be evaluated prior to finalizing the bid specifications. Reasonable efforts will be made to identify and evaluate CARB-certified technologies with a better emissions profile than the existing mitigation measures.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-13

The comment requests that MM AQ-3e define feasible periods when trucks would be routed away from congested streets and/or sensitive receptors or remove the qualification "as feasible."

A traffic plan that would specify truck hauling periods and routes will be developed and submitted to the city of Los Angeles for approval. The intent of the traffic plan is to minimize the number of trucks at any given time during the day, particularly during prime school hours.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-14

The comment requests modifying MM NOI-1a to require that all equipment within 500 feet of residential areas have BACT for noise reduction.

The utilization of sound barriers and the implementation of MM NOI-1a and MM NOI-1b at the Royal Palms shaft site would reduce noise impacts to less than significant. MM NOI-1a is a comprehensive mitigation measure that includes specific practices that would result in limiting noise at sensitive receptors to below local standards. Additionally, MM NOI-1b includes a complaint/response tracking program to ensure that reasonable measures are implemented to address any construction noise concerns from local residents during construction.

Because the mitigation measures included in the draft EIR/EIS would reduce impacts to less than significant, no additional mitigation is necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-15

The comment requests the truck trip projections from the Royal Palms shaft site.

The truck trip generation estimates for the Royal Palms shaft site construction were presented in Table 18-29 of the draft EIR/EIS. For the purposes of analyzing the potential traffic impacts of the project, a passenger-car-equivalent (PCE) factor of 2.0 was applied to each truck trip (i.e., the estimates shown in Table 18-29 of the draft EIR/EIS were double the number of estimated truck trips, as noted in the table's footnotes). It was estimated that a maximum of 40 truck round trips (80 total one-way trips) per day would occur during the approximately 9-month shaft construction period and subsequent 18-month manifold and tie-in construction period at the Royal Palms shaft site. Truck traffic would occur during one 10-hour shift, 5 days per week. For each hour of the workday, there would be an average of 4 inbound and 4 outbound truck trips, or about 1 truck trip every 7 to 8 minutes during the peak construction period.

As described in Chapter 18 of the draft EIR/EIS, truck trips were assumed to travel on Gaffey Street and Western Avenue to access Interstate (I-) 110, along the most direct route to the regional freeway system. The assumed specific route followed the Royal Palms Beach access road to Paseo Del Mar (northbound left turn), Western Avenue (westbound right turn), 9$^{th}$ Street (northbound right turn), and Gaffey Street (eastbound left turn) to reach I-110. The reverse of this route was assumed for inbound truck trips to the Royal Palms shaft site. The city of Los Angeles allows trucks to travel on city streets unless otherwise prohibited. The assumed haul route to the Royal Palms shaft site follows streets classified as Major Highways Class II, with the exception of a short distance on Paseo Del Mar, which is classified as a Secondary Highway.

As discussed in Section 18.3.4 of the draft EIR/EIS, the city of Los Angeles requires the preparation of traffic management plans for major construction projects that include designation of haul routes, among other elements, to ensure that any construction-related effects are minimized to the greatest extent possible.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A15-16

The comment requests carpooling as an alternative to reduce PCE trips during shaft site and manifold construction.

The construction worker trip generation estimates for the Royal Palms shaft site during construction were presented in Table 18-30 of the draft EIR/EIS. It was estimated that approximately 10 construction workers per day would be required during the 9-month Royal Palms shaft site and 18-month manifold construction, resulting in an estimated 20 daily worker trips (10 inbound and 10 outbound). The traffic impact analysis conservatively assumed that all inbound worker trips and all outbound worker trips would occur during the peak traffic hours, though it is unlikely that both inbound and outbound worker trips would coincide with the peak traffic hours due to the 10-hour shift. It was assumed that parking for these workers would occur on Sanitation Districts' property or in the adjacent parking lots at Royal Palms Beach and/or White Point Beach.

As discussed in Section 18.3.4 of the draft EIR/EIS, the city of Los Angeles requires the preparation of traffic management plans for major construction projects that include designation of areas for worker parking and work areas and allowable hours of construction activity, among other elements, to ensure that any construction-related effects are minimized to the greatest extent possible. If required by the city, some level of carpooling will be required of construction workers.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A16: South Coast Air Quality Management District – Ian MacMillan, Program Supervisor, Inter-Governmental Review, Planning, Rule Development and Area Sources

Commenter A16

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: April 19, 2012

Mr. Steven W. Highter, Supervising Engineer, shighter@lacsd.org
Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601

**Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for the Proposed Clearwater Program Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA/NEPA document.

In the project description, the lead agency proposes the Clearwater Program, a comprehensive plan to develop the Master Facilities Plan (MFP) for the Joint Outfall System (JOS). The JOS is a regional wastewater management system that meets the needs of communities and business in 73 cities and unincorporated areas of Los Angeles County. The proposed project would include excavation and soil export from the construction of a new approximately 7–mile tunnel that would convey treated wastewater from the Joint Water Pollution Control Plant (JWPCP) to the ocean outfalls. Construction would also include repair work on two existing effluent tunnels that are about six miles long and an expansion to the existing San Jose Water Reclamation Plant in Whittier to increase production of recycled water. The proposed project would also include planning to increase the number of anaerobic digesters at the JWPCP to process residual solids that can be converted into biosolids for future uses. Construction is estimated to begin in 2015 and last up to six years. Operations are expected to begin in 2021. A16-1

Based on the project description, the lead agency should contact AQMD engineering and compliance staff for input concerning activities that may require AQMD permits. Permit applications to construct/operate will be required for the modifications at five Water Reclamation Plants and the Joint Water Pollution Control Plant. In addition, the San Jose Creek Water Reclamation Plant expansion would require compliance with New Source Review and Rule 1401 - New Source Review of Toxic Air Contaminants requirements due to emission increases from the additional wastewater treatment capacity. Questions concerning permit requirements can be directed to engineering and compliance staff at (909) 396-2684.

Please provide the AQMD with a written response to the comments contained herein prior to the adoption of the final environmental document. The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

A16-2

Sincerely,

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:CT:GM

SBC120230-01
Control Number

## Response to Comment A16-1

The comment provides guidance on contacting the South Coast Air Quality Management District (SCAQMD) to obtain necessary permits.

The Sanitation Districts of Los Angeles County (Sanitation Districts) and the U.S. Army Corps of Engineers are aware of the permitting requirements and will coordinate with SCAQMD during the permitting process.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A16-2

The comment requests that responses to SCAQMD's comments be forwarded to the agency in advance of adoption of the final environmental document.

As required by the California Environmental Quality Act, all commenting agencies are provided with responses to their comments at least 10 days prior to certification of the EIR. SCAQMD will also be notified with regard to the approval of the final EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A17: City of South Gate – Emilio M. Murga, Assistant City Engineer

Commenter A17

**Highter, Steve**

**From:** Emilio M. Murga <emmurga@sogate.org>
**Sent:** Tuesday, April 24, 2012 12:04 PM
**To:** Highter, Steve
**Cc:** Mohammad Mostahkami
**Subject:** City of South Gate Comments, Clearwater Program Draft Environmental Report

Mr. Steven W. Highter,
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County

This email is is response to the Public Notice of Availability, Clearwater Program Draft Environmental Impact Report.

We regret to have missed the deadline of April 10, 2012, but nevertheless we reviewed the Draft Environmental Impact Report. A17-1

We request that recycle water lines be extended through the City of South Gate arterial and collector streets, to serve the various parks, shopping centers with substantial landscaped areas and industrial areas throughout the City.

Thank you for your consideration.

Please call me if you have any questions.

Sincerely,

Emilio M. Murga
Assistant City Engineer
City of South Gate
Office: 323 563-9582
Cell: 323 595-9129



1

## Response to Comment A17-1

The comment requests that recycled water lines be extended through the city of South Gate to serve various municipal purposes.

The Sanitation Districts of Los Angeles County (Sanitation Districts) recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft Master Facilities Plan, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County. Eight of these WRPs, located in the Joint Outfall System (JOS), intercept and treat the more reclaimable wastewater flow that would instead be treated at the Joint Water Pollution Control Plant and discharged to the ocean. The tertiary-treated effluent produced at the JOS WRPs essentially meets drinking water standards and is used for groundwater replenishment (i.e., indirect potable reuse) and other important uses, including industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation.

As stated in Chapter 11 of the draft EIR/EIS, the Sanitation Districts' Clearwater Program is consistent with the State Water Resources Control Board Recycled Water Policy to provide recycled water to purveyors in the region. This policy mandates significantly increasing the use of recycled water in California and replacing potable water with recycled water as much as possible by 2030. These mandates are achieved through a collaborative partnership among multiple entities, including the Sanitation Districts and water purveyors (e.g., city, water company, or water agency). State duplication of service laws requires the Sanitation Districts to work with local water purveyors to provide recycled water in areas with domestic service. The necessary distribution infrastructure (purple pipes) to convey recycled water to the end user would also need to be constructed or expanded by the water purveyor. The Sanitation Districts will continue to consider all feasible projects that would expand the use of recycled water in Los Angeles County to help the region meet the recycled water policy mandates.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A18: State of California, Governor's Office of Planning and Research – Scott Morgan, Director, State Clearinghouse

Commenter A18

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

May 25, 2012

Steven W. Highter
Los Angeles County
Sanitation Districts
1955 Workman Mill Road
Whittier, CA 90601

Subject: Clearwater Program Master Facilities Plan
SCH#: 2008101074

Dear Steven W. Highter:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 26, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project. A18-1

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008101074) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

REC'D LACSD
MAY 31 '12 AM9:59

DOC #

Highter S

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

## Response to Comment A18-1

The comment states that the State Clearinghouse encourages the consideration of the enclosed late comments in the final EIR/EIS, although consideration of late comments is not required under the California Environmental Quality Act (CEQA). A copy of a comment letter from the State Water Resources Control Board (SWRCB) was also provided.

The comment periods for the draft EIR and draft EIS were 60 and 57 days, respectively, which exceeded the 45-day requirements for both CEQA and the National Environmental Policy Act. In addition, the Sanitation Districts of Los Angeles County and the U.S. Army Corps of Engineers have given consideration to all late comments received within a reasonable timeframe that would not delay preparation of the final EIR/EIS.

The attached letter from the SWRCB is included in these Responses to Comments as Commenter A19. Therefore, the attached letter is not included in this response.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter A19: State Water Resources Control Board – Melessia Downham, Environmental Scientist

Commenter A19

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

MAY 2 3 2012

Mr. John Kilgore
Los Angeles County Sanitation District
1955 Workman Mill Road
P.O. Box 4998
Whittier, CA 90607

Dear Mr. Kilgore:

CLEARWATER PROGRAM DRAFT ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR THE LOS ANGELES COUNTY SANITATION DISTRICT (DISTRICT) AND THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE); JOINT OUTFALL SYSTEM IMPROVEMENTS (PROJECT); LOS ANGELES COUNTY (COUNTY); STATE CLEARINGHOUSE NO. 2008101074

We understand the District is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a State agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the EIR/EIS for the Project. The District is the lead agency under the California Environmental Quality Act (CEQA) and the USACE is the lead National Environmental Policy Act (NEPA) and jointly prepared an EIR/EIS.

Please provide us with the following documents applicable to the proposed Project following the District and the USACE CEQA and NEPA processes: (1) one copy of the draft and final EIR/EIS, (2) the District's resolution certifying the EIR/EIS and making CEQA findings, (3) all comments received during the review period and the District's and USACE's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program (MMRP), (5) the Notice of Determination filed with the Los Angeles County Clerk and the Governor's Office of Planning and Research, State Clearinghouse, and (6) the USACE Record of Decision. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

A19-1

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, and provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

A19-2

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CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov

RECYCLED PAPER

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special status species. Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special status species the Project has the potential to impact if the Project is to be funded under the CWSRF Program. The District will need to identify whether the Project will involve any direct effects from construction activities or indirect effects, such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects. A19-3

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board's Cultural Resources Officer (CRO) must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the District will need to identify the Area of potential Effects (APE), including construction and staging areas and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Please contact the CRO, Ms. Cookie Hirn, at (916) 341-5690, to find out more about the requirements, and to initiate the Section 106 process.

3

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

A. Compliance with the federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the USACE, or require a permit from the USACE, and identify the status of coordination with the USACE.

D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.

E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

A19-3 cont.

Following are specific comments on the District's and USACE's Draft EIR/EIS:

1. Please include copies of consultation correspondences and approval documents (Clean Water Act [CWA] Section 401 Water Quality Certification and CWA Section 404 USACE Permit, California Department of Fish and Game 1600 Lake and Streambed Alteration Agreement, Coastal Development Permit, Biological Opinion's, Section 106 with the SHPO), and any associated Biological Assessments and supporting documents, along with your CWSRF Application.

2. For environmental impacts that will result in a significant and unavoidable impact after mitigation, please prepare a Statement of Overriding Consideration (SOC) with substantial evidence that explains why the District is willing to accept each significant effect. In addition, please include the SOC in the record of Project approval and identify it in the Notice of Determination to be filed upon Project approval [CEQA Guidelines Section 15093 (b) and (c)].

A19-4

Thank you for the opportunity to review the District's and USACE's Draft EIR/EIS. If you have any questions or concerns, please feel free to contact me at (916) 341-5642, or by email at mdownham@waterboards.ca.gov, or contact Ahmad Kashkoli by email at akashkoli@waterboards.ca.gov.

Sincerely,

Melessia Downham
Environmental Scientist

cc: State Clearing House
(Re: SCH# 2008101074)
P.O. Box 3044
Sacramento, CA 95812-3044

Enclosures (4)

1. SRF & CEQA-Plus
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Instructions and Guidance for "Environmental Compliance Information"
4. Basic Criteria for Cultural Resources Reports

## Response to Comment A19-1

The comment requests that copies of the draft and final EIR/EIS, the certifying resolution by the Sanitation Districts of Los Angeles County's (Sanitation Districts') Board, all comments received during review of the draft EIR/EIS and responses to comments, the mitigation monitoring and reporting program, the notice of determination (NOD), and the record of decision be provided to the State Water Resources Control Board (SWRCB). The comment also requests notification of any hearings.

The SWRCB was provided with copies of the draft EIR/EIS. Copies of the other requested documents as well as notices of all hearings will be provided to the SWRCB when available.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A19-2

The comment provides general information about the Clean Water State Revolving Fund (SRF) Program.

The Sanitation Districts appreciate the information provided by the SWRCB regarding the SRF Program. However, because the information is general and does not specifically address the draft EIR/EIS, no response is necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A19-3

The comment explains the SWRCB's requirements for California Environmental Quality Act (CEQA) documentation and reviews, consultations, and federal environmental laws and requirements prior to providing funding through the SRF Program.

The Clearwater Program Draft Master Facilities Plan (MFP) and draft EIR/EIS were prepared in conformance with the SWRCB's policy for implementing the SRF Program for construction of wastewater management facilities. Appendix A of the draft MFP reviewed the project report requirements by the SWRCB. In this appendix, applicable sections of the draft MFP were referenced, and in some cases, supplemental information was provided as necessary to address SRF Program requirements. Section 1.7.7 of the draft EIR/EIS stated that the document would be used by the SWRCB to ensure compliance with SRF Program loan requirements. Specific federal environmental regulations as required under CEQA-Plus have been addressed in the draft EIR/EIS through compliance with NEPA. The U.S. Army Corps of Engineers (Corps) is the federal lead agency because the Corps has direct permitting authority over the Clearwater Program.

Table 1-3 of the draft EIR/EIS identified major applicable statutes, plans, policies, and other regulatory requirements that the Clearwater Program addressed in the document including the Clean Water Act, federal Endangered Species Act, National Historic Preservation Act, Clean Air Act, and Coastal Zone Management Act. The Migratory Bird Treaty Act was addressed in Section 6.3.1.7 of the draft EIR/EIS. Table 1-3 is revised in the final EIR/EIS to include the following rows after the federal Endangered Species Act entry:

Federal Migratory Bird Treaty Act, 1918

Makes it unlawful at any time, by any means or in any manner, to take (pursue, hunt, take, capture, possess, transport, sell, or kill) or attempt to take migratory birds. The U.S. Fish and Wildlife Service is the lead agency for migratory birds.

The Farmland Protection Policy Act, Williamson Act, and Wild and Scenic River Act are not applicable to the Clearwater Program. The Farmland Protection Policy Act is not applicable because, as described in the Preliminary Screening Analysis (Appendix 1-A of the draft EIR/EIS), none of the program or project elements would be located within or around farmland, nor would they convert any farmland or forestry resources to non-agricultural uses. The Williamson Act is not applicable because, as described in the Preliminary Screening Analysis, all of the program or project elements would be located on lands that are not zoned for agriculture or identified by the Williamson Act. The Wild and Scenic River Act is not applicable because no wild or scenic rivers, as defined by the Wild and Scenic River Act, are located within the study area for the Clearwater Program.

As described in the Preliminary Screening Analysis (Appendix 1-A of the draft EIR/EIS), the only project elements located within 100-year or 500-year floodplains, as shown on the applicable flood insurance rate maps, would be the shaft sites. The only permanent structures located at these sites would be belowground access facilities that would not increase base flood elevation levels. Therefore, the national flood insurance program floodplain management building requirements, as stipulated by the Flood Plain Management Act, would not be applicable.

Federal agency consultation meetings were conducted prior to the release of the draft EIR/EIS, as shown in Table 2 of Appendix 1-B of the draft EIR/EIS. Additionally, as described in Section 7.3.1.1 of the draft EIR/EIS, the Corps is the federal lead agency responsible for identifying eligibility for listing in the National Register of Historic Places under Section 106 of the National Historic Preservation Act as a part of its permitting process, and for determining and documenting an area of potential effects. As described in Chapter 7 of the draft EIR/EIS, study areas were established for the project elements. Resources were identified and/or mitigation included for the study areas. For program elements where study areas cannot be identified at this time, supplemental environmental analysis at the project level will be required, including identifying study areas for cultural resources.

The Sanitation Districts and the Corps will provide the additional coordination and documentation to comply with the requirements of the SWRCB during the final EIR/EIS process and after certification of the EIR and approval of the EIS.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment A19-4

The comment lists documents that will be required as part of the SRF Program application. The comment also requests that a statement of overriding consideration be prepared per the CEQA Guidelines.

The Sanitation Districts will provide the requested documents as part of the SRF Program application. In addition, the Sanitation Districts' Board will approve a statement of overriding considerations that includes substantial evidence as to why the Sanitation Districts are willing to accept each significant effect, include the statement of overriding considerations in the record of project approval, and identify the statement of overriding considerations in the NOD.

No revisions to the draft EIR/EIS are required in response to this comment.

## 28.3 Public

# Commenter P1: ConocoPhillips Pipe Line Company – Leo Martinez, Utility Coordinator

Commenter P1

ConocoPhillips Pipe Line Company
Leo Martinez
Utility Coordinator
Corporate Real Estate-PTRRC*
*Property Tax, Real Estate,
Right of Way and Claims
1232 Park Street, Suite 300
Paso Robles, CA 93446
805-226-2656 - Office
805-239-4410 – Fax

ConocoPhillips
Pipe Line Company

February 27, 2012

Charles E. Boehmke
Sanitation District of Los Angeles
1955 Workman Mill Road
Whittier, CA 90601-1400

**RE: Clearwater Program Master Facilities Plan**

Mr. Boehmke

This letter is to inform the County of Los Angeles Sanitation District that ConocoPhillips has numerous active pipelines along the proposed route which can be impacted. Please send me more detailed drawings, including elevation data of the tunnels when the information is available so that we can evaluate their potential impact on or near our facilities.

P1-1

Sincerely,

Leo Martinez
Property Tax, Real Estate, Right of Way and Claims

Steve Highter SWR

REC'D LACSD
FEB 29 '12 AM 9:56

DOC # 274498

Boehmke C (Fac Plan)

## Response to Comment P1-1

The comment requests coordination with ConocoPhillips prior to construction in the vicinity of their pipelines.

As standard practice, the Sanitation Districts of Los Angeles County will coordinate with utility providers, including ConocoPhillips, during final design and construction. Detailed drawings with elevation data will be provided at that time.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P2: Janet Gunter – Resident

Commenter P2

**Highter, Steve**

**From:** Janet Gunter <arriane5@aol.com>
**Sent:** Wednesday, March 07, 2012 10:05 PM
**To:** Haug, David; Highter, Steve
**Subject:** Fwd: LA County Clean Water/LA County Sewer Plan attached LA City Rupture Zone Doc....SAFTYELT from Janet Gunter
**Attachments:** saftyelt.pdf; rupturezonecityla-1.jpg

Sorry...screwed up your addresses initially!!! Typical!

-----Original Message-----
From: Janet Gunter <arriane5@aol.com>
To: dhaug <dhaug@lasd.org>; shighter <shighter@lasd.org>; connie <connie@rutter.us>; MrEnvirlaw <MrEnvirlaw@sbcglobal.net>
Cc: rkim <rkim@lacbos.org>; chateau4us <chateau4us@att.net>
Sent: Wed, Mar 7, 2012 10:00 pm
Subject: LA County Clean Water/LA County Sewer Plan attached LA City Rupture Zone Doc....SAFTYELT from Janet Gunter

Hi David and Steven-

Here is the LA City Doc that I spoke of. I got the date wrong...but, it is still relevant. Also, of particular note for you...would be the Alquist Priolo Act of 1970 and its references to building on an earthquake fault. Although, it references in specific a "home"....the issue is the ***act of building or constructing*** in an area as vulnerable as this one on No. Gaffey St.. The Rancho LPG facility should have never been allowed to be located at the Gaffey St. site. We are actually 40 years into the 50-100 year predictability of a significant seismic event upon the Palos Verdes fault that was proclaimed in the EIR for the LPG facility in 1973. P2-1

My experience with consultants is that they often miss important details and prove to be deficient. Our lawsuit on the China Shipping EIR proved this point. The added complication of this hazardous gas facility should also be considered when thinking about the future of your identified major sewer line plan. Our homeowners grave concern on the Rancho LPG facility is the fact that the 25 million gallons of butane gas (the largest stored volume in a populated area in the nation) burns at around 1800 degrees centigrade....and will cause radiant heat strong enough to ignite any other combustibles for miles. The "domino effect" of all of the multiple fuel resources in the region would cause an inferno never before witnessed. The infrastructure of just about everything will be decimated. While, the option of moving this sewer line through the port might be more costly...and "cutting edge" as far as distance.... personally, it appears to be the most sensible approach. And, the long term concept makes more sense as well. If the County is going to spend this kind of money on this system....don't you believe that it would behoove the County to consider this kind of potential loss in its analysis? However drastic the cost may appear at this point in pursuing the Port option instead of option #4 (Gaffey St)....it is critical to think about the longevity of the pipeline and the protection of the investment. In 25 years...this cost will not be considered dramatic.. particularly if you have a system that is still viable, intact and healthy. That is why further consideration of this issue is so important. P2-2 P2-3

I know that this issue is a difficult one...but, one that has to be addressed. Although there are no easy answers....there is a crucial need to employ the "best" decision that will yield the most logical and responsible decision. There also remains the potential to condemn the Rancho facility for safety reasons and continue on with your project as planned without the fear of this explosive opportunity looming on the horizon. Makes sense, no? I hope that your team and the County will investigate this concern vigorously.

Best,
Janet G

1

## Response to Comment P2-1

The comment questions whether the Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is applicable to the project and expresses concerns about the potential impact of a seismic event on the Rancho Liquefied Petroleum Gas (LPG) facility.

The Alquist-Priolo Act was discussed in Section 8.3.2.1 of the draft EIR/EIS. The law requires that some structures, such as private dwellings, be set back at least 50 feet from the mapped trace of an active fault. The Alquist-Priolo Act is applicable to projects that propose structures intended for human occupancy. The Clearwater Program does not propose structures intended for human occupancy.

Each of the four alternatives analyzed in the draft EIR/EIS must cross the Palos Verdes Fault as shown on Figure 8-1 of the draft EIR/EIS. Implementation of Mitigation Measure GEO-2, which involves performing site-specific fault hazard investigations to minimize damage to the tunnel and structures, would reduce impacts to less than significant. The geotechnical recommendations will be incorporated into the final design and may include remediation measures, such as special lining systems inside the tunnel through the fault zone.

The Rancho LPG facility is located over 4,000 feet south of where the Palos Verdes Fault crosses the recommended tunnel alignment (Alternative 4). The two large Rancho LPG butane storage tanks are approximately 600 feet east of the tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P2-2

The comment expresses concerns about the potential for an explosion at the Rancho LPG facility to result in damage to the proposed Clearwater Program infrastructure, and states that this is a reason that the outfall tunnel should be located at the Port of Los Angeles.

See Response to Comment P2-1.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P2-3

The comment states that, despite the initial cost savings of constructing Alternative 4 (the recommended alternative) instead of an alternative aligned through the Port of Los Angeles, a port alignment would be more cost effective in the long term if an explosion at the Rancho LPG facility were to result in the loss of the tunnel being proposed under Alternative 4.

As discussed in Response to Comment P2-1, the tunnel proposed under Alternative 4 would be located approximately 600 feet away from the two large Rancho LPG butane storage tanks and at a depth of approximately 100 feet below the ground surface. Therefore, Alternative 4 (the recommended alternative) would not be impacted by an explosion at the Rancho LPG facility, and it would not be more cost-effective in the long term to construct an alignment through the Port of Los Angeles.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P3: JoAnn Wysocki – Resident (March 7, 2012, Public Hearing at the Carson Community Center, Carson, California)

Commenter P3

MS. WYSOCKI: JoAnn Wysocki, 1006 King Avenue in Wilmington in the Rancho Palos Verde area. As they spent $82,000 on the Environmental Impact Report for the dog park, I'm kind of curious as to how much this cost to put together all these very nice Environmental Impact Report on good quality paper. P3-1

I was curious in all of the draft reports why Sepulveda Boulevard was mentioned so much because it is so far south -- or so far north of this project, and it just kind of -- I just wondered if it was because of the truck traffic. P3-2

The statistics in Figure 18-3 and Appendix B of the EIR used 2009 for the vehicular traffic, and I suppose that it is probably the latest stat that they can use typically, though it says 2010. But I do point out the area particularly at Anaheim and Figueroa at the on ramp to the 110 freeway, there is a great deal of traffic that comes down from the hill, and that traffic causes the backup to the hill through a small residential area. So there were no traffic statistics for that area, and I'd like to see there should be some. P3-3

The west shaft site is what we call the Margate property which is in Figure 6-7, and there is mention of a possible pumping plant 7.2.5.1, pages 7, 5. I need a P3-4

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little bit more information on the proposal for the pumping plant.

The shaft construction -- how many shifts? For instance, is it 10-hour shifts, five days a week? But 24 hours in a day, you should have two shifts. And how many workers do you have and where will the workers' cars go? If it's the west shaft, there is quite a bit of property. There are 18 acres for parking. P3-4 cont.

It's the age old problem with environmental staff reports on traffic. Does a truck taking dirt away from a construction site go once and come back; is that two trips? Or is that one truck going around twice? It needs a little bit of clarification. P3-5

As to the hundred-foot crane, how are we going to get it to the shaft site? Do they drive it down the street, or are you going to dismantle it? P3-6

And Volume II of the Appendices to the Joint Water Pollution Control Plant. They don't know where it is. They've got it placed way south of Pacific Coast Highway and even Anaheim, but that's after page 8-A-9, Attachment B and Attachment C-1. P3-7

They mention Gaffey Street at the 110 freeway, Gaffey Street and Ninth Street, Gaffey Street and Paseo Del Mar, Western at Paseo Del Mar, and Western and Ninth Street. They put them in the city of Wilmington. P3-8

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They're all in San Pedro the last time I looked. And Wilmington is not a city; it is a community in a city. This is the intersection. P3-8 cont.

Turning movements on Figure 6-10 and 6-11, pages 6-9 should be defined r-u-d-e-r-a-l vegetation, just for the record. P3-9

In Volume I Appendices for all the projects. The print is entirely too small, and the pages are not numbered. P3-10

In 18-5, Volume II, of the second draft, it said Figueroa Street and Harris Bridge is no longer in existence. Yes, it is. I just took it to San Pedro today, so that needs to be corrected. P3-11

Streets to Harris Bridges, Figures 8-2, is still open. And C Street to John S. Gibson -- those two streets run parallel to each other. So I think they should take a look at Tables 18-3 and 18-8.

They keep talking about the Pasha Terminal, but they never put it on the map. 19.4.3.1, Figure 21-1, page 19-33 and page 20-28. Please put it on the map, so people know where it is. P3-12

And shame on the Los Angeles Police Department -- I'm going to say this tomorrow at San Pedro -- 16-9. They did not respond to the primary response time for Angels Gate and Royal Palms. Perhaps P3-13

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they will respond again. P3-13 cont.

I presume this project will be put out to bid. You know the question of local hiring is going to come up. This is not going to be a great job maker, but the secondary jobs will be increased. P3-14

Are we taking into account cost overruns? How about street sweeping and street watering? That's 5-27, and telephone contact so that people can complain if something goes wrong, or they have questions. P3-15 P3-16

And of course, removing graffiti in a timely manner, page 15-38. P3-17

People always make criticisms about the continued use of reclaimed water. This is a good opportunity for them to give some examples that no one has thought of. P3-18

When will the Final Environmental Impact Report be released? It said 2012, but 2012 -- is that Christmastime or September? When will it be released? P3-19

Thank you.

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## Response to Comment P3-1

The comment asks about the printing costs associated with the draft EIR/EIS.

The cost for printing and mailing one copy of the draft EIR/EIS, including the Executive Summary, Master Facilities Plan (MFP), and appendices, was approximately $690. The Sanitation Districts of Los Angeles County (Sanitation Districts) and U.S. Army Corps of Engineers (Corps) are cognizant of the need to conserve paper and minimize document reproduction costs. Thus, only a limited number of hard copies were produced and the use of electronic distribution was maximized. Electronic documents were made available on the Sanitation Districts' website and the Clearwater Program website, as well as distributed via compact disc. However, to facilitate public access to the materials, hard copies were made available for review at three public libraries in the project area and at the main headquarters of the Sanitation Districts. In addition, a few hard copies were produced as for the record copies for the various agencies involved. Overall, 18 full sets of documents were produced.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-2

The comment requests clarification as to why Sepulveda Boulevard is mentioned various times in the draft EIR/EIS even though it is located away from the alternative sites.

As described in Section 18.2.2 of the draft EIR/EIS, Sepulveda Boulevard transects the northern portion of the Joint Water Pollution Control Plant (JWPCP). Because each of the alternatives analyzed included improvements to the JWPCP and a shaft site at the JWPCP, Sepulveda Boulevard was referenced numerous times in the analysis.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-3

The comment suggests that the baseline traffic count data used in the traffic analysis was collected in 2009. The comment also requests that traffic analysis be conducted at Anaheim Street and Figueroa Street.

As discussed in Section 18.2.3 of the draft EIR/EIS, the traffic impact analysis was based on counts collected in late February and early March 2010 at all but three study intersections. The exceptions, located in Wilmington, used 2008 baseline count data for projecting future conditions in the vicinity of Figueroa Street and Harry Bridges Boulevard to provide consistency with the Final Environmental Impact Report for the Wilmington Waterfront Development Project, which was certified when the traffic analysis for the Clearwater Program was initiated. The year of the counts was correctly shown for the title of Figure 18-3, "Existing (2010) Peak Hour Traffic Volumes," and the base counts were provided in Appendix 18-A of the draft EIR/EIS.

The intersection of Figueroa Street and Anaheim Street is located over 1 mile south of the JWPCP. It was not selected for traffic impact analysis because it is not located on a major access route to the JWPCP or to any of the alternative shaft sites and thus would not be expected to be significantly affected by the activities associated with the Clearwater Program.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-4

The comment refers to the JWPCP West shaft site as the Margate property and requests additional information regarding a possible pumping plant, construction shifts, and employee parking.

Should the existing effluent pumping plant at the JWPCP become inadequate in the future, space within the JWPCP West shaft site has been allocated for the placement of a future pumping plant. The pumping plant – along with a ground-level cover over the shaft, a surge tower, vent pipes, and access covers – would require a total of approximately 0.5 acre.

Shaft construction would be based on a single 10-hour shift working 5 days a week. The number of workers on site would vary depending on what construction activity is occurring. The JWPCP West shaft site has sufficient space for employee parking even during peak construction activities.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-5

The comment requests clarification on how truck trips were counted in the draft EIR/EIS.

Round trips were counted as two trips, as explained in footnote (a) to Tables 18-12, 18-22, and 18-29 of the draft EIR/EIS, which presented construction truck trip generation estimates for each of the alternatives. In addition, as stated in Section 18.2.3 of the draft EIR/EIS, a passenger car equivalent factor of 2.0 was applied to construction trucks to account for the fact that their operating characteristics differ from those of automobiles.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-6

The comment requests information on how the 100-foot crane would be brought to the shaft site.

The 100-foot crane would be delivered in pieces and assembled on site.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-7

The comment states that the location of the JWPCP was not properly shown in Volume 2 of the appendices after Page 8-A-9 on Attachment B and Attachment C-1.

It appears that the comment is in reference to Appendix 13-E of the draft EIR/EIS, Joint Water Pollution Control Plant National Pollutant Discharge Elimination System Permit (2006). The JWPCP was incorrectly located on Attachment B, Location Map, which was after Page A-9. The JWPCP should be located between Sepulveda Boulevard and Pacific Coast Highway, not south of Pacific Coast Highway.

However, Attachment B was a copy of a portion of a waste discharge permit that was issued to the Sanitation Districts in 2006 by the California Regional Water Quality Control Board (RWQCB). Therefore, as an official RWQCB document, it cannot be revised for the final EIR/EIS. However, it should be noted that Appendix 13-F included the most recently issued Joint Water Pollution Control Plant

National Pollutant Discharge Elimination System Permit (2011) by the RWQCB. For the 2011 permit, Attachment B did correctly locate the JWPCP on the map.

Attachment C (Page C-1) was a flow schematic of the treatment system. Therefore, the comment is not relevant to Attachment C, Page C-1, of the draft EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-8

The comment addresses the Existing (2010) Level of Service Worksheets found in Appendix 18-B of the draft EIR/EIS. The comment states that the city is incorrectly labeled on some of the worksheets.

These forms were used during analysis by the traffic consultant. Some of these forms include a field for the city in which the intersection is located. Although these intersections are actually within the jurisdiction of the city of Los Angeles, the traffic consultant used San Pedro or Wilmington to provide context for analysis purposes. This identification does not affect the accuracy of the analysis because the jurisdictional information is not relevant to the analysis.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-9

The comment asks for a definition of ruderal.

Ruderal vegetation refers to natural vegetation growing in areas that have been disturbed by humans (Merriam-Webster 2012).

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-10

The comment states that the print was too small in the appendices and that some pages lacked page numbering.

The appendices provided information to supplement the draft EIR/EIS. In some cases the print size needed to be small to allow printing on a standard 8½-by-11-inch sheet of paper. Some documents (e.g., model outputs) do not have page numbering.

As noted in Response to Comment P3-1, the Clearwater Program documents are electronically accessible on the Sanitation Districts' website, the Clearwater Program website, and compact disc. In an electronic format, readers have the ability to zoom in on any page if necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-11

The comment states that the intersection of Figueroa Street and Harry Bridges Boulevard exists and requests that the intersection be shown on Figure 18-5. The comment also requests that Table 18-3 and Figure 18-8 (not Table 18-8) be revised because C Street and John S. Gibson Street are parallel streets.

The title of Figure 18-5 of the draft EIR/EIS was "Cumulative Base (2017) Peak Hour Traffic Volumes." This figure appropriately reflected that the intersection of Harry Bridges Boulevard and Figueroa Street would no longer exist once the planned improvements to the Interstate-110 and C Street interchange were completed. The lane configuration shown on Figure 18-2 of the draft EIR/EIS also appropriately reflected the planned improvements at that location.

The comment is correct regarding C Street and Harry Bridges Boulevard being parallel; however, as shown on Figure 18-2 of the draft EIR/EIS, the southernmost segment of Figueroa Street lies between C Street and the intersection of John S. Gibson Street and Harry Bridges Boulevard. Table 18-3 and Figure 18-8 of the draft EIR/EIS are correct as shown.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-12

The comment requests that Pasha Terminal be labeled on the figures in the draft EIR/EIS.

There were in-text references to Pasha Terminal in Chapters 3, 12, 14, 16, 18, and 19 of the draft EIR/EIS. There were no in-text references to Pasha Terminal in Section 19.4.3.1, Pages 19-33 or 20-28. On Figure 21-1, none of the detailed areas within the Port of Los Angeles were labeled directly on the map due its scale. However, in the legend of Figure 21-1, under the Port of Los Angeles Projects, cumulative Project No. 17 (which was listed as "Berths 171-181, Pasha Marine Terminal Improvements Project") was properly located in Pasha Terminal. Pasha Terminal was shown in greater detail on Figures 12-8 and 12-9. To better locate Pasha Terminal, the following figures are revised for the final EIR/EIS: Figures 18-1, 18-4, 18-7, 18-10, and 19-2.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-13

The comment expresses disappointment that the Los Angeles Police Department did not provide information about the response times for the Angels Gate and Royal Palms shaft sites.

The information was requested, but neither the Sanitation Districts nor the Corps has the means to compel the police department to provide the information.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-14

The comment requests information on how the project would be bid and what employment opportunities it would create.

The project would be competitively bid. While tunneling is a highly specialized profession that would likely attract national and/or international construction firms, there could be a temporary increase in local hiring to accommodate the less specialized construction activities and secondary jobs that would be created.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-15

The comment requests information on how cost overruns would be managed.

A contingency consistent with industry standards for a project of this size was applied to the cost estimate to account for possible overruns.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-16

The comment requests information on how dust would be controlled and a contact number for people to express concerns during construction.

It is the Sanitation Districts' standard practice to require contractors have a motor sweeper on the job site at all times to keep paved areas acceptably clean wherever construction is occurring. In addition, implementation of South Coast Air Quality Management District Rule 403 would reduce dust emanating from the job site because watering would occur at least three times a day. As part of the community outreach, a contact number would be established to provide people with a means to express their concerns during construction.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-17

The comment requests information on how graffiti would be removed in a timely manner.

It is the Sanitation Districts' standard practice to require contractors to remove graffiti within 24 hours of notification. Implementation of Mitigation Measure (MM) AES-1 (same as MM AES-3a), as described in the draft EIR/EIS, would ensure maintenance of the aesthetic treatments by removing graffiti in a timely manner.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-18

The comment suggests that the Clearwater Program publicize new and innovative uses of recycled water.

As described in Appendix 1-B of the draft EIR/EIS, since 2006, the Sanitation Districts conducted over 500 public outreach meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. This effort facilitated a productive exchange of information and ideas between the Sanitation Districts and stakeholders regarding all components of the Clearwater Program, including reuse opportunities for recycled water.

The Sanitation Districts and Corps recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft MFP, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own

and operate 10 water reclamation plants that produce approximately 165 million gallons per day of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County for groundwater replenishment; industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. This message has been and will continue to be an important component of the Sanitation Districts' public outreach and education efforts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P3-19

The comment requests clarification on the actual release date of the final EIR/EIS.

It is currently anticipated that the final EIR/EIS will be released during the final months of 2012. However, circumstances beyond the Sanitation Districts and Corps' control could delay this release date.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P4: Kiran Magiawala – Resident (March 7, 2012, Public Hearing at the Carson Community Center, Carson, California)

Commenter P-4

DR. MAGIAWALA: Thank you. My name is Kiran Magiawala. And I will spell it out for the benefit of everyone. My first name is K-i-r-a-n, and the last name, Magiawala, M-a-g-i-a-w-a-l-a.

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And I am a resident of Hawthorne, California, and I wanted to share with the Clearwater Program some information which I have come to know on the general subject of what to do with the soil that is removed from tunneling and where to put it and what might be the beneficial uses of those soils that are removed.

I came to Los Angeles Department of Power and Water [sic] -- is conducting long-term study on this subject of sedimentation removal for their dams, and they have been studying various ways of collecting those particular soils, transporting them, and disposing them at various locations on various pits as well as the landfills as well as, if possible, replenishing the beaches, and some processes for them to make. And I had requested the Clearwater Program to look over what they have been doing and understand that it would be better if they could use some portion of that information for the future use as to what to do with the soil removed from the tunneling which we are going to be conducting. P4-1

I do not know the exact number on the cubic feet of the soil, but just for the sake of an approximate number, the number which they are talking about for the removal of the sediment or soil is approximately 16 million cubic feet. And for us it could be alternating between maybe 8 or 10 million cubic

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feet or less of soil. Thank you.

P4-1 cont.

## Response to Comment P4-1

The comment suggests that the Sanitation Districts of Los Angeles County (Sanitation Districts) consider beneficial uses for the excess excavated material generated during tunneling construction.

Section 3.3.2.1 of the draft EIR/EIS stated that material excavated by the tunnel boring machine (TBM) would be removed for disposal or possibly beneficial use. There are two types of TBMs that are commonly used for tunnel construction: earth-pressure balance (EPB) and slurry type. The EPB method removes material as-is, while the slurry method blends the material with water and bentonite, which may preclude certain types of disposal or beneficial use. In either case, the Sanitation Districts will strive to find the best means of managing the excavated material.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P5: Janet Gunter – Member, San Pedro Peninsula Homeowners United (March 7, 2012, Public Hearing at the Carson Community Center, Carson, California)

Commenter P5

MS. GUNTER: Good evening. My name is Janet Gunter, and I'm with the San Pedro Peninsula Homeowners United. I'm a member of that group, and I think you'll probably hear more from them tomorrow evening.

Our biggest concern in the community of San Pedro as of late has to do with the liquid petroleum gas facility that is right at the juncture extremely close to this project on site four. That represents the single largest storage facility of its type in the nation in a populated area which happens to be sitting on top of Palos Verdes fault, very much like this project that is being planned. The area is also USGS identified liquefaction landslide area. It is also a methane zone. P5-1

Our concern has to do with any effects this project may have on the operation and the vulnerabilities that already exist at that site. Also, you know, obviously the geological conditions in the area are suspect, to say the least. The area they said is fine, and I read in the newspaper lately that the geotechnical analysis says that the area which is a hundred feet away is fine, but if you look at -- it P5-2

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doesn't take a genius to look at that coastline there to see that you have a sunken city area which fell in the ocean back, I believe, in the late '30s. You have -- that's on the east of it. And on the west of it on the same coastline and within two and a half miles probably, which is Portuguese Bend which is also landslide, and in the area in between, which is right near this outfall, was the area that just fell. It's in the national news.

P5-2 cont.

So you know, as a homeowner, as a person in the community, I understand that we need to do something with this project. I always thought, even though it was going to cost more money, that the less offensive route or least offensive route would be to take it through the facility -- through the harbor, underground, not disturbing -- yeah, you've got marine life there, and you've also got soil disruption there as well. But it seems to me that then the most sensible route to take -- I'm sure the port doesn't like that idea. And again, I am sort of a cynic because I've been fighting the Port of L.A. on many of these issues which are the same issues that we're facing now -- the vulnerability with our reaction to the port's introduction of a facility at marine terminal back in the '70s.

P5-3

So you know, they've built some things in the community over time that are offensive, and we feel

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like, at least speaking for myself and not the group, it appears that here is a straightforward route that might cost more money and might interrupt to some degree some of the potential operations there but would serve the best of -- the rest of us in a better fashion.

I am sure that the organization will have a presence tomorrow night at the meeting, and they'll probably submit written responses, and I may write and submit my written responses to you later. Thank you.

P5-3 cont.

## Response to Comment P5-1

The comment expresses concerns about the existing Rancho Liquefied Petroleum Gas (LPG) facility, its proximity to the Palos Verdes Fault, and the effects the proposed project may have on its operation.

Each of the four alternatives analyzed in the draft EIR/EIS must cross the Palos Verdes Fault as shown on Figure 8-1 of the draft EIR/EIS. Implementation of Mitigation Measure (MM) GEO-2, which involves performing site-specific fault hazard investigations to minimize damage to the tunnel and structures, would reduce impacts to less than significant. The geotechnical recommendations will be incorporated into the final design and may include remediation measures, such as special lining systems inside the tunnel through the fault zone.

The Rancho LPG facility is located over 4,000 feet south of where the Palos Verdes Fault crosses the recommended tunnel alignment (Alternative 4). The two large Rancho LPG butane storage tanks are approximately 600 feet east of the tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P5-2

The comment expresses concern about the potential for landslides to affect Alternative 4 (the recommended alternative).

The draft EIR/EIS discussed the potential for landslides at the Royal Palms shaft site (part of Alternative 4 [the recommended alternative]), in Section 8.4.6.2, Impact GEO-1, Shaft Site – Royal Palms. The draft EIR/EIS stated that the shaft would be constructed in Altimira Shale, which could contain weak layers, and that excavation could result in ground failure in the vicinity of the shaft. The draft EIR/EIS recognized this as a significant impact. Mitigation was included to reduce this impact to less than significant. Specifically, MM GEO-1 and MM GEO-6a require geotechnical investigation and site-specific recommendations for stabilization of slopes and shaft instability. The mitigation measures state that all recommendations be incorporated into the final design. In addition, MM GEO-6b requires construction monitoring at the shafts and along the onshore tunnel.

In addition, Appendix 8-A of the draft EIR/EIS included a letter report, prepared by Fugro West, that addressed the potential for Alternative 4 (the recommended alternative) to affect slope stability in the Royal Palms area. This report was prepared in response to the recent landslide activity on Paseo Del Mar near White Point State Beach. In summary, the report stated that the Monterey Formation throughout the peninsula can be folded and variable over short distances. Weak bentonitic layers contained within the formation have resulted in some of the landslides when the bedding plane is out of slope (i.e., slopes downhill towards the ocean). In the vicinity of Royal Palms Beach, the bedding planes are sloped in a favorable inclination, which was confirmed during the excavation of the Sanitation Districts of Los Angeles County's (Sanitation Districts') 8- and 12-foot tunnels in 1938 and 1957, respectively. The report concluded that impacts on the stability of the existing slopes in the vicinity of the Alternative 4 alignment resulting from tunnel construction would be unlikely. Furthermore, the reinforced concrete tunnel may improve slope stability. The study recommended that (1) additional geotechnical investigation be conducted during final design and (2) the slopes be instrumented and monitored in

advance of, and during, construction activities as a precautionary measure. Implementation of MM GEO-2, MM GEO-6a, and MM GEO-6b would fulfill these recommendations.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P5-3

The comment expresses a belief that an alternative through the Port of Los Angeles would be the least offensive route, even though it would cost more and would disturb marine life.

The draft EIR/EIS analyzed a reasonable range of alternatives that feasibly meet the project objectives and purpose and need. These final feasible alternatives were determined through the alternatives analysis process presented in Chapter 6 of the draft MFP and summarized in Chapter 3 of the draft EIR/EIS. As shown in Table 6-26 of the draft MFP, which lists the screening parameters and weighting used in the analysis of the viable project alternatives, several weighted screening parameters (i.e., cost effectiveness, environmental impacts, public input, operational considerations, constructability, and long-term uncertainty) were applied to score the alternatives. On the basis of its superior relative ranking, Alternative 4 was selected as the recommended alternative.

The draft EIR/EIS provided a co-equal level of analysis for each of the four project alternatives. The draft Executive Summary contained a comprehensive table, beginning on Page 34 that listed all of the significant environmental impacts and associated mitigation measures for each of the four project alternatives. Chapter 22 of the draft EIR/EIS provided a comparison of alternatives, which was summarized in Tables 22-1 and 22-2. Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternative 1 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to its longer tunnel length. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P6: Lonna Calhoun – Resident, (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P6

The first person would be Lonna Calhoun.

MS. CALHOUN: Good evening. I'd like to start by saying that I'm representing myself as a resident but also as a emergency management consultant most recently for the last couple years for the city of Rancho Palos Verdes where I studied their hazardous analysis, assessed their risks, trained their staff, and the emergency operation centers and conducting emergency drills. P6-1

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So in that capacity I'm very familiar with the landslide activity along our coastline, and that's my primary concern. I do want to emphasize that also as an emergency manager, I believe that the importance of infrastructure improvement is really vital to the survival of our community in the event that we do have major impacts. So I'm a hundred percent supportive of the project.

My concern is with the Alternative 4, and the impact that it may have on our coastline here in San Pedro, especially when we consider the recent landslide on Paseo Del Mar. Now, I have studied extensively -- I kind of grunt at that a little bit -- Chapter 8 of your EIR that deals with each alternative and the risks and how you would mitigate those risks. P6-1 cont.

And just quickly because I only have five minutes, I want to point out a couple things that I circled, and that one would be on page -- I believe that's 8, Chapter 8-36, where we talk about the tunnel alignment, Alternative Number 1, which is really not along any identified landslide area.

Okay. As we move further into your Chapter 8 plan, on page 149, when you start talking about Alternative 4, the Royal Palms shaft site is -- says it's not in any mapped landslide area. However,

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construction of the shaft would be in the Altamira Shale that could contain weak layers below the water table. And excavation at this instability of the construction risk that could result in ground failure in the vicinity near the shaft -- at the shaft.

Moving forward to page 156, we are talking about Alternative 4 could expose people or structures to potential substantially adverse effect including risk of life and involving the substrata consisting of material that is subject to liquefaction or other secondary seismic hazards. Okay. That's a concern.

Moving forward into page 158, it says construction of the shaft at Royal Palms could result in unstable earth conditions in the vicinity of the shaft. For example, weak layers in the Altamira Shale could be exposed in construction cuts, slope instability could create slope movement if the nearby natural slopes were affected, and unstable earth conditions could occur over the broader area than the shaft. Once the shaft is constructed and during tunnel drilling, there would be minimum risk of instability.

I wanted to point out a couple other documents that I'm going to leave with you. One of them is the Natural Hazard Mitigation Plan for the City of Rancho Palos Verdes that deals a lot with the prehistoric

P6-1 cont.

landslide area in Portuguese Bend. And one of the things that you'll notice here is that when that landslide began was in 1956, and it says the Portuguese Bend landslide began its moderate movement in August 1956 when displacement was noted at northeast margin during construction of the Crenshaw Boulevard extension from Crest Road to the Palos Verdes Drive, moving gradually extending downslope so that the entire eastern edge of the slide mass was moving within six weeks. By summer of 1957, the entire slide mass was sliding towards the sea. Cost, $14.6 million and $2,000.

I also wanted to point out that according to their plan, the majority of the peninsula is underlaid by shale and siltstone units of the Monterey formation. These innovative units have planes of weakness that are conducive to landsliding and slope instability. This is all along our coastline. And I think that this is our big concern.

I also want to leave you with a document that I worked on with the City of L.A. Emergency Management Department, and we produced it for the community in 2009, and in this document we researched the sunken city, just on the other side of the proposed construction and the coastal erosion, and we identified

P6-1 cont.

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as one of the risks to start a landslide is dredging. And this is based on historical documentation.

So my concern is really based on the fact that I believe this community has suffered a true loss, a loss that they're still grieving, and that is the loss of the landslide that we just had in Paseo Del Mar. And I believe that our coastline is unstable, and any type of project like this that could even possibly increase our risk is not acceptable to us, especially when there are other alternatives. Maybe they would cost a little bit more, but if you consider the fact of what the cost would be if a landslide is generated because of this activity, it would be substantially far more.

P6-1 cont.

I can leave these documents with you for your review. Thank you.

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## Response to Comment P6-1

The comment is concerned that Alternative 4 (the recommended alternative) has the potential to initiate a landslide or ground failure in the surrounding cliffs due to shaft construction at the Royal Palms shaft site.

The draft EIR/EIS discussed the potential for landslides at the Royal Palms shaft site (part of Alternative 4 [the recommended alternative]), in Section 8.4.6.2, Impact GEO-1, Shaft Site – Royal Palms. The draft EIR/EIS stated that the shaft would be constructed in Altimira Shale, which could contain weak layers, and that excavation could result in ground failure in the vicinity of the shaft. The draft EIR/EIS recognized this as a significant impact. Mitigation was included to reduce this impact to less than significant. Specifically, Mitigation Measure (MM) GEO-1 and MM GEO-6a require geotechnical investigation and site-specific recommendations for stabilization of slopes and shaft instability. The mitigation measures state that all recommendations be incorporated into the final design. In addition, MM GEO-6b requires construction monitoring at the shafts and along the onshore tunnel.

In addition, Appendix 8-A of the draft EIR/EIS included a letter report, prepared by Fugro West, that addressed the potential for Alternative 4 (the recommended alternative) to affect slope stability in the Royal Palms area. This report was prepared in response to the recent landslide activity on Paseo Del Mar near White Point State Beach. In summary, the report stated that the Monterey Formation throughout the peninsula can be folded and variable over short distances. Weak bentonitic layers contained within the formation have resulted in some of the landslides when the bedding plane is out of slope (i.e., slopes downhill towards the ocean). In the vicinity of Royal Palms Beach, the bedding planes are sloped in a favorable inclination, which was confirmed during the excavation of the Sanitation Districts of Los Angeles County's (Sanitation Districts') 8- and 12-foot tunnels in 1938 and 1957, respectively. The report concluded that impacts on the stability of the existing slopes in the vicinity of the Alternative 4 alignment resulting from tunnel construction would be unlikely. Furthermore, the reinforced concrete tunnel may improve slope stability. The study recommended that (1) additional geotechnical investigation be conducted during final design and (2) the slopes be instrumented and monitored in advance of, and during, construction activities as a precautionary measure. Implementation of MM GEO-2, MM GEO-6a, and MM GEO-6b would fulfill these recommendations.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P7: John Winkler – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P7

MR. WINKLER: Good evening. My name is John Winkler. I wanted to -- I'm a resident and past steering committee volunteer for Peck Park.

And one of the things I wanted to bring to your attention is the backfill that would be available for projects here in San Pedro, and there are two projects currently right now would be the recent landslide at

P7-1

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Paseo Del Mar and down near the palms, and that dirt could be used for backfill. And the other project is the Dunn Canyon off of Summerland in San Pedro, and it's a project that would enhance the lower part of Peck Park if they filled in the canyon that partially. And this would help provide a need for recreation that is not being addressed at the present time, and this is referring to Hernandez Ranch. Thank you very much.

P7-1 cont.

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## Response to Comment P7-1

The comment suggests that the Sanitation Districts of Los Angeles County (Sanitation Districts) may be able to use excess material as backfill for San Pedro area construction projects.

Section 3.3.2.1 of draft EIR/EIS stated that material excavated by the tunnel boring machine (TBM) would be removed for disposal or possibly beneficial use. There are two types of TBMs that are commonly used for tunnel construction: earth-pressure balance (EPB) and slurry type. The EPB method removes material as-is, while the slurry method blends the material with water and bentonite, which may preclude certain types of disposal or beneficial use. In either case, the Sanitation Districts will strive to find the best means of managing the excavated material.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P8: JoAnn Wysocki – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P8

MS. WYSOCKI: JoAnn Wysocki, 1006 King Avenue in Wilmington.

Volume II of the draft, Chapter 18B, the level of services at the intersection turning movement, it says Gaffey Street to the 110 ramp, Gaffey Street to the Ninth Street, Gaffey Street to Paseo Del Mar, Western to Paseo Del Mar, and Western to Ninth Street. It says they're all in the city of Wilmington. The last time I looked, they were in San Pedro. Also Wilmington is not a city; it's a community just as San Pedro is. P8-1

In the Volume II, Chapter 16-9, there was no response from the Los Angeles Police Department, and they gave the John S. Gibson Boulevard address on primary response time to Angel Gate or Royal Palms. Shame on the L.A.P.D., especially if it's down here. P8-2

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L.A.P.D. should respond in the Final EIR. P8-2 cont.

This Environmental Impact Report should be an opportunity for anyone who has new suggestions for new uses of reclaimed water, and we need additional P8-3

information in the Final Environmental Impact Report on the project being put out to bid -- cost overruns, street sweeping, and removal of graffiti in a timely manner. This is from Volume II, Chapter 15-38. P8-4

And I have a question that I would like to have answered tonight: Would the Final Environmental Impact Report be sent to the San Pedro Regional, the Carson Regional, and the Wilmington Branch libraries? Thank you. P8-5

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## Response to Comment P8-1

The comment addresses the Existing (2010) Level of Service Worksheets found in Appendix 18-B of the draft EIR/EIS. The comment states that the city is incorrectly labeled on some of the worksheets.

These forms were used during analysis by the traffic consultant. Some of these forms include a field for the city in which the intersection is located. Although these intersections are actually within the jurisdiction of the city of Los Angeles, the traffic consultant used San Pedro or Wilmington to provide context for analysis purposes. This identification does not affect the accuracy of the analysis because the jurisdictional information is not relevant to the analysis.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P8-2

The comment expresses disappointment in the fact that the Los Angeles Police Department did not provide information about the response times for the Angels Gate and Royal Palms shaft sites.

The information was requested, and neither the Sanitation Districts of Los Angeles County (Sanitation Districts) nor the U.S. Army Corps of Engineers (Corps) has the means to compel the police department to provide the information.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P8-3

The comment suggests that the EIR/EIS process include opportunities for the public to suggest new uses for recycled water.

As described in Appendix 1-B of the draft EIR/EIS, since 2006, the Sanitation Districts conducted over 500 public outreach meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. This effort facilitated a productive exchange of information and ideas between the Sanitation Districts and stakeholders regarding all components of the Clearwater Program, including reuse opportunities for recycled water.

The Sanitation Districts and Corps recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft Master Facilities Plan, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County for groundwater replenishment; industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. This message has been and will continue to be an important component of the Sanitation Districts' public outreach and education efforts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P8-4

The comment requests additional information about the bid process, cost overruns, street sweeping, telephone contacts, and graffiti removal.

The project would be competitively bid upon completion of final design. The Sanitation Districts would award the project to the lowest qualified bid for each construction contract.

A contingency consistent with industry standards for a project of this size was applied to the cost estimate to account for possible overruns.

It is the Sanitation Districts' standard practice to require contractors have a motor sweeper on the job site at all times to keep paved areas acceptably clean wherever construction is occurring. In addition, implementing South Coast Air Quality Management District Rule 403 would reduce dust emanating from the job site because watering would occur at least three times a day. As part of the community outreach, a contact number would be established to provide people with a means to express their concerns during construction.

It is also the Sanitation Districts' standard practice to require contractors remove graffiti within 24 hours of notification. Implementation of Mitigation Measure (MM) AES-1 (same as MM AES-3a), as described in the draft EIR/EIS, would ensure maintenance of the aesthetic treatments by removing graffiti in a timely manner.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P8-5

The comment asks whether the final EIR/EIS will be available in the local libraries.

The final EIR/EIS will be available in hard copy format at the Carson Regional Library, the Los Angeles Public Libraries' San Pedro and Wilmington Branches, and the Sanitation Districts' offices in Whittier. In addition, the EIR/EIS can be accessed electronically on the Sanitation Districts' website, the Clearwater Program website, or compact disc.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P9: George Radovcich – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P9

MR. RADOVCICH: Hi, my name is George Radovcich. I'm a resident in San Pedro.

I'm completely against Alternative 4. We live in a peninsula, and Western Avenue and Gaffey Street are all the way out. Western Avenue is honeycombed with sewers and all these things, and we've had -- we've had sink holes in the past. We've had block -- if you would block -- if one of these things fails on Western Avenue, we're doomed here essentially. P9-1

And another thing, this is a county project. P9-2

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Why is this -- why is San Pedro burdened with a county project and going through residential neighborhoods? Why isn't this going through county land? What happened to Palos Verdes? The original pipeline is in Palos Verdes. My uncle was here when the original pipeline was built. He said it was very noisy. In fact, you could feel the vibrations of their equipment. P9-2 cont.

I live off of Dodson Avenue. The neighbors there don't even know about this yet. You really haven't been vetted out. We have a few of -- I think only one that I know of other than this one where you actually had community involvement. But they're going to hear about it now. In fact, I told a few neighbors today, and they are outraged. They couldn't believe it. P9-3

And your maps -- I called your office to find out if I could get real maps where I could see exactly where that pipe is going to go through down Dodson next to Seventh Street School, beautiful school, and beautiful Dodson Avenue has some of the best and nicest homes in San Pedro. P9-4

My brother is an engineer, and he wanted me to ask tonight. He said, what happens when the settling occurs? What is the settling you are expecting to occur, and who is going to draw -- who is going to pay for that damage to homes along Dodson Avenue when that P9-5

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settling occurs? I mean, cracks are going to appear, and you're going to say, oh, it's not because of our pipeline, but it just happens after the pipeline is built. And what happens if we have a major failure along that pipeline on Dodson Avenue and Dodson sinks? Who is going to pay those homeowners for that? What's going to happen to property values? And are people going to have to disclose that they're selling a home where 10 feet away and 110 feet down is a 24- -- a 22-inch pipeline? I mean . . .

P9-5 cont.

P9-6

And it just disturbs me that this is all going out to Royal Palms again. In the past we had the DDT problems. In 2007 there was a study that showed that the DDT levels still at Royal Palms in 2007 are five times greater than anywhere on earth. I mean, are we -- are we just going to have another pipe so that we can put more stuff out there?

P9-7

I think Alternative 1, if you're going to go with anything, is your best alternative because at least it's going to extend that pipeline further out to the shelf, and it won't go through residential neighborhoods where, frankly, if there is settling or if there is any damage to those homes, who is going to be responsible?

I don't understand why the City of Los Angeles is allowing you to do this when back in 19- -- the

P9-8

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earlier time when you built the pipeline, it was greatly discouraged by the City, and that's why you had to go out to Palos Verdes. Of course, there was no homes there at the time. You didn't have to worry about the noise factor. I noticed that your noise level -- you are going to be 10 dB over the Los Angeles limit for -- for nighttime ambient noise, which is 55 dB. According to your environmental report, it's going to be 65.

Now, people living a long touch from the cavity, they don't realize the vibration and the noise level that's going to go on 24/7 in ten-hour shifts. I mean once this starts, it's going to be too late. And then the people are just going to be saddled with it. What's going to happen to our property values when all this is going on for years?

The real sad part is that all this is going out to Royal Palms again. That's a big, big mistake, and you're saving a couple of bucks and in the big scheme of things, with California completely underwater, you know, they go for the good -- let's go for Number 1.

Let's go for the more extensive one which completely alleviates going under any neighborhood, alleviates messing up Western Avenue, alleviates messing up Gaffey Avenue, and let's go for the good stuff. And that's going to solve another outfall which will be

P9-8 cont.

P9-9

P9-10

P9-11

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further out on the shelf, and it won't add to the stuff that we already have at Royal Palms, which is pretty bad. It's pretty bad already.

P9-11 cont.

## Response to Comment P9-1

The comment expresses opposition to Alternative 4 (the recommended alternative) due to concerns related to the potential for sink holes along Western Avenue.

The draft EIR/EIS discussed the potential for ground failure to affect people, structures, or property in Section 8.4.6.2. Impact GEO-6 addressed unstable earth conditions or changes in geologic substructure, and found that there was a potential for settlement during tunneling, and that this impact would be significant. Therefore, mitigation was included in the draft EIR/EIS to reduce this impact to less than significant. Mitigation Measure (MM) GEO-6a requires geological investigations to characterize the subsurface conditions and anticipated ground behavior, and that recommendations identified in the investigation be incorporated into the final design, along with contingency measures if excessive settlement were to occur. MM GEO-6b requires a detailed plan for construction monitoring to minimize potential ground surface settlement along the onshore tunnel.

A considerable number of Clearwater Program public outreach presentations were conducted in the Rancho Palos Verdes area, and a concern raised was whether the proposed tunnel could result in a situation similar to the January 2005 sinkhole in Western Avenue just north of Westmont Avenue. Along Western Avenue, the proposed reinforced concrete tunnel would be constructed through a rock-like material at depths ranging from 350 to 450 feet below ground surface. Conversely, the January 2005 sink hole resulted from the storm-related failure of an old corrugated metal storm drain constructed through much looser material at a depth of only 25 feet. Therefore, the circumstances are significantly different.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-2

The comment suggests that the Clearwater Program is a county project and asks why San Pedro is being burdened with a county project going through residential neighborhoods. The comment suggests that the project should go through county land or Palos Verdes. The comment also expresses concern about noise and vibration during construction.

The Clearwater Program is not a county of Los Angeles project. The project proponent and lead agency under the California Environmental Quality Act (CEQA) is the Sanitation Districts of Los Angeles County (Sanitation Districts), which consist of 23 independent special districts that serve the wastewater and solid waste needs for 5.7 million people in Los Angeles County, with a service area of 820 square miles and 78 cities and unincorporated territory within the county.

The Clearwater Program focuses on the Joint Outfall System (JOS), which serves portions of the city of Los Angeles, including areas in the vicinity of the San Pedro community, as shown on Figure 7-9 of the draft MFP. The recommended alternative (Alternative 4) would regionally benefit the entire JOS by providing for reliable Joint Water Pollution Control Plant (JWPCP) effluent management and would locally benefit the San Pedro community by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain. As described in the draft EIR/EIS, most of the construction-related project impacts would occur at the JWPCP West shaft site, which is located on the border between the city of Los Angeles and city of Carson. The majority of the residences and businesses in the immediate vicinity of the JWPCP West shaft site are within the JOS service area. Additionally, the residents of the South Shores area of San Pedro would benefit from the project because they are within the Sanitation Districts' service area for wastewater treatment.

Chapter 6 of the draft Master Facilities Plan (MFP), as summarized in Chapter 3 of the draft EIR/EIS, presented an alternatives analysis process that systematically applied multiple screening criteria (e.g., public input, cost effectiveness, long-term uncertainty, operational considerations, constructability, and environmental impacts) to establish a reasonable range of alternatives, including the highest-ranked recommended alternative and tunnel alignment, that feasibly met the project objectives.

As described in Section 2.2.4.3 of the draft EIR/EIS, the existing 8- and 12-foot tunnels were constructed in 1937 and 1958, respectively. For both existing tunnels, the tunnel sections located between the JWPCP and approximately Anaheim Street were built by traditional open cut construction methods, which can be noisy. The remaining tunnel sections from approximately Anaheim Street to Royal Palms Beach were constructed by conventional tunneling methods, which were less disruptive. Starting from that location, the ground surface above the existing tunnels rises rapidly, with tunnel depths quickly exceeding 150 feet and reaching a maximum of approximately 600 feet. As described in Section 3.3.2.1 of the draft EIR/EIS, the new tunnel would be constructed with a tunnel boring machine (TBM) operating at depths significantly below the ground surface. Section 14.4.1.4 of the draft EIR/EIS specifically addressed the potential groundborne vibrations and noise impacts from tunneling operations. The analysis of the draft EIR/EIS determined that vibration and groundborne noise from the TBM would be below the impact threshold, and that any vibrations caused by the haul train, which would be used to remove excavated material, would be below the impact threshold where the tunnel base depth is greater than 110 feet below the ground surface. In the vicinity of Dodson Avenue, the tunnel would be approximately 380 feet below the ground surface. Therefore, no vibrations from the tunneling operations should be perceived. In addition, implementation of MM NOI-2a (rail maintenance plan) and MM NOI-2b (vibration control plan) would further reduce any groundborne vibration impacts resulting from the tunneling operations to less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-3

The comment suggests that there was insufficient public outreach, particularly to the communities along Dodson Avenue.

In developing a plan that meets the needs of the communities and businesses served by the JOS, the Sanitation Districts felt it was important to involve the public from the onset. Appendix 1-B of the draft EIR/EIS included a comprehensive agency and public scoping report. Since 2006, the Sanitation Districts have conducted over 500 outreach and coordination meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. At the onset of the planning effort, a project website (www.ClearwaterProgram.com) and an information hotline (877-300-WATER) were established. In addition, three newsletters were circulated in the project area to keep the public and interested parties apprised of progress being made during the planning process. The mailing list for the third newsletter included every parcel along each of the final four tunnel alignment alternatives.

In March 2008, at the inception of the alternatives analysis process and long before any decisions were made, the Sanitation Districts conducted a series of public workshops in San Pedro, Carson, Wilmington, and Rancho Palos Verdes. Also, in October and November 2008, public scoping meetings to inform the preparation of the draft EIR/EIS were held in San Pedro, Carson, Wilmington, and Whittier. Public hearings on the draft EIR/EIS were conducted in San Pedro, Carson, and Whittier in March 2012. All of these public workshops and hearings were advertised in several newspapers including the Daily Breeze,

Press Telegram, Random Lengths, Beach Reporter, Peninsula News, Impacto, La Opinion, Wave Pub West Edition, Inland Valley Daily Bulletin, and San Gabriel Valley newspapers.

The Clearwater Program outreach efforts included the three neighborhood councils in San Pedro. Specifically, the Sanitation Districts met with the full Coastal San Pedro Neighborhood Council in August 2008 and July 2011, the full Central San Pedro Neighborhood Council in July 2011, the President of the Northwest San Pedro Neighborhood Council in January 2007, the full Northwest San Pedro Neighborhood Council in July 2011, and the Port Committee of the Northwest San Pedro Neighborhood Council in August 2011.

Overall, this comprehensive outreach program greatly exceeded the public noticing, disclosure, and scoping requirements and recommendations of CEQA and the National Environmental Policy Act (NEPA).

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-4

The comment requests a map that depicts the exact tunnel alignment location under Dodson Avenue (i.e., the recommended alternative).

Under Alternative 4 (the recommended alternative), the exact tunnel alignment within the Dodson Avenue right-of-way will be determined as part of the final design process. However, at this point in the planning process, it is anticipated that the tunnel would be approximately 380 feet below the ground surface along Dodson Avenue.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-5

This comment requests information about who would be responsible for fixing any damages to homes should ground settlement occur as a result of the tunneling operations.

Section 8.4 of the draft EIR/EIS analyzed potential settlement impacts along tunnel alignments for each alternative and determined that impacts would be less than significant after implementation of MM GEO-6a and MM GEO-6b. Along Dodson Avenue, the tunnel would be in rock-like material approximately 380 feet below the ground surface; therefore, the potential for settlement would be highly improbable. However, in the unlikely event settlement-related damage to homes occurred as a direct result of the tunnel construction, the Sanitation Districts and/or contractor(s) would be responsible for paying for any repairs that are required.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-6

The comment asks what would happen to property values if homeowners were required to disclose the presence of a tunnel near or beneath their property.

The effect an easement would have on property values is beyond the purview of a draft EIR/EIS under both CEQA and NEPA. Nonetheless, a homeowner would not need to disclose the presence of the tunnel if it were located in the public street right-of-way. The tunnel would be treated the same as any other

utility in the street, such as those conveying potable water, natural gas, or electricity. Where the tunnel crosses private property, an easement would be required as indicated in Table 12-6 of the draft EIR/EIS. The Sanitation Districts would make every attempt to obtain these easements from property owners voluntarily at fair market value. During the process of a real estate transaction, any easements associated with the property would be disclosed with the property title search.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-7

The comment raises concerns that another ocean outfall would deposit more dichlorodiphenyltrichloroethane (DDT) on the Palos Verdes Shelf. The comment also suggests that Alternative 1 is superior to Alternative 4 (the recommended alternative) because it would discharge effluent further offshore and avoid residential neighborhoods. Finally, this comment asks who would be responsible for any damage to homes caused by settlement.

As described in Chapter 7 of the draft MFP and Chapter 3 of the draft EIR/EIS, Alternative 4 (the recommended alternative) would not result in the construction of a new ocean outfall; it would require rehabilitation of the existing ocean outfalls, which is also an element of the other three project alternatives. As described in Section 2.2.4.3 of the draft EIR/EIS, industries have been prohibited from discharging DDT into sewers since the mid-1970s. Therefore, neither Alternative 4 (the recommended alternative) nor the other three project alternatives would result in increased levels of DDT on the Palos Verdes and San Pedro Shelves.

Although Alternative 1 would discharge effluent further from the shore than Alternative 4 (the recommended alternative), diffuser performance is determined primarily by discharge depth, not offshore distance, and the discharge depth for both alternatives would be approximately 200 feet. Furthermore, Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternative 1 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to its longer tunnel length. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

Each of the four alternatives would be aligned through residential neighborhoods but would generally remain within the public rights-of-way to the extent feasible. As previously described in Response to Comment P9-5, Section 8.4 of the draft EIR/EIS analyzed potential settlement impacts along tunnel alignments for each alternative and determined that impacts would be less than significant after implementation of MM GEO-6a and MM GEO-6b. However, in the unlikely event tunnel construction would result in settlement-related damage to homes as a direct result of the tunnel construction, the Sanitation Districts and/or contractor(s) would be responsible for paying for any repairs that are required.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-8

The comment expresses concerns that the city of Los Angeles is allowing the Clearwater Program to be constructed through the city of Los Angeles.

As previously described in Response to Comment P9-3, Appendix 1-B of the draft EIR/EIS included a comprehensive agency and public scoping report. Since 2006, the Sanitation Districts have conducted over 500 outreach and coordination meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. This outreach included various departments within the city of Los Angeles and several of the neighborhood councils that report to the Los Angeles City Council. To date, the city of Los Angeles has not expressed any opposition to the Clearwater Program, although two of the neighborhood councils (Commenters A9 and A15) have provided comments.

Additionally, as previously described in Response to Comment P9-2, the JOS serves portions of the city of Los Angeles, including areas in the vicinity of the San Pedro community. The recommended alternative (Alternative 4) would regionally benefit the entire JOS by providing for reliable JWPCP effluent management and would locally benefit the San Pedro community by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-9

The comment states that noise levels would be above the nighttime noise limits for the city of Los Angeles.

As discussed previously in Response to Comment P9-2, no vibrations from the tunneling operations should be perceived along Dodson Avenue due to the depth, which would be well over the 110-foot threshold. Any vibration impacts at locations where the tunnel is aligned within 110 feet of sensitive receptors would be mitigated to less than significant with the implementation of MM NOI-2a and MM NOI-2b. Section 14.4.1.4 of the draft EIR/EIS notes that vibration from TBM operations occurs at low frequencies, whereas groundborne noise typically is caused by higher frequency vibration. Therefore, it is anticipated that audible groundborne noise from TBM operations would not be perceived by sensitive receptors located above the tunnel.

As described in Section 14.4.5.2 of the draft EIR/EIS, noise impacts at the JWPCP West shaft site would be less than significant, and no mitigation is required. As shown in Table 14-30 of the draft EIR/EIS, with the noise barrier in place, residences located within 200 feet of the JWPCP West shaft site could be exposed to construction noise levels of 65 A-weighted decibels (dBA), which would be less than 5 decibels (dB) above the lowest measured ambient level. Therefore, construction noise at this site would not exceed city nighttime noise standards at nearby residences, or daytime noise standards at recreation areas. As described in Section 14.4.6.2 of the draft EIR/EIS, noise impacts at the Royal Palms shaft site would be less than significant with mitigation. As shown in Table 14-35 of the draft EIR/EIS, with the noise barrier in place, the nearest residential receptors could be exposed to construction noise levels of 63 dBA at a distance of 600 feet from the shaft site. Table 14-35 also indicated that recreational use at Royal Palms Beach within a 275-foot radius of the shaft site would be exposed to construction noise levels of 63 dBA or more (an increase of 5 dB above the ambient level). However, implementation of MM NOI-1a (noise-reducing construction practices) and MM NOI-1b (complaint/response tracking program) would reduce noise at sensitive receptors to below local standards. Therefore, nighttime noise limits would not be exceeded for Alternative 4 (the recommended alternative) at both shaft sites.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-10

The comment asks how the impacts of construction would affect property values.

See Response to Comment P9-6.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P9-11

The comment expresses a preference for Alternative 1 to avoid impacts on neighborhoods near Western Avenue and Gaffey Street, and on Royal Palms Beach.

As previously discussed in Responses to Comments P9-4 through P9-6, the tunnel would generally be located beneath public rights-of-way. With the use of the TBM and the depth of the tunnel, it is unlikely that the streets above the tunnel would be affected.

As discussed in Chapter 13 of the draft EIR/EIS, rehabilitation of the existing ocean outfalls, which would occur under each of the alternatives, would result in a temporary impact on water-contact recreation at Royal Palms Beach for approximately 9 months. This impact would be less than significant because the impact would be temporary and other similar water-contact recreational facilities would remain available during the construction period.

Chapter 13 of the draft EIR/EIS also discussed the operational impacts of the use of the rehabilitated ocean outfalls, which would occur under each alternative. Based on past and present performance of the JWPCP secondary treatment and the past and present performance of the existing ocean outfalls, the treated effluent discharges through the existing outfalls currently meet the national pollutant discharge elimination system requirements and protect the designated beneficial uses. Because post-rehabilitation effluent quality would be the same as existing conditions, continued use of the existing ocean outfalls would not impair beneficial uses at Royal Palms Beach.

As previously described in Response to Comment P9-7, Alternative 1 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to its longer tunnel length. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P10: Cathy Beauregard – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P10

MS. BEAUREGARD: Good evening. I'm sorry I missed your presentation, but I've been involved with the department of sanitation and water policy issues for about 12 years now. I'm here to be in favor of this project. I think it's a great idea. We've been having a lot of problems with our infrastructure, and I'm thinking it's a great idea. It's about time we started improving our infrastructure so that we can meet the capacity for the population we have. P10-1

So I just wanted to say that I'm in support of this project, and that's all. Thank you.

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## Response to Comment P10-1

The comment expresses support for the project.

The Sanitation Districts of Los Angeles County and the U.S. Army Corps of Engineers appreciate the commenter's support for the Clearwater Program. However, the comment does not address the analysis in the EIR/EIS, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P11: Pat Rome – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P11

MS. ROME: My name is Pat Rome, and I'm a resident. I just live on the north side of Harbor Park right on the Pacific Coast Highway.

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And for the last two years I've been going to meetings about Prop O, a multimillion-dollar project to try to clean up the Machado Lake and the Wilmington Drain. And when I got the information about this hearing, I see that you've got this pipeline going right through Harbor Park, and I wanted to find out where you are in conjunction with this multimillion-dollar project that's happening on this end, if your agency knows anything about it, or you're working in conjunction with it. Because from what I've heard, the whole Prop O is stopped now because they found a least sparrow vireo, which is a tiny little bird. P11-1

So I'm concerned that you're going to either come in after or before, and then you're going to turn around and dredge, and it's going to be upsetting to everything. And I think at this point we can't be penny-wise and pound-foolish. You can't save a couple -- I know it's a million dollars, but to save that, I think you have to look at the big picture and what can be impacted, and I don't think San Pedro or Wilmington needs any more of this.

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## Response to Comment P11-1

The comment asks if the tunnel construction for Alternative 4 (the recommended alternative) in the area of Ken Malloy Harbor Regional Park will be coordinated with the Proposition O-funded improvement of Machado Lake and Wilmington Drain that was recently stopped after discovery of a protected bird species (least Bell's vireo). The commenter is concerned that tunnel construction would negatively impact, or be impacted by, this nearby project when it is restarted.

The Machado Lake Ecosystem Rehabilitation Project and the Wilmington Drain Multi-Use Project are scheduled to be completed before tunnel construction would commence. As described in the Preliminary Screening Analysis for the Clearwater Program (Appendix 1-A of the draft EIR/EIS), the onshore tunnel alignments would be constructed more than 70 feet below ground surface, sometimes as deep as 450 feet. Under Alternative 4 (the recommended alternative), the tunnel would be constructed at a depth of approximately 80 feet beneath Ken Malloy Harbor Regional Park. Therefore, the tunnel for Alternative 4 would not have an impact on the Machado Lake/Wilmington Drain project or any biological resources, including potential least Bell's vireo habitat.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P12: Dave McCulloch – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P12

MR. McCULLOCH: Dave McCulloch, and I'm a resident. The first thing that pops out on the handout, you have the recommended route, but there is no finalization of the proposed route for the pipeline. You don't have to, and I guess this is on the EIR. Yeah, right, it is on the EIR, but I hope this doesn't mean that it's a foregone conclusion that this is the route. There is a concern -- or it raises the question when I see the crooked route that the tunnel is proposed on the recommended route down Gaffey, up Capitol, down Western, and across. This route is really proposed for underneath streets rather than a straight line that would knock miles off the pipeline. A straight line -- why isn't that an option is my question? P12-1

And I'm mostly concerned about traffic, certainly for the residential residents' point of view. P12-2

One year significant environmental effects or air quality impacts when construction takes place, equipment and vehicles' exhaust. Where does that take place? All of this is underground from 70 to 400-some-odd feet underground. Why are we worried about the construction equipment other than the portals, three portal sites? P12-3

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Why would that be a concern to residents? Is it a concern to residents?

I know years ago when this first came out, we went to the first meeting regarding this Clearwater project, and there was a proposed portal right here in Peck Park, 20 feet in diameter where construction material entered and exited the tunnel site and where construction debris was lodged. The debris would be removed from that site as well. And they're talking about hundreds of trucks moving up and down in the community throughout the area to transport that debris away from the tunneled sites. P12-3 cont.

Now, I do believe from this presentation that there's not going to be a portal between the plant and the coastline. Is that the case? Why? And if there is an air quality impact due to construction and equipment or vehicles, is that impact between those two points? That is the main concern that I have.

I hope this is somehow answered. From what I can read online, I have not seen it so far. And it will be a question that is continually raised by me and perhaps others as we go forward with the project.

One other question that my wife mentioned to me just now, there are some LPG plants down on Gaffey Street area and the proposed route -- the recommended P12-4

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route -- I've got to use those words -- I don't want to accept recommended as to mean this is the route that it's going to be because there are three other proposed routes. So I am concerned about the LPG and air quality and the waste, and the route as it goes under the major streets rather than in a straight line, and the impact from emptying.

It seems like a tunnel this long is going to have to have some way to vent so that this can be an even and consistent flow of materials through that tunnel, that long tunnel, where those vents will be, and what impact those vents will have? Okay.

P12-4 cont.

P12-5

P12-6

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## Response to Comment P12-1

The comment asks why a straight tunnel alignment option was not considered in the draft EIR/EIS.

The draft EIR/EIS analyzed a reasonable range of alternatives that feasibly meets the project objectives. These final feasible alternatives were determined through the alternatives analysis process presented in Chapter 6 of the draft Master Facilities Plan (MFP) and summarized in Chapter 3 of the draft EIR/EIS. A straight tunnel alignment option was evaluated as one of 23 conceptual onshore tunnel options in Section 6.3.3.1 of the draft MFP. This straight tunnel alignment option would parallel the existing two tunnels. However, the existing 68 tunnel easements would not permit construction of a new tunnel, and a parallel tunnel alignment just beyond the existing easements would require approximately 1,060 new easements. Therefore, this conceptual option was eliminated, and the remaining 22 conceptual onshore tunnel options that were aligned primarily through public rights-of-way were carried forward into the analysis as preliminary options.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P12-2

The comment expresses concerns about traffic.

As discussed in Chapter 18 of the draft EIR/EIS, traffic impacts associated with Alternative 4 would be less than significant for both the construction and operational phases of the project. Additionally, as described in Section 18.3.4 of the draft EIR/EIS, the city of Los Angeles requires the preparation of traffic management plans for major construction projects that include designation of haul routes, among other elements, to ensure that any construction-related effects are minimized to the greatest extent possible.

A subsequent traffic analysis was conducted for the final EIR/EIS to ensure that the recent closure of Paseo Del Mar would not result in greater impacts than those evaluated in the draft EIR/EIS, if Paseo Del Mar was not reconstructed before construction began. This analysis confirmed the findings of the draft EIR/EIS that construction of Alternative 4 (the recommended alternative) would not result in significant traffic impacts on the surrounding street system. This additional analysis is included in Appendix 18-D of the final EIR/EIS.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P12-3

The comment asks for clarification on the locations where emissions would occur, the methods of construction, the potential inclusion of an access shaft at Peck Park, and the associated construction truck traffic.

Figures 3-4 through 3-15 of the draft EIR/EIS showed the locations of the proposed construction. As described in Section 3.3.2.1 of the draft EIR/EIS, the tunnel would be constructed with a tunnel boring machine (TBM). Therefore, all tunneling activities would be underground except for the removal and trucking of excavated materials at the shaft sites. Aboveground construction for Alternative 4 (the recommended alternative) would occur at Royal Palms Beach and the Joint Water Pollution Control Plant (JWPCP) as the shaft sites are constructed. For Alternative 4, the tunnel emissions would exit out of the JWPCP West shaft until the TBM reaches the Royal Palms shaft site, at which point the TBM would be removed.

There would not be a shaft site at Peck Park for any of the alternatives. As described in Section 6.3.3.3 of the draft MFP, Peck Park was identified as one of 13 preliminary options for an intermediate shaft site. However, during Level 2 screening for viable options, Peck Park was eliminated from consideration based on conflicts with public recreational uses and public input. Alternative 4 (the recommended alternative) would have one working shaft site at the JWPCP and one exit shaft site at Royal Palms Beach.

The number of trucks associated with tunnel construction would vary according to the project alternative. Alternative 4 (the recommended alternative), would result in the least number of truck trips. Truck trips for each alternative were included in Chapters 3 and 18 and Appendix 5-B of the draft EIR/EIS, and their air quality impacts were analyzed in Chapter 5 of the draft EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P12-4

The comment expresses concern with the proximity of the recommended alternative to the Rancho Liquefied Petroleum Gas (LPG) facility located near the intersection of Gaffey Street and Westmont Drive.

Alternative 4 (the recommended alternative), would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P12-5

The comment provides a summary of the commenter's major concerns.

See Responses to Comments P12-1 through P12-4.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P12-6

The comment requests information about additional vent locations along the tunnel alignment for Alternative 4 (the recommended alternative).

As previously described in Response to Comment P12-3, ventilation, air emissions, and all materials going in or out of the tunnel would occur at the JWPCP West shaft site on the Sanitation Districts of Los Angeles County's JWPCP property. No intermediate vent shafts are proposed between the JWPCP West shaft site and the Royal Palms shaft site.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P13: Jody James – Board Member, San Pedro Peninsula Homeowners United (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P13

Okay. So I have a presenter. That would be Jody James.

MS. JAMES: Hi, I'm a member on the board of the San Pedro Peninsula Homeowners United on the San Pedro Peninsula Owners Coalition, and it includes the past presentation and using what we know from following the path of the city project. They have been referred by us and often by us and one of the things pointed out by a number of --

(Pause in the proceedings to replace microphone.)

-- this project is to benefit. Sorry -- many P13-1

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other communities all around, but we are bearing the brunt. You're also putting all your eggs in one basket going through this way. I am sure I'm not the first one that's pointed this out. This is kind of a redundancy.

And don't you want something to rely on? Going through the port would be the less disruptive to our people, and if you spread the cost, the extra cost out over all these years and all the people that will be paying for this, that's really not a very big extra cost to bear. P13-1 cont.

And I'm sure, as I know another has pointed out and sent you documents, this project has taken a green line on this preferred path. It goes right into the zone that's called the Palos Verdes rupture zone, and this has been identified. We didn't always know about this. We've just known it about six months. In 1996 city and planning documents with maps show that this is a rupture zone, and what this means is it's the convergence of several faults that come all together here. That's why they're calling it the rupture zone. And as I heard the last person point out, these huge butane and propane tanks sit right on top of this area on Gaffey before it takes a turn to go to Capitol. P13-2

I'd just like you to do some things that make some sense, and know all of these issues, and don't P13-3

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continue to bring the burdens to us and the hazards to us. Make the best choices. Take this to the port, spread the cost out, and spare us the hazards and the extra traffic and burdens that we'll bear if you go this route. Don't choose this plan. P13-3 cont.

And if you do and say there's no choice with this plan, I propose you say there is a public need -- eminent domain. Take those tanks out of here. To kill two birds with one stone and get rid of that hazard and get it out of here and use that site for the public purpose of your operations, and when you're finished, turn that into parking for special events at the port and for park and ride or for parking for the soccer field that's right above it. Take care of our needs, and quit giving us the sharp end of the stick. P13-4

## Response to Comment P13-1

The comment expresses concerns about the San Pedro area being burdened by Alternative 4 (the recommended alternative) and states a preference for an alternative going through the Port of Los Angeles, despite the higher cost.

The Clearwater Program focuses on the Joint Outfall System (JOS), which serves portions of the city of Los Angeles, including areas in the vicinity of the San Pedro community as shown on Figure 7-9 of the draft Master Facilities Plan (MFP). Alternative 4 (the recommended alternative) would regionally benefit the entire JOS by providing for reliable Joint Water Pollution Control Plant (JWPCP) effluent management and would locally benefit the San Pedro community by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain. As described in the draft EIR/EIS, most of the construction-related project impacts would occur at the JWPCP West shaft site, which is located on the border between the city of Los Angeles and city of Carson. The majority of the residences and businesses in the immediate vicinity of the JWPCP West shaft site are within the JOS service area. Additionally, the residents of the South Shores area of San Pedro would benefit from the project because they are within the Sanitation Districts of Los Angeles County's (Sanitation Districts') service area for wastewater treatment.

Chapter 6 of the draft MFP, as summarized in Chapter 3 of the draft EIR/EIS, presented an alternatives analysis process that systematically applied multiple screening criteria to establish a reasonable range of alternatives, including the highest-ranked recommended alternative that feasibly met the project objectives. Cost effectiveness was one of the screening criteria considered in the alternatives analysis. Alternatives 1 and 2, each of which would be aligned through the Port of Los Angeles, would cost approximately $810 million (147 percent) and $430 million (78 percent) more to construct, respectively, than the $550 million estimated for Alternative 4 (the recommended alternative).

Although the savings associated with Alternative 4 are significant, other screening criteria, such as environmental impacts, also factored heavily into ranking the alternatives. Alternative 4 would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternatives 1 and 2 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to their longer tunnel lengths. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P13-2

The comment expresses concern that Alternative 4 (the recommended alternative) traverses the Palos Verdes Fault and mentions the presence of the Rancho Liquefied Petroleum Gas (LPG) facility near this area.

Each of the four alternatives analyzed in the draft EIR/EIS must cross the Palos Verdes Fault as shown on Figure 8-1 of the draft EIR/EIS. Implementation of Mitigation Measure GEO-2, which involves performing site-specific fault hazard investigations to minimize damage to the tunnel and structures, would reduce impacts to less than significant. The geotechnical recommendations will be incorporated into the final design and may include remediation measures, such as special lining systems inside the tunnel through the fault zone.

The Rancho LPG facility is located over 4,000 feet south of where the Palos Verdes Fault crosses the recommended tunnel alignment (Alternative 4). The two large Rancho LPG butane storage tanks are approximately 600 feet east of the tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P13-3

The comment is concerned that the hazards and traffic resulting from Alternative 4 (the recommended alternative) would unfairly burden the San Pedro community, and expresses a preference for an alternative that would go through the Port of Los Angeles.

See Response to Comment P13-1 regarding the relative burden on the San Pedro community and the reasons that Alternative 4 is the recommended alternative. See Response to Comment P13-2 regarding the comparative hazard for each alternative.

As discussed in Chapter 18 of the draft EIR/EIS, traffic impacts associated with Alternative 4 (the recommended alternative) would be less than significant for both the construction and operational phases of the project. Additionally, as described in Section 18.3.4 of the draft EIR/EIS, the city of Los Angeles requires the preparation of traffic management plans for major construction projects that include designation of haul routes, among other requirements, to ensure that any construction-related effects are minimized to the greatest extent possible.

A subsequent traffic analysis was conducted for the final EIR/EIS to ensure that the recent closure of Paseo Del Mar would not result in greater impacts than those evaluated in the draft EIR/EIS, if Paseo Del Mar was not reconstructed before construction began. This analysis confirmed the findings of the draft EIR/EIS that construction of Alternative 4 (the recommended alternative) would not result in significant traffic impacts on the surrounding street system. This additional analysis is included in Appendix 18-D of the final EIR/EIS.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P13-4

The comment encourages the removal of the Rancho LPG facility through eminent domain as part of the project by turning the property into a shaft site during construction and a parking lot after construction.

Title 7 of the California Code of Civil Procedure contains laws regarding the circumstances by which public agencies can use eminent domain to acquire private property for projects that benefit the public, such as schools, roads, and police and fire stations. Eminent domain is the last measure a public agency can use to acquire private property, but the agency must first attempt to purchase the land by performing "good faith negotiations" with the property owner. The purchase price is usually set by the fair market value based on an appraisal. If the negotiations fail, then the public agency must file a Resolution of Necessity clearly stating why acquiring the land is the only option available for the progression of the project. Because the Rancho LPG facility was never identified as an essential shaft site location in either the draft MFP or draft EIR/EIS, there is no basis for the Sanitation Districts to modify Alternative 4 (the

recommended alternative) and to claim acquisition of the property as a necessary element for the completion of the project.

Additionally, both the California Environmental Quality Act and National Environmental Policy Act require that there be a nexus between an impact and mitigation imposed on the project. That is, mitigation cannot be imposed that does not serve to avoid or reduce a specific impact. The only significant and unavoidable impacts that would result from Alternative 4 (those for which mitigation cannot reduce the impacts to less than significant) would be those related to aesthetics, air quality, cultural resources, and greenhouse gases. None of these impacts would be reduced by the removal of the Rancho LPG facility. Therefore, removal of the Rancho LPG facility via eminent domain would not be appropriate mitigation.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P14: Katy Watkins – Resident (March 8, 2012, Public Hearing at the Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California)

Commenter P14

MS. WATKINS: Good evening. My name is Katy Watkins, and I'm a resident, and I live across from Colony Park.

And I guess I'm going to be somewhat redundant because several people have already made the points I was going to make, one of which is the coordination with the Prop O project in Machado Park, in the Harbor Park about the dredging of the lake. It would be just -- I

P14-1

California Deposition Reporters Page: 41

can just see all kinds of disaster coming with both of you trying to do it at the same time, dredging of the lake and going underneath it. So I'm hoping that you have addressed that issue. I'd like to be reassured that you have addressed the issue with the Prop O project in Harbor Park. And that's fine. I would trust that you, hopefully, would know what to do with that. P14-1 cont.

The second is the impacts on the tanks that the previous lady just discussed. I live around the corner from there. If it goes, I'm gone; I'm dead. My whole place goes. If those blow up, there have been studies that the whole area goes. Think about the vibration that you talked about that goes on underneath the ground which has already been established as very unstable tanks. They either need to come out before you do the project, or the project needs to go somewhere else. I am a hundred percent in support of infrastructure projects going forward, but I think this one has some work and some more coordination to do. Thank you. P14-2

California Deposition Reporters Page: 42

## Response to Comment P14-1

The comment expresses concerns about coordination with the Proposition O-funded improvement of Machado Lake and Wilmington Drain.

The Machado Lake Ecosystem Rehabilitation Project and the Wilmington Drain Multi-Use Project are scheduled to be completed before tunnel construction would commence. As described in the Preliminary Screening Analysis for the Clearwater Program (Appendix 1-A of the draft EIR/EIS), the onshore tunnel alignments would be constructed more than 70 feet below ground surface, sometimes as deep as 450 feet. Under Alternative 4 (the recommended alternative), the tunnel would be constructed at a depth of approximately 80 feet beneath Ken Malloy Harbor Regional Park. Therefore, the tunnel for Alternative 4 (the recommended alternative) would not have an impact on the Machado Lake/Wilmington Drain project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P14-2

The comment expresses concerns about the potential for vibrations from tunnel construction of Alternative 4 (the recommended alternative) to have an impact on the two large butane storage tanks at the Rancho Liquefied Petroleum Gas (LPG) facility.

Alternative 4 (the recommended alternative) would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment (Alternative 4). At this location, the tunnel invert would be approximately 100 feet below the ground surface. Section 14.4.1.4 of the draft EIR/EIS specifically analyzed potential groundborne vibrations associated with tunnel construction and concluded that vibrations would not be perceivable beyond a distance of 110 feet through the soil. Furthermore, implementation of Mitigation Measure (MM) NOI-2a (rail maintenance plan) and MM NOI-2b (vibration control plan) would reduce vibration impacts to less than significant. Therefore, given the tunnel location and depth relative to the two large butane storage tanks, vibrations from tunnel construction would not affect the Rancho LPG facility.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P15: Jody James – Resident

Commenter P15

**CLEARWATER**
**Program**

## Public Hearing for Draft EIR/EIS
### COMMENT FORM

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: Jody James

Organization: (Private Citizen)

Mailing Address: 1068 Via Cordova

City: San Pedro State: CA Zip: 90732

E-mail: Jody.James@sbcglobal.net

Regardless of which route this project takes our community is bearing an unfair and unmitigated burden. Give us reasonable mitigation - REMOVE the Rancho Butane/Propane Ultra Hazardous facility. - Eminent Domain for a public purpose—should be used to take this hazard away from our vulnerable Port and community. Use the site for a shaft, (it's half-way.) or base of operation, later for public parking - special events, Soccer field, parking or "park and ride." P15-1

I would like to receive future public notices regarding the project via: ☒ E-mail ☐ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

REC'D LACSD
MAR 13 '12 AM 9:47

DOC # 2185576

Highter S

## Response to Comment P15-1

The comment is concerned that construction of Alternative 4 (the recommended alternative) would unfairly burden the San Pedro community. The comment also suggests removing the Rancho Liquefied Petroleum Gas (LPG) facility through eminent domain as mitigation for the project, and using the property for a shaft site, an operational base, public parking, special events, or a soccer field.

The Clearwater Program focuses on the Joint Outfall System (JOS), which serves portions of the city of Los Angeles, including areas in the vicinity of the San Pedro community as shown on Figure 7-9 of the draft Master Facilities Plan (MFP). Alternative 4 (the recommended alternative) would regionally benefit the entire JOS by providing for reliable Joint Water Pollution Control Plant (JWPCP) effluent management and would locally benefit the San Pedro community by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain. As described in the draft EIR/EIS, most of the construction-related project impacts would occur at the JWPCP West shaft site, which is located on the border between the city of Los Angeles and city of Carson. The majority of the residences and businesses in the immediate vicinity of the JWPCP West shaft site are within the JOS service area. Additionally, the residents of the South Shores area of San Pedro would benefit from the project because they are within the Sanitation Districts of Los Angeles County's (Sanitation Districts') service area for wastewater treatment.

Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternatives 1, 2, and 3 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to their longer tunnel lengths. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

Alternative 4 (the recommended alternative) would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

Title 7 of the California Code of Civil Procedure contains laws regarding the circumstances by which public agencies can use eminent domain to acquire private property for projects that benefit the public, such as schools, roads, and police and fire stations. Eminent domain is the last measure a public agency can use to acquire private property, but the agency must first attempt to purchase the land by performing "good faith negotiations" with the property owner. The purchase price is usually set by the fair market value based on an appraisal. If the negotiations fail, then the public agency must file a Resolution of Necessity clearly stating why acquiring the land is the only option available for the progression of the project. Because the Rancho LPG facility was never identified as an essential shaft site location in either the draft MFP or draft EIR/EIS, there is no basis for the Sanitation Districts to modify Alternative 4 (the recommended alternative) and to claim acquisition of the property as a necessary element for the completion of the project.

Additionally, both the California Environmental Quality Act and National Environmental Policy Act require that there be a nexus between an impact and mitigation imposed on the project. That is, mitigation cannot be imposed that does not serve to avoid or reduce a specific impact. The only significant and unavoidable impacts that would result from Alternative 4 (those for which mitigation

cannot reduce the impacts to less than significant) would be those related to aesthetics, air quality, cultural resources, and greenhouse gases. None of these impacts would be reduced by the removal of the Rancho LPG facility. Therefore, removal of the Rancho LPG facility via eminent domain would not be appropriate mitigation.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P16: Rosellen Trunnel – Resident

Commenter P16

**CLEARWATER Program**

## Public Hearing for Draft EIR/EIS

### COMMENT FORM

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: Rosellen Trunnell

Organization:

Mailing Address: 12106 North Brett Place, Unit 212

City: San Pedro State: CA Zip: 90732-5043

E-mail:

This meeting was valuable, and I hope there will be more of this kind.

P16-1

I would like to receive future public notices regarding the project via: ☐ E-mail ☐ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

## Response to Comment P16-1

The comment expresses appreciation for the public meeting on the draft EIR/EIS.

The Sanitation Districts of Los Angeles County and the U.S. Army Corps of Engineers appreciate the comment and agree that public outreach is essential to the planning process. However, the comment does not address the analysis in the EIR/EIS, so no response is necessary. The comment will be provided to the decision makers for their consideration.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P17: Robert Borden – Resident

Commenter P17

**CLEARWATER**
**Program**

## Public Hearing for Draft EIR/EIS
### COMMENT FORM

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: Robert Borden

Organization: Resident

Mailing Address:

City: S.P. State: CA Zip: 90732

E-mail: RBorden959@Cox.net

Geologic Instability is in 1300 feet in prime residential. This Proposal is outrageous! Infrastructure Yes, but Please don't degrade our community P17-1

I would like to receive future public notices regarding the project via: ☑ E-mail ☐ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

## Response to Comment P17-1

The comment raises concerns about tunneling beneath residential areas where there may be geological instability.

Alternatives 1, 2, 3, and 4 would all require tunneling beneath residential areas; however, under each alternative, the tunnel would generally be aligned within public rights-of-way. As described in Section 8.4.1 of the draft EIR/EIS, geotechnical reports were prepared for the Sanitation Districts of Los Angeles County by Fugro West, and the resulting analyses and recommendations were evaluated in a feasibility report prepared by Parsons (see Chapter 25 of the draft EIR/EIS for references). The feasibility report considered potential geotechnical and seismic issues that could affect the design and construction of the facilities for the project alternatives. Geological impacts were analyzed in Chapter 8 of the draft EIR/EIS, and it was determined that with mitigation, all geological impacts would be less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P18: Pat Rome – Harbor Pine Creek Homeowners Association

Commenter P18

**CLEARWATER Program**

## Public Hearing for Draft EIR/EIS

### COMMENT FORM

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: PAT ROME –

Organization: HARBOR PINE CREEK H.O.A.

Mailing Address: 25327 PINE CREEK LANE

City: WILMINGTON State: CA Zip: 90744

E-mail: P.I.W rome@YAHOO.COM

ARE YOU COORDINATING WITH THE PROP "O" PEOPLE? THAT IS A MULTI MILLION DOLLAR PROJECT TO CLEAN UP MACHADO LAKE – P18-1

WHAT ABOUT THE GAS STORAGE TANKS ON GAFFEY? IF THERE ARE ALREADY LPG TANKS THAT ARE A DISASTER WAITING TO HAPPEN – HOW CAN YOU PROMISE THERE WILL BE NO PROBLEMS ZZ? OUR PRIORITIES MUST BE SAFETY – HOW CLOSE IS THIS PLAN TO FRACKING – P18-2

P18-3

I would like to receive future public notices regarding the project via: ☑ E-mail ☑ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

## Response to Comment P18-1

The comment expresses concerns about coordination with the Proposition O-funded improvement of Machado Lake and Wilmington Drain.

The Machado Lake Ecosystem Rehabilitation Project and the Wilmington Drain Multi-Use Project are scheduled to be completed before tunnel construction would commence. As described in the Preliminary Screening Analysis for the Clearwater Program (Appendix 1-A of the draft EIR/EIS), the onshore tunnel alignments would be constructed more than 70 feet below ground surface, sometimes as deep as 450 feet. Under Alternative 4 (the recommended alternative), the tunnel would be constructed at a depth of approximately 80 feet beneath Ken Malloy Harbor Regional Park. Therefore, the tunnel for Alternative 4 would not have an impact on the Machado Lake/Wilmington Drain project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P18-2

The comment expresses concern about potential impacts associated with the Rancho Liquefied Petroleum Gas (LPG) facility on Gaffey Street.

Alternative 4 (the recommended alternative), would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P18-3

The comment asks if the project is similar to “fracking.”

Hydraulic fracturing, which is commonly referred to as “fracking,” is a method used by the petroleum and gas industry to extract oil or natural gas from geological formations deep underground. The extraction wells can be located miles below the ground surface. Water or slurry is injected into the bottom of the well at very high pressures to break, or fracture, rock that contains oil or gas. The oil or gas is then collected in the well after it is released from the geological formation.

The proposed project would not involve hydraulic fracturing, nor is it similar. A tunnel boring machine (TBM) would be used to construct the tunnel. High-pressure water or slurry would not be used to break up the ground in front of the TBM.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P19: Katy Watkins – Resident

Commenter P19

**CLEARWATER Program**

## Public Hearing for Draft EIR/EIS

### COMMENT FORM

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: KATY WATKINS

Organization: CITIZEN / RESIDENT

Mailing Address: 26101 S. VERMONT AVE #201

City: HARBOR CITY State: CA Zip: 90710

E-mail: KATYW@PACBELL.NET

ARE YOU AWARE OF THE PROP O PROJECT AT LAKE MACHADO? WHAT ARE YOU DOING TO COORDINATE WITH THAT PROJECT? WHAT IMPACT WILL YOUR PROJECT HAVE ON THE PROP O PROJECT. WHAT ABOUT THE PURPORTED UNSTABLE LPG TANKS AT GAFFEY AND PALOS VERDES DRIVE NORTH? ANAHEIM

P19-1

P19-2

I would like to receive future public notices regarding the project via: ☒ E-mail ☐ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

## Response to Comment P19-1

The comment expresses concerns about coordination with the Proposition O-funded improvement of Machado Lake and Wilmington Drain.

The Machado Lake Ecosystem Rehabilitation Project and the Wilmington Drain Multi-Use Project are scheduled to be completed before tunnel construction would commence. As described in the Preliminary Screening Analysis for the Clearwater Program (Appendix 1-A of the draft EIR/EIS), the onshore tunnel alignments would be constructed more than 70 feet below ground surface, sometimes as deep as 450 feet. Under Alternative 4 (the recommended alternative), the tunnel would be constructed at a depth of approximately 80 feet beneath Ken Malloy Harbor Regional Park. Therefore, the tunnel for Alternative 4 would not have an impact on the Machado Lake/Wilmington Drain project.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P19-2

The comment expresses concern about potential impacts associated with the Rancho Liquefied Petroleum Gas (LPG) facility on Gaffey Street.

Alternative 4 (the recommended alternative), would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P20: JoAnn Wysocki – Resident

Commenter P20

**CLEARWATER Program**

**Public Hearing for Draft EIR/EIS**

**COMMENT FORM** I

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: JoAnn Wysocki

Organization: Resident

Mailing Address: 1006 King Avenue

City: Wilmington State: CA Zip: 90744-3204

~~E-mail~~: F18-B Levels of Service 2Intersection Turning Movement
City of Wilmington
Gaffey St- 110 Ramp
Gaffey St- 9th Street
Gaffey St - Paseo del Mar
Western - Paseo del Mar
Western - 9th Street
① Should be corrected to community of San Pedro.
② Wilmington is a community not a city. P20-1

II no response from Los Angeles Police Department on primary response time (2175 John S. Gibson Blvd to Angel, State or Royal Palm. Page 16-9 P20-2
① L.A.P.D. should respond in final EIR.

I would like to receive future public notices regarding the project via: ☐ E-mail ☒ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

**CLEARWATER Program**

## Public Hearing for Draft EIR/EIS

### COMMENT FORM II

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: JOANN WYSOCKI

Organization: RESIDENT

Mailing Address: 1006 KING AVENUE

City: WILMINGTON State: CA Zip: 90744-3204

E-mail: none

III This E.I.R. should be any opportunity for anyone who has new ~~uses~~ suggestions for new new uses of reclaimed water. P20-3

IV Need additional information in final E.I.R. Project put out to bid process: cost overruns; street sweeping; telephone contacts; removal of grafitti in a timely matter PAGE 15-38. P20-4

V Will the final E.I.R. be sent to the San Pedro Regional, Carson Regional and Wilmington Branch Libraries? P20-5

I would like to receive future public notices regarding the project via: ☐ E-mail ☒ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
U.S. Army Corps of Engineers,
Los Angeles District Regulatory Branch
915 Wilshire Boulevard
Los Angeles, CA 90017
Aaron.O.Allen@usace.army.mil

## Response to Comment P20-1

The comment addresses the Existing (2010) Level of Service Worksheets found in Appendix 18-B of the draft EIR/EIS. The comment states that the city is incorrectly labeled on some of the worksheets.

These forms were used during analysis by the traffic consultant. Some of these forms include a field for the city in which the intersection is located. Although these intersections are actually within the jurisdiction of the city of Los Angeles, the traffic consultant used San Pedro or Wilmington to provide context for analysis purposes. This identification does not affect the accuracy of the analysis because the jurisdictional information is not relevant to the analysis.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P20-2

The comment expresses disappointment in the fact that the Los Angeles Police Department did not provide information about the response times for the Angels Gate and Royal Palms shaft sites.

The information was requested, and neither the Sanitation Districts of Los Angeles County (Sanitation Districts) nor the U.S. Army Corps of Engineers (Corps) has the means to compel the police department to provide the information.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P20-3

The comment suggests that the Clearwater Program EIR/EIS should be an opportunity for people to provide new suggestions for the uses of recycled water.

As described in Appendix 1-B of the draft EIR/EIS, since 2006, the Sanitation Districts conducted over 500 public outreach meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. This effort facilitated a productive exchange of information and ideas between the Sanitation Districts and stakeholders regarding all components of the Clearwater Program, including reuse opportunities for recycled water.

The Sanitation Districts and Corps recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft Master Facilities Plan, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County for groundwater replenishment; industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. This message has been and will continue to be an important component of the Sanitation Districts' public outreach and education efforts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P20-4

The comment requests additional information about the bid process, cost overruns, street sweeping, telephone contacts, and graffiti removal.

The project would be competitively bid upon completion of final design. The Sanitation Districts would award the project to the lowest qualified bid for each construction contract.

A contingency consistent with industry standards for a project of this size was applied to the cost estimate to account for possible overruns.

It is the Sanitation Districts' standard practice to require contractors have a motor sweeper on the job site at all times to keep paved areas acceptably clean wherever construction is occurring. In addition, implementing South Coast Air Quality Management District Rule 403 would reduce dust emanating from the job site because watering would occur at least three times a day. As part of the community outreach, a contact number would be established to provide people with a means to express their concerns during construction.

It is also the Sanitation Districts' standard practice to require contractors remove graffiti within 24 hours of notification. Implementation of Mitigation Measure (MM) AES-1 (same as MM AES-3a), as described in the draft EIR/EIS, would ensure maintenance of the aesthetic treatments by removing graffiti in a timely manner.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P20-5

The comment asks if the final EIR/EIS will be available in the local libraries.

The final EIR/EIS will be available in hard copy format at the Carson Regional Library, the Los Angeles Public Libraries' San Pedro and Wilmington Branches, and the Sanitation Districts' headquarters near the city of Whittier. In addition, the EIR/EIS can be accessed electronically on the Sanitation Districts' website, the Clearwater Program website, or compact disc.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P21: Robert Stevens – Resident

Commenter P21

**Highter, Steve**

**From:** Kim Stevens <stevens@his.com>
**Sent:** Friday, March 09, 2012 4:54 PM
**To:** Highter, Steve
**Subject:** Clearwater Program

Dear Sirs,

As a nearby resident in the Palisades, I would like to make a comment on the Clearwater Program.

This is a NIMBY issue par excellence, but we all know it has to be done and that the White Point site is the logical place from which to do it.

My concern is that, as you know, there was a recent landslide on the Paseo del Mar between the Palisades and White Point, which has cut the Paseo del Mar. P21-1

As your described access site is down the hill at White Point, all of the detritus removed will have to be moved uphill. The existing road up the hill was not designed for heavy traffic, and I fear that its use by hundreds of heavy trucks will destabilize the cliff at White Point also. Would it be possible to move the dirt and stone up the hill on a conveyor belt, and have the trucks load at the top of the hill rather than at the excavation site itself?

Regards,

Robert K. Stevens
3612 S Walker Ave.
San Pedro 90731
310-514-8369

1

## Response to Comment P21-1

The comment requests alternative dirt removal methods be investigated at the Royal Palms shaft site due to the number of trucks traversing the existing access road and the potential of those trucks to affect the stability of the cliff.

As described in Chapter 8 of the draft EIR/EIS, implementation of Mitigation Measure GEO-1 at the Royal Palms shaft site, which involves performing a detailed geotechnical investigation and incorporating site-specific recommendations into the final design of the project, would reduce impacts to less than significant. The detailed investigation would address issues such as landslide potential, slope stability, and ground failure.

Removal of excavated materials from the construction site will be investigated during final design. Utilization of conveyor belts will be included in the analyses.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P22: Laureen Vivian – Resident

Commenter P22

**Highter, Steve**

**From:** Laureen Claire Vivian <lvivian@earthlink.net>
**Sent:** Saturday, March 10, 2012 2:57 PM
**To:** Highter, Steve
**Cc:** joebuscaino@cox.net; diananave@earthlink.net; johnmmavar@gmail.com
**Subject:** Clearwater

March 10, 2012

Dear Steven Highter,

I am very concerned about the impact of the Clearwater Program on our community of San Pedro. I have served on the NW Neighborhood Council Board for 4 years and on the CAC/CRA Board for 3 1/2 and have spear-headed and shepherded the $682,000 Averill Park Stream renovation project. My concern for the community and our quality of life runs deep.

Over the short course of our awarness of your proposed project, the process of alternative studies and their presentation has been minimal to us. And now, the "preferred alternative", so deemed by your department and without the people of San Pedro having any say in the matter, is the one that rams through the upper spine of our town. We would like to have a meeting with you and ask you to present to our three (3) neighborhood councils as a matter of due diligence and transperancey. We believe that the citizens of our town should be made fully aware of the alternatives and their respective impact. P22-1

Moreover, the preferred alternative you have seemed to have chosen is not our preferred alternative. The negative impacts of traffic, noise, ,pollution, disruption of existing natural features at Royal Palms (even "just" temporarily) are extensive. P22-2

With the Port's waterfront projects the alternative that parallels this disruption and improvement is the more logical and least damaging to our town. The outfall is a bit further yet the benefits to us as a town and people far outweighs this added effort.

Please let me know if you would be willing to present to our local Neighborhood Councils, write in our local papers and/or hold special "town hall" meetings to allow for the best plan to be decided communally and transparently. P22-3

Thank you for your consideration and I look forward to hearing from you.

Laureen Vivian, MA

**Laureen Vivian & Associates**

**445 West 6th Street**

**San Pedro, CA 90731**

**www.LaureenVivian.com**

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## Response to Comment P22-1

The comment requests that the Sanitation Districts of Los Angeles County (Sanitation Districts) meet with three San Pedro neighborhood councils to fully inform the community about potential project impacts.

The Sanitation Districts and U.S. Army Corps of Engineers (Corps) agree that public outreach and transparency are critical to the success of the Clearwater Program planning effort. Appendix 1-B of the draft EIR/EIS included a comprehensive agency and public scoping report. Since 2006, the Sanitation Districts have conducted over 500 outreach and coordination meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. At the onset of the planning effort, a project website (www.ClearwaterProgram.com) and an information hotline (877-300-WATER) were established. In addition, three newsletters were circulated in the project area to keep the public and interested parties apprised of progress being made during the planning process. The mailing list for the third newsletter included every parcel along each the final four tunnel alignment alternatives.

In March 2008, at the inception of the alternatives analysis process and long before any decisions were made, the Sanitation Districts conducted a series of public workshops in San Pedro, Carson, Wilmington, and Rancho Palos Verdes. Also, in October and November 2008, public scoping meetings to inform the preparation of the draft EIR/EIS were held in San Pedro, Carson, Wilmington, and Whittier. Public hearings on the draft EIR/EIS were conducted in San Pedro, Carson, and Whittier in March 2012. All of these public workshops and hearings were advertised in several newspapers including the Daily Breeze, Press Telegram, Random Lengths, Beach Reporter, Peninsula News, Impacto, La Opinion, Wave Pub West Edition, Inland Valley Daily Bulletin, and San Gabriel Valley newspapers.

The Clearwater Program outreach efforts included the three neighborhood councils in San Pedro. Specifically, the Sanitation Districts met with the full Coastal San Pedro Neighborhood Council in August 2008 and July 2011, the full Central San Pedro Neighborhood Council in July 2011, the President of the Northwest San Pedro Neighborhood Council in January 2007, the full Northwest San Pedro Neighborhood Council in July 2011, and the Port Committee of the Northwest San Pedro Neighborhood Council in August 2011.

Overall, this comprehensive outreach program greatly exceeded the public noticing, disclosure, and scoping requirements and recommendations of the California Environmental Quality Act and the National Environmental Policy Act.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P22-2

The comment suggests that an alternative route through the Port of Los Angeles would cause fewer environmental impacts in the Royal Palms area, be more logical because of disruptive impacts from existing port projects, and result in benefits that outweigh the added costs.

Chapter 22 of the draft EIR/EIS compared the environmental impacts of each of the project alternatives and concluded that Alternative 4 (the recommended alternative) would result in less environmental impacts than the other three project alternatives, including Alternatives 1 and 2, which are aligned through the Port of Los Angeles. Chapter 21 of the draft EIR/EIS provided cumulative impact analysis, which specifically included the San Pedro and Wilmington Waterfront Projects and identified potential

environmental impacts for each resource area. Chapter 6 of the draft Master Facilities Plan, as summarized in Chapter 3 of the draft EIR/EIS, presented an alternatives analysis process that systematically applied multiple screening criteria (e.g., public input, cost effectiveness, long-term uncertainty, operational considerations, constructability, and environmental impacts) to establish a reasonable range of alternatives, including the highest-ranked recommended alternative, that feasibly met the project objectives. Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternatives 1 and 2 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to their longer tunnel lengths. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P22-3

The comment requests additional public outreach to allow for the best plan to be decided communally and transparently.

As discussed in Response to Comment P22-1, the Sanitation Districts conducted an extensive public outreach effort in support of the planning phase of the Clearwater Program that included meetings with the three San Pedro neighborhood councils. The valuable input received was used to evaluate the project alternatives and determine the recommended alternative. On March 14, 2012, in response to this comment, the Sanitation Districts sent an email to the commenter offering to meet again with the three neighborhood councils in San Pedro; however, the commenter did not respond.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P23: Jody James – Resident

Commenter P23

**Highter, Steve**

**From:** Jody James <jody.james@sbcglobal.net>
**Sent:** Sunday, March 11, 2012 10:49 PM
**To:** Highter, Steve
**Cc:** mrenvirlaw@sbcglobal.net; Janet Gunter
**Subject:** Clearwater/mitigation

Greetings Mr. Highter,

I am writing my short comments on the Clearwater Program. Regardless whichever tunneling route is taken - hopefully the geologic information is as accurate as possible - our Harbor Communities are bearing a disproportionate burden for the benefit of wider areas of LA County. P23-1

I am asking for "mitigation" that would be a benefit in a substantial way. The "preferred" route of your tunneling travels under Gaffey Street and takes a westward turn almost directly under the large Rancho LPG - Butane and Propane storage facility. This facility meets all the legal definitions of an Ultra Hazardous Activity. The site is in LA City Planning documents (you have seen these) clearly identified as in the Rupture Zone of the Palos Verdes Fault. I also see that this location on the "preferred" route is approximately half way along the route. This might be a useful site for a shaft or base of operations for this project. P23-2

More importantly, for **PUBLIC SAFETY** and justifiable **MITIGATION** it would be admirable to remove this "hazard". Perhaps Eminent Domain action for public use of this land should be utilized. When the Clearwater Project is complete it could be used as a park-and-ride, parking lot for the Field of Dreams Soccer Field, and/or special events at the Port of LA. A railroad spur exists that could be useful without much imagination. Thank you, Jody James

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## Response to Comment P23-1

The comment states that the harbor communities are bearing a disproportionate burden for the benefit of wider areas in Los Angeles County.

The Clearwater Program focuses on the Joint Outfall System (JOS), which serves portions of the city of Los Angeles, including areas in the vicinity of the harbor communities, as shown on Figure 7-9 of the draft Master Facilities Plan (MFP). Alternative 4 (the recommended alternative) would regionally benefit the entire JOS by providing for reliable Joint Water Pollution Control Plant (JWPCP) effluent management and would locally benefit the harbor communities by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain. As described in the draft EIR/EIS, most of the construction-related project impacts would occur at the JWPCP West shaft site, which is located on the border between the city of Los Angeles and city of Carson. The majority of the residences and businesses in the immediate vicinity of the JWPCP West shaft site are within the JOS service area. Additionally, the residents of the South Shores area of San Pedro would benefit from the project because they are within the Sanitation Districts of Los Angeles County's (Sanitation Districts') service area for wastewater treatment.

Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternatives 1, 2, and 3 would result in greater impacts on the marine environment due to new riser/diffuser construction and significantly more air emissions and truck trips due to their longer tunnel lengths. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative.

No revisions to the draft EIR/EIS are required in response to this comment

## Response to Comment P23-2

The comment encourages removal of the Rancho Liquefied Petroleum Gas (LPG) facility through eminent domain as mitigation for the project, using the property as a shaft site or base of operations, and later a park-and-ride, parking lot, soccer field, or special events facility.

Alternative 4 (the recommended alternative) would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

Title 7 of the California Code of Civil Procedure contains laws regarding the circumstances by which public agencies can use eminent domain to acquire private property for projects that benefit the public, such as schools, roads, and police and fire stations. Eminent domain is the last measure a public agency can use to acquire private property, but the agency must first attempt to purchase the land by performing "good faith negotiations" with the property owner. The purchase price is usually set by the fair market value based on an appraisal. If the negotiations fail, then the public agency must file a Resolution of Necessity clearly stating why acquiring the land is the only option available for the progression of the project. Because the Rancho LPG facility was never identified as an essential shaft site location in either the draft MFP or draft EIR/EIS, there is no basis for the Sanitation Districts to modify Alternative 4 (the

recommended alternative) and to claim acquisition of the property as a necessary element for the completion of the project.

Additionally, both the California Environmental Quality Act and National Environmental Policy Act require that there be a nexus between an impact and mitigation imposed on the project. That is, mitigation cannot be imposed that does not serve to avoid or reduce a specific impact. The only significant and unavoidable impacts that would result from Alternative 4 (those for which mitigation cannot reduce the impacts to less than significant) would be those related to aesthetics, air quality, cultural resources, and greenhouse gases. None of these impacts would be reduced by the removal of the Rancho LPG facility. Therefore, removal of the Rancho LPG facility via eminent domain would not be appropriate mitigation.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P24: Kiran Magiawala – Resident

Commenter P-24

**Highter, Steve**

**From:** Kiran Magiawala <kiran_magiawala@yahoo.com>
**Sent:** Thursday, March 22, 2012 12:55 PM
**To:** Highter, Steve; Giljum, Mark; Acosta, Glenn; Haug, David; Avila, Don
**Cc:** James Stahl
**Subject:** Climate Change Alters the Calculus for Water Infrastructure Planning

Greetings.

FYI. Will the sea level rise due to climate change be integrated into discharge duct elevation planning/pumping requirements for our ClearWater program? Just curious. P24-1

Thanks and regards.

Kiran.

http://www.circleofblue.org/waternews/2012/world/climate-change-alters-the-calculus-for-water-infrastructure-planning/

Kiran R. Magiawala PhD
Retired Engineer, Citizen Scientist and Volunteer
Tele: 310-978-1434
Email: kiran_magiawala@yahoo.com

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## Response to Comment P24-1

The comment asks if sea-level rise would affect pumping requirements for future ocean discharge.

The potential for rising sea levels would be integrated into the design of the new facilities. Any future effluent pumping plant improvements at the Joint Water Pollution Control Plant would need to account for the effects of sea-level rise on the performance of the pumps.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P25: Jeanne Lacombe – Resident

Commenter P25

**Highter, Steve**

**From:** Lacombe <chateau4us@att.net>
**Sent:** Friday, March 23, 2012 3:35 PM
**To:** Highter, Steve
**Subject:** Clearwater project

Hi Mr. Highter,

I met you last year when you spoke to our HOA regarding the Clearwater project. I recently received the latest packet of information and noticed that the new proposed line will run under the Rancho LPG facility at 2110 N. Gaffey in San Pedro.

This concerns me because there is 25 million gallons of butane and propane stored at this facility. The local residents have been opposed to this facility since it was built in 1973 without permits. Our homes, schools and businesses were there prior to 1973 but the tanks were built anyway. In 1978 legislation was passed due to this facility to prevent any future facility from being built like this one was. I'm part of the group that is trying to relocate these tanks to a safer location. I found out according to LACity planning that the parcel is on an earthquake fault, landslide, liquefaction and methane zone.

P25-1

Since the local residents oppose the tanks and local politicians also oppose it (but can't do anything because it's grandfathered in) I'm sure you can get lots of support to push for eminent domain on this facility because it would be for the public good and benefit. The public needs to be able to flush our toilets but we don't need 25 million gallons of propane there.

Rancho purchased the property in 2010 for $19 million dollars. There shouldn't be the added expense of the business side of the transaction since they would get to keep and take the product and equipment. Then the Sanitation District can use that parcel as a shaft side, equipment storage or whatever.

I have a great relationship with RPV city council, planning dept and city staff. If I can be of any assistance to help provide documentation or contact information, please let me know.

Thanks for your time,
Jeanne Lacombe
(310) 833-0444

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## Response to Comment P25-1

The comment states that Alternative 4 (the recommended alternative) would pass under the Rancho Liquefied Petroleum Gas (LPG) facility and encourages the removal of the facility through eminent domain as mitigation for the project. The comment recommends using the property as a shaft site or for equipment storage.

Alternative 4 (the recommended alternative) would traverse under Gaffey Street between Anaheim Street and Capitol Drive. The two large Rancho LPG butane storage tanks are approximately 600 feet east of the recommended tunnel alignment. At this location, the tunnel invert would be approximately 100 feet below the ground surface. Therefore, given the tunnel location and depth, construction and operation of the tunnel would not have an impact on the Rancho LPG facility, and an upset at the Rancho LPG facility would not have an impact on the tunnel.

Title 7 of the California Code of Civil Procedure contains laws regarding the circumstances by which public agencies can use eminent domain to acquire private property for projects that benefit the public, such as schools, roads, and police and fire stations. Eminent domain is the last measure a public agency can use to acquire private property, but the agency must first attempt to purchase the land by performing "good faith negotiations" with the property owner. The purchase price is usually set by the fair market value based on an appraisal. If the negotiations fail, then the public agency must file a Resolution of Necessity clearly stating why acquiring the land is the only option available for the progression of the project. Because the Rancho LPG facility was never identified as an essential shaft site location in either the draft Master Facilities Plan or draft EIR/EIS, there is no basis for the Sanitation Districts of Los Angeles County to modify Alternative 4 (the recommended alternative) and to claim acquisition of the property as a necessary element for the completion of the project.

Additionally, both the California Environmental Quality Act and National Environmental Policy Act require that there be a nexus between an impact and mitigation imposed on the project. That is, mitigation cannot be imposed that does not serve to avoid or reduce a specific impact. The only significant and unavoidable impacts that would result from Alternative 4 (those for which mitigation cannot reduce the impacts to less than significant) would be those related to aesthetics, air quality, cultural resources, and greenhouse gases. None of these impacts would be reduced by the removal of the Rancho LPG facility. Therefore, removal of the Rancho LPG facility via eminent domain would not be appropriate mitigation.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P26: Heal the Bay – W. Susie Santilena, Environmental Engineer

Commenter P26

**Highter, Steve**

**From:** Susie Santilena <ssantilena@healthebay.org>
**Sent:** Wednesday, April 04, 2012 2:47 PM
**To:** Highter, Steve
**Subject:** Questions Regarding Clearwater Program DEIR

Hi, Steven.

I am reviewing the Clearwater Program DEIR on Heal the Bay's behalf and have a few questions. P26-1

Section 3.3.2.4- Will the preferred alternative also result in the dredging of ocean sediments?

Section 3.3.1.2- says JOS is expected to have a treatment capacity shortfall of around 20 MGD needed to accommodate future flows. It looks like by optimizing treatment plant operations in all of its plants, LACSD will be able to increase water reuse by anywhere from 16-47 MGD. Has there been any analysis to determine if LACSD could recycle its way out of needing to build a new tunnel altogether? If so, what were the results? Also, have you looked at upgrading treatment to level where JWPCPs effluent could be discharged to Wilmington Drain to allow for maintenance of the existing infrastructure? P26-2

Any input or documents you have that might help answer these questions would be greatly appreciated!

Thank you!

W. Susie Santilena | Environmental Engineer | Water Quality
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 X189 | FAX: 310 496 1902 | ssantilena@healthebay.org
**Protect what you love. Get involved, take action or join as a Heal the Bay member!**

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## Response to Comment P26-1

The comment requests clarification on whether Alternative 4 (the recommended alternative) would include dredging of ocean sediments.

The only marine work proposed under Alternative 4 would be the rehabilitation of the existing ocean outfalls. As described in Section 7.2.5.4 of the draft Master Facilities Plant (MFP), Section 3.3.2.3 of the draft EIR/EIS, and the draft Executive Summary, rehabilitation of the existing ocean outfalls would include re-ballasting and joint repairs. Rehabilitation of the existing ocean outfalls would not require mechanical dredging or removal of large quantities of sediment. A small derrick barge would be used to place the ballast rock around the outfalls and to support the joint repair work. The re-ballasting work would occur on the existing 72-, 90-, and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A tube extending from the barge deck to the ocean floor would ensure that placement of ballast rock would not extend beyond the existing footprint. Joint repairs would require the temporary removal of sediment and ballast rock to fully expose the joint being repaired. A team of divers would remove the ballast rock and hand-shovel approximately 2 cubic yards of sediment from each joint. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. Cathodic protection would also be restored or added where necessary. It is estimated that approximately 10 to 40 joints would require repair, resulting in the hand removal of approximately 20 to 80 cubic yards of sediment. Therefore, because no mechanical dredging would be associated with Alternative 4 (the recommended alternative), the rehabilitation work would entail removal of *de minimis* quantities of sediment.

Section 3.3.2.3, under Existing Ocean Outfalls, second paragraph, is revised in the final EIR/EIS as follows:

> Alternatives 1 through 4 (Project) would include improvements to the existing ocean outfalls, such as joint repairs and re-ballasting. The re-ballasting work would occur on the existing 72-, 90- and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A small derrick barge would be used to place the ballast rock around the outfalls and support the joint repair work. Joint repairs would involve temporarily removing some of the existing ballast rock from around the outfall to fully expose the joint being repaired. A team of divers would repair an estimated 10 to 40 joints and hand-shovel approximately 2 cubic yards of sediment from each joint. Mechanical dredging would not be required. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. ~~c~~Cathodic protection would also be restored or added where necessary. The marine vessels required for this work are listed in Table 3-10. The majority of the construction work would be based on one 10-hour shift per day, 5 days per week. It is estimated that approximately eight to ten construction workers would be needed for the rehabilitation work. Joint repairs and transport of construction workers would require a work vessel and crew vessel operating one daily round-trip for approximately 1 month, which would most likely deploy from the Port of Los Angeles. All of the work including mobilization, construction, and demobilization would take approximately 9 months.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P26-2

The comment asks if the Sanitation Districts of Los Angeles County (Sanitation Districts) have analyzed the potential for increased reuse at all of the Joint Outfall System (JOS) treatment plants to obviate the need to build a new tunnel. The comment also asks if the Sanitation Districts have assessed the potential for discharge to the Wilmington Drain to allow for maintenance of the existing tunnels.

The Sanitation Districts recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft MFP, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day (MGD) of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County for groundwater replenishment; industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. The other (unused) half of the recycled water produced is currently wasted, and discharged to nearby receiving waters (i.e., rivers, creeks, and channels) that convey it to the ocean.

While efforts to increase reuse at the JOS WRPs through coordination with local water agencies and regulators are ongoing, the anticipated success of these efforts will have no bearing on the need to build a new effluent tunnel at the Joint Water Pollution Control Plant (JWPCP). The permitted capacity of the JWPCP would remain at 400 MGD, and the associated peak flows of 927 MGD would require an approximately 18-foot-diameter (internal) effluent tunnel. Therefore, even if the Sanitation Districts could achieve the goal of 100 percent reuse at the WRPs, there would not be a commensurate reduction in wastewater flow to the JWPCP; there would only be a reduction in what is currently discharged to the receiving waters by the WRPs.

Section 6.2.5.1 of the draft MFP, which provided an analysis of options and alternatives for WRP effluent management, determined that complete reuse at the upstream WRPs would not be feasible. The draft MFP also explored the possibility of providing advanced treatment (such as microfiltration/reverse osmosis, ultraviolet disinfection, and advanced oxidation) at the JWPCP. Specifically, Section 6.2.6 of the draft MFP analyzed the feasibility of diverting enough flow from the existing JWPCP ocean discharge system to allow for the inspection and repair of each of the existing tunnels (Option JE 4 Reduced Ocean Discharge). To accommodate reuse and storage of the required 200 MGD of diverted flow, advanced treatment would be necessary. This reduced ocean discharge option specifically contemplated diversion of this advanced-treated effluent to the Central, West Coast, and/or Main San Gabriel Basins for groundwater recharge (i.e., indirect potable reuse). However, the reduced ocean discharge option was determined to be not viable for reasons presented in Section 6.2.6.5 of the draft MFP and thus was not further evaluated in the draft EIR/EIS.

Alternatively, as suggested by this comment, the advanced-treated effluent under the reduced ocean discharge option could potentially be discharged to the Wilmington Drain. However, this discharge location shares many of the same concerns discussed in Section 6.2.6.5 of the draft MFP, including those relating to constructability, operational flexibility, reliability, and familiarity. Hydraulically separating the two existing tunnels while both are flowing full each day would be a complex undertaking. Only then could flow be diverted to one tunnel, with the balance of the flow being diverted to the advanced treatment facilities for discharge to the Wilmington Drain so that inspection/repair work could ensue in the other dewatered tunnel. Tunnel inspection/repair would need to occur during the dry season when flows are typically lower. However, there would always be the risk of a severe unseasonal storm event

that could overwhelm the advanced treatment facilities and thus require a portion of the secondary-treated JWPCP effluent to be diverted directly to the Wilmington Drain in violation of the JWPCP discharge permit. This option would also require the operation of a completely new and complex treatment system to enhance the JWPCP's effluent quality. Lack of familiarity and system complexity would reduce the options' overall operational reliability. And, even if all of these impediments could be overcome, it would be very difficult to implement this option within a reasonable timeframe (i.e., approximately 10 years).

A reduced ocean discharge option that relies on discharge to the Wilmington Drain raises other concerns beyond those discussed in Section 6.2.6.5 of the draft MFP. First, the Wilmington Drain flows directly into Machado Lake, which is currently slated for major restoration. The restoration project includes providing an average of 1 cubic feet per second (0.6 MGD) of recycled water from the Terminal Island WRP to supplement flow already provided by the Wilmington Drain. According to the project manager, the 200 MGD the Sanitation Districts would need to divert to the Wilmington Drain would far exceed the average daily flows for which the Machado Lake restoration project is being designed and could potentially result in adverse impacts. A flow of this magnitude would exceed the capacity of the low-flow outlets in the Machado Lake dam. Consequently, there would be permanent overflow of the dam during the summer, cutting the east side of the lake off from the west, thus restricting public access to the park facilities. The proposed lake edge planting and terrace, pedestrian bridge in the lower freshwater marsh, and pedestrian walkway could be affected as well. The trash net system operating in the Wilmington Drain could also be impacted, as could the ecosystem in the Wilmington Drain, which provides habitat for the protected least Bell's vireo (Ahmed pers. comm.). Second, the primary function of the Wilmington Drain is to provide flood control for the local area, and storm flows in the Wilmington Drain have historically reached or exceeded its capacity. For example, as a result of a 1995 storm event, the Wilmington Drain overflowed its concrete channel next to the JWPCP and came within inches of overflowing a berm located between the drain and the plant. Consequently, because of the potential for a significant storm event at any time during the year, the Sanitation Districts cannot reliably discharge any amount of JWPCP effluent to the Wilmington Drain. Third, discharge to the Wilmington Drain would require a significant investment in facility upgrades at the JWPCP. It is estimated that the required treatment and storage facilities would cost over $1 billion, and there are no confirmed local reuse opportunities to offset these costs through the sale of the recycled water.

Finally, the recommended alternative (Alternative 4) provides benefits that would not be realized under the reduced ocean discharge option. As discussed in Chapters 1 and 7 of the draft MFP and in Chapter 1 of the draft EIR/EIS, in addition to aging infrastructure concerns, the existing tunnels cross the active Palos Verdes Fault and cannot accommodate projected peak wastewater flows associated with major storm events. A new tunnel would be constructed to current seismic standards and would have a hydraulic capacity of approximately 1,080 MGD, which can accommodate the peak storm flows of 927 MGD projected for the year 2050. Therefore, the reduced ocean discharge option, with or without utilization of the Wilmington Drain as a discharge location, is not viable and was not further analyzed in the draft EIR/EIS as a feasible project alternative.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P27: John Winkler – Miraflores Home Owner Association

Commenter P27

CLEAR WATER PROJECT

Public Hearing for Draft EIR/EIS Comment Form

This is a proposal for the Sanitation Districts to give back to the community that will be impacted by the Clearwater program.

In the 1920's up to about 1933 there was a Hot Spring Resort at Royal Palms State Beach. This resort was located a short distance from where the current connecting outfall extends offshore. Since the Long Beach earthquake of 1933 cut off the flow of the natural sulfur hot springs, it is felt that this spring can be found again with new technology. The Royal Palms Resort would benefit the residents of the 73 cities and unincorporated Los Angeles County as an outdoor swimming pool. P27-1

In the past, the Sanitation Districts have been good neighbors in providing benefits in the immediate vicinity of the JWPCP. Since the Sanitation Districts have recently restored a 17-acre Bixby Marshland at the corner of Sepulveda and Figueroa as well as other neighborhood improvements, it is felt that the Sanitation Districts could also restore the White Point Hot Spring pool as a way of giving back to the community.

Over time, the ratepayers in the Sanitation District's JOS (Joint Outfall System) would pay off the loans and bonds of $550 million to 1.4 billion dollars through connection fees and annual service charges. It is the population growth that will drive up the cost of Sanitation fees and the current homeowners will have to pay more because of this factor. P27-2

A failure of any of the existing tunnels could affect Wilmington Drain, Machado Lake and the Los Angeles Harbor. With this in mind, the San Pedro community takes the risk without any compensation. P27-3

The Sanitation Districts will be putting the aliment on public right of way (streets) although there will most likely be subsurface easements for portions of the tunnel project. If easements are needed, the property owner would have to sell at market value. The Sanitation Districts would also need land for temporary occupational right of way. Property owners again would be in a situation of temporary occupation in which the projects construction would last for 7 years (2015 to 2022). P27-4

Senior Engineer David Haug says, "he wants to leave the community as good or better than when we arrived". It is hoped that this proposal is acted on so that White Point Hot Springs can once again be a destination and attraction like it once was. P27-5

REC'D LACSD
APR 9 '12 AM 10:29

DOC #

Lighter S

John Winkler/ Jhwinkler@me.com

Miraflores Home Owner Association

925 Cara Place, San Pedro, CA 90731

John Winkler

## Response to Comment P27-1

The comment suggests that a former hot springs pool near White Point be restored as mitigation for the project impacts on the Royal Palms community. The comment points out that the Bixby Marshland was restored by the Sanitation Districts of Los Angeles County (Sanitation Districts) to mitigate impacts of another project.

Both the California Environmental Quality Act and the National Environmental Policy Act require that there be a nexus between the impacts of a project and the mitigation required to address these impacts. This means that mitigation measures must address specific impacts and seek to avoid, minimize, rectify, reduce, eliminate, or compensate for those specific impacts.

Mitigation was included in the draft EIR/EIS to address specific impacts at the Royal Palms shaft site and throughout the project area to reduce impacts to less than significant. Some impacts for Alternative 4 (the recommended alternative) were found to be significant and unavoidable, meaning that mitigation could not reduce the impacts to less than significant. These included exceeding an air quality threshold, generating greenhouse gases, causing adverse visual impacts on scenic vistas or scenic resources, degrading existing visual character or quality, and disturbing or destroying a unique paleontological resource. None of these impacts would be avoided, minimized, rectified, reduced, eliminated, or compensated for by restoring the hot springs pool near White Point because there is no nexus between the impacts and the proposed mitigation. Therefore, restoring the hot springs pool would not be appropriate mitigation.

The Sanitation Districts restored the Bixby Marshland to mitigate significant impacts of digester construction at the Joint Water Pollution Control Plant (JWPCP) on adjacent riparian and marsh habitats. Therefore, because of the strong nexus between the project impacts and the mitigation, restoring the Bixby Marshland at the JWPCP was appropriate mitigation.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P27-2

The comment suggests that current homeowners would be forced to pay higher sanitation fees even though cost increases can be attributed to future population growth.

As described in Section 7.4 of the draft Master Facilities Plan (MFP), the capital cost of the recommended alternative has been split into two subcategories: upgrade and expansion. Upgrade portions of the alternative would benefit existing users by addressing needed improvements or existing deficiencies without providing additional capacity. Expansion portions of the project would benefit new users by providing increased capacity to accommodate their discharge. Of the recommended alternative's $550,000,000 total estimated capital cost, $416,250,000 is attributable to upgrade and $133,750,000 is attributable to expansion. The existing users of the Joint Outfall System (JOS) would pay for the upgrade portion through an increase in their annual service charge, and new users would pay for the expansion portion through their connection fees. Therefore, current homeowners would not be paying for the proposed facilities necessary to accommodate future population growth.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P27-3

The comment states that the San Pedro community bears uncompensated risk of existing tunnel failure.

As described in Chapter 1 of the draft MFP and Chapters 1 and 3 of the draft EIR/EIS, if the existing tunnels were damaged or the capacity of the ocean discharge system was exceeded, treated effluent from the JWPCP would need to be bypassed into the Wilmington Drain, a stormwater channel that flows through Ken Malloy Harbor Regional Park and out to the Los Angeles Harbor. This concern would be avoided through the implementation of Alternative 4 (the recommended alternative), the cost of which would be borne by the JOS ratepayers, most of whom are located outside of the San Pedro community.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P27-4

The comment expresses concern that owners would have to sell their property if the Sanitation Districts need an easement or temporary occupational rights-of-way.

Easements and occupational rights-of-way are legal agreements between a property owner and an agency or person requesting permission to utilize a portion of a property. These agreements do not require the owner to sell the property, and the owner is typically compensated. Where the tunnel alignment crosses private property and no work on the surface is required, the Sanitation Districts would request a permanent subsurface easement from the owner that would grant rights to an area below ground that surrounds the tunnel. The property owner would retain full rights from the surface down to the upper boundary of the easement. Where a portion of a property is needed only during construction (e.g., a shaft site), the Sanitation Districts would request a temporary occupational right-of-way from the owner. However, as described in Section 3.3.2.2 of the draft EIR/EIS, the JWPCP West and Royal Palms shaft sites for Alternative 4 (the recommended alternative) are primarily located on property owned by the Sanitation Districts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P27-5

The comment requests that a former hot springs pool near White Point be restored as part of the project.

See Response to Comment P27-1.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P28: Mark Wells – Resident

Commenter P28

Mark Wells

1858 Trudie Drive, Rancho Palos Verdes, CA. 90275
E-Mail: mtwells@pacbell.net

Date: April 9, 2012

Mr. Stephen Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
Facilities Planning Department
1955 Workman Mill Road
Whittier, CA 90601

RE: SCH# 2008101074, Clearwater Program, EIR/EIS

DearMr. Highter:

This is my set of comments for The Clearwater Program and more importantly, the Joint Water Pollution Control Plant's, (JWPCP) proposed new Outfall Tunnel System.

I am in great support of The Cleatwater Program and I have stated as much in interviews by staff members of The Clearwater Program, at various times and in various ways and in talking with representatives of my city and local residents of Rancho Palos Verdes and San Pedro. I believe it is necessary to upgrade the Los Angeles County Sanitations Districts' Joint Outfall System (JOS) and I have been interested in learning more about The Program since I first learned of it, over five years ago.

My biography includes growing up very close to the two existing Joint Outfall Tunnel Systems under Western Avenue in the San Pedro and Rancho Palos Verdes areas. I continue to be a concerned resident of the area in which my wife and I reside.

I believe a new Joint Outfall Tunnel System is now necessary and should be welcomed by all those who would benefit from its construction and usage. My concerns lie not with the need or desire for this new construction, but rather the location of the new Tunnel System and a few of the aspects of the consideration of the Proposed Project's alignment and construction of the new Joint Outfall Tunnel System.

I have studied the Environmental Impact Report and even though I find myself not as objectionable to the Proposed Project's planned alignment of Alternative Number 4, as I was initially, both new and existing issues still plague me, with this Alternative and Alternative Number 3. P28-1

One of the most important issues I have with further work towards the construction of a new Joint Outfall Tunnel System with both Alternatives 3 and 4 is the fact that damage done to Paseo Del Mar, as a result of landslide activity, will create many new problems not previously considered, even in the EIR/EIS.

I am in agreement that the potential for new construction for any new Joint Outfall Tunnel System and Exit Shaft will not cause further damage to any area with landslide activity and I have confidence in the studies performed on the Geology of the areas, in the Report.

My major concern in this particular issue are the facts surrounding the possibilities that a major transit route for residents, visitors, construction teams and others has been eliminated from the areas near the sites for Alternative Nos. 3 and 4 and that there is no reconciliation of the landslide/road closure and there does not appear to be study or further analysis discussed between the Sanitation Districts and the City of Los Angeles, Department of Transportation, regarding these matters.

I feel very strongly that before much further study and work on the Proposed Project continues, everyone needs to feel confident that Paseo Del Mar will be restored to a viable thoroughfare long before any physical activity on a new Outfall Tunnel begins.

Another issue I found to be of concern is the routing of dirt haulers and other construction traffic related to the Proposed Project, Alternative Number 4 as it relates to routes not very well suggested in the EIR though the streets of San Pedro and/or the city of Rancho Palos Verdes.

I noted with the intersections where traffic counts were taken, they included intersections where construction vehicles might turn, but not necessarily through intersections that might see that particular traffic continue through, without turning.

One such intersection I found to be very lacking in study is the intersection of 25th Street and Western Avenue, in San Pedro.

Since it appears to me in the EIR/EIS, that construction vehicles MIGHT not utilize this particular intersection for turning, it was left out of much of the traffic counts provided for other intersections.

This alarms me because that intersection would be used exclusively for most, if not all vehicle traffic related to the Proposed Project, Alternative Number 4, in relation to the Exit Shaft and other construction planned for the Royal Palms area of San Pedro.

It appears that no truck route is truly suggested for ingress and egress of traffic related to The Clearwater Program in the area of Royal Palms in San Pedro. The Report does not state whether large construction vehicles will proceed along Western Avenue, turn east onto 9th Street, then north onto Gaffey Street, to access the (110) Harbor Freeway, as some have stated.

I feel this is a major issue at it relates to placing the Exit Shaft and other construction as proposed in Alternative Number 4.

Since there doesn't seem to have been any 'real' documented study as to the routes through San Pedro, to be taken by massive dirt haulers and other construction vehicles, I find this particular portion of the EIR sorely lacking and in need of much further study long before any construction begins.

P28-2

With the exception of residences and businesses in the 'South Shores' areas of San Pedro, most residents and businesses would not have any use for any new Tunnel System by the JWPCP, because the vast majority of those impacted during the construction period for Alternatives 3 and 4 use the city of Los Angeles' Sewage Treatment Plant on Terminal Island.

P28-3

While it is my strong opinion that a new Outfall Tunnel is necessary, I must conclude that there has not been sufficient study with potential traffic issues related to both the Proposed Project and Alternative Number 3. This is made much stronger since I learned via a person within The Clearwater Program's representation, that little has been done between the Sanitation Districts and the city of Los Angeles concerning the entire scope of having lost Paseo Del Mar, in San Pedro, as a viable route and that this situation has the potential of becoming a permanent problem that was never studied, to this point.

P28-4

I also feel it is unfair to task so many residents and businesses with the issues of having a major construction project for something they will not use. Those who would utilize the new Outfall Tunnel will benefit at the expense, for a period of time, of so many who would not only not have use of any new Outfall Tunnel, but would be encumbered with many negatives during construction periods and environmental issues that could linger even after a new Outfall Tunnel is finished.

P28-5

While Alternative Number 1 is the most expensive and could take the longest construction period, I feel it remains the best Alternative for all and the aspects including close freeway access and potential rail transportation of diggings could be accomplished with Alternatives Numbers 1 and 2.

P28-6

It was and remains my hope that the comment period of the EIR/EIS be extended or paused to allow for further study of the potential impacts caused by the unfortunate collapse of Paseo Del Mar and the now very necessary complete study and implementation of a positive resolution because of the unplanned loss of such a major roadbed.

P28-7

I would also urge a much more thorough set of studies and information provision to all the residents and business owners near the areas of the Proposed Project's route and Exit Shaft, so they are much more well informed about what representatives of The Los Angeles County Sanitation Districts intend to do or participate in the resolution of the Paseo Del Mar situation and all the potential routes dealing with construction traffic related

P28-8

2

to the Proposed Project, Alternative 4 and the entire scope of possibilities should that Alternative be ultimately selected as the final route for a new Joint Outfall Tunnel. P28-8 cont.

I do understand that this EIR/EIS had many of its studies done several years ago. But things change and there has been at least one very big change since the Traffic Studies were done, several years ago. P28-9

Also troubling to many I have talked to is the fact that the EIR/EIS does not include enough information and study to indicate the possible routes of large dirt haulers and other construction traffic though San Pedro. I feel this should be a major concern to all those who live along any possible route where they will be impacted by construction traffic for an extended period of time. P28-10

Thank you for your considerations.

Regards,

Mark Wells
Rancho Palos Verdes Resident

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## Response to Comment P28-1

The comment requests additional traffic analysis to account for the closure of Paseo Del Mar due to a landslide.

The traffic analysis presented in Chapter 18 of the draft EIR/EIS used baseline traffic data collected in 2010, prior to the closure of Paseo Del Mar. It is unknown when the city of Los Angeles will rebuild Paseo Del Mar and in what manner. At the time this response was prepared, the city of Los Angeles had not yet identified or approved funding, and an engineering design option had not been selected. The closure of the roadway link between Western Avenue and Weymouth Avenue to motorized traffic has resulted in localized traffic patterns that differ from those that prevailed when the baseline traffic counts were collected.

Therefore, a subsequent traffic analysis was conducted to identify whether there would be differences in the impacts reported in the draft EIR/EIS if Paseo Del Mar were not re-opened by the time construction began for Alternative 4 (the recommended alternative). The updated analysis is based on traffic counts collected in May 2012 and reflects the current stabilized traffic patterns in the area. The analysis includes key intersections along the primary access route between the Royal Palms shaft site and Interstate (I-) 110: Western Avenue and Paseo Del Mar, Western Avenue and 25th Street, Western Avenue and 9th Street, Gaffey Street and 9th Street, and I-110 and Gaffey Street. The subsequent analysis, which is documented in a technical memorandum, is included in the final EIR/EIS as Appendix 18-D, confirms the findings of the draft EIR/EIS that construction of Alternative 4 (the recommended alternative) would not result in significant traffic impacts on the street system between Royal Palms Beach and I-110.

Section 18.4.6.2, under Project, Impact TRT-1, Shaft Site – Royal Palms, Construction, CEQA Analysis, fourth paragraph, is revised in the final EIR/EIS to add the following footnote "2" to the end of the paragraph:

> [2] Since the time of the project-level traffic analysis of Alternative 4, there was a landslide east of the Royal Palms shaft site that led the city of Los Angeles to close a portion of Paseo Del Mar to through traffic for an indeterminate period. The closure to motorized traffic of the roadway link between Western Avenue and Weymouth Avenue has resulted in localized traffic patterns that differ from those that prevailed when the baseline traffic counts used in the original analysis were collected. Because it is unknown whether this roadway segment would be reopened by the time of construction at the Royal Palms shaft site, an additional traffic analysis was performed to determine whether construction at the shaft site would result in different traffic impacts if Paseo Del Mar remained closed. This additional traffic analysis is included as Appendix 18-D. The analysis concluded that the construction traffic impacts with Paseo Del Mar closed would be consistent with the impacts in the original traffic analysis, and that the impacts at the analyzed intersections would be less than significant. The increase in traffic from the project with Paseo Del Mar closed would not exceed the city of Los Angeles' established thresholds of significance.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-2

The comment requests that the final EIR/EIS clearly indicate where on Western Avenue the construction trucks would turn to proceed to Gaffey Street or continue through. The comment also requests additional analysis for the intersection of Western Avenue and 25th Street.

The selection of study intersections analyzed in the draft EIR/EIS was based on the anticipated access routes of project-generated traffic during the construction period and included major intersections where project traffic is expected to turn.

As described in Chapter 18 of the draft EIR/EIS, truck trips were assumed to travel on Gaffey Street and Western Avenue to access I-110, along the most direct route to the regional freeway system. The assumed specific route followed the Royal Palms Beach access road to Paseo Del Mar (northbound left turn), Western Avenue (westbound right turn), 9th Street (northbound right turn), and Gaffey Street (eastbound left turn) to reach I-110. The reverse of this route was assumed for inbound truck trips to the Royal Palms shaft site. The city of Los Angeles allows trucks to travel on city streets unless otherwise prohibited. The assumed haul route to the Royal Palms shaft site follows streets classified as Major Highways Class II, with the exception of a short distance on Paseo Del Mar, which is classified as a Secondary Highway.

The subsequent analysis, which is documented in a technical memorandum included in the final EIR/EIS as Appendix 18-D and described in Response to Comment P28-1, includes the intersection of Western Avenue and 25th Street, which was not analyzed in the draft EIR/EIS. To provide a conservative analysis of potential project impacts, the most intense period of project construction was analyzed against projected future conditions. The updated analysis confirms the findings of the draft EIR/EIS, as described in Section 18.4.6.2, that less than significant impacts are anticipated during the construction phase of the project.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-3

The comment states that most affected homes and businesses in San Pedro use the city of Los Angeles' sewage system and, therefore, would not benefit from a new Sanitation Districts of Los Angeles County (Sanitation Districts) tunnel and outfall.

The Joint Outfall System (JOS) serves portions of the city of Los Angeles, including areas in the vicinity of the San Pedro community as shown on Figure 7-9 of the draft MFP. The recommended alternative (Alternative 4) would regionally benefit the entire JOS by providing for reliable JWPCP effluent management and would locally benefit the San Pedro community by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain. As described in the draft EIR/EIS, most of the construction-related project impacts would occur at the JWPCP West shaft site, which is located on the border between the city of Los Angeles and city of Carson. The majority of the residences and businesses in the immediate vicinity of the JWPCP West shaft site are within the JOS service area. Additionally, the residents of the South Shores area of San Pedro would benefit from the project because they are within the Sanitation Districts' service area for wastewater treatment.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-4

The comment expresses support for a new outfall tunnel but also raises a concern with the potential traffic impacts related to Alternatives 3 and 4 due to the closure of Paseo Del Mar.

See Responses to Comments P28-1 and P28-2.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-5

The comment states that it is unfair for residents and businesses in the area to be encumbered with many project negatives but none of the benefits.

See Response to Comment P28-3.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-6

The comment expresses support for Alternative 1 because of its close freeway access and potential for rail transportation of excavated materials.

The draft EIR/EIS provided a co-equal level of analysis for each of the four project alternatives, as well as a No-Project Alternative and No-Federal-Action Alternative. The draft Executive Summary contained a comprehensive table listing all of the significant environmental impacts and associated mitigation measures for each of the four project alternatives. Chapter 22 of the draft EIR/EIS provided a comparison of alternatives, which was summarized in Tables 22-1 and 22-2. Alternative 4 (the recommended alternative) would avoid marine environment impacts associated with constructing a new riser/diffuser and would minimize truck trips and air emissions due to its shorter tunnel length. Conversely, Alternative 1 would result in greater impacts on the marine environment due to new riser/diffuser construction, and significantly more air emissions and truck trips due to its longer tunnel length. Based on the overall environmental analysis, it was concluded that Alternative 4 (the recommended alternative) is the environmentally preferred and superior alternative. Furthermore, as discussed in Chapter 18 of the draft EIR/EIS, Alternative 4 (the recommended alternative) would result in less than significant traffic impacts related to haul routes. Therefore, overall, the potential for reduced traffic impacts associated with the other alternatives would not offset their other more substantial impacts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-7

The comment requests an extension to the comment period for the draft EIR/EIS to allow further study of the potential effects of the loss of Paseo Del Mar as a major roadway.

The comment periods for the draft EIR and draft EIS were 60 and 57 days, respectively, which exceeded the 45-day requirements for both the California Environmental Quality Act and the National Environmental Policy Act. Therefore, the comment period was not extended. However, the Sanitation Districts and the U.S. Army Corps of Engineers have responded to all late comments received within a reasonable timeframe that would not delay preparation of the final EIR/EIS.

See Responses to Comments P28-1 and P28-2.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-8

The comment requests additional studies and outreach regarding tunnel alignments, clarification of the Sanitation Districts' involvement in repairing the Paseo Del Mar landslide, and consideration of the Paseo Del Mar landslide when selecting truck hauling routes.

The Sanitation Districts conducted extensive preliminary engineering studies in support of the Clearwater Program planning process. As referenced in Section 13.2.2.1 of the draft EIR/EIS, the Sanitation Districts conducted the Palos Verdes Flow Study from October 2000 through April 2008, which included the collection of temperature and current data on the Palos Verdes and San Pedro Shelves over a 9-year period. The more than 100 million data points generated from this unprecedented field observation program were used in a computer model to determine optimal locations for a new ocean outfall. CH2M Hill and MWH assisted in the preparation of the Clearwater Program Master Facilities Plan; Parsons Water Infrastructure, Inc., in association with Jacobs Associates, prepared a project feasibility study report for the tunnel/outfall alternatives; and Fugro West, Inc. prepared a preliminary geotechnical site characterization report for the onshore and offshore tunnel alignments, shaft sites, and ocean outfalls. Each of the studies and reports were referenced and cited throughout the draft EIR/EIS.

Extensive public outreach was also a vital component of the planning process. Appendix 1-B of the draft EIR/EIS included a comprehensive agency and public scoping report. In developing a plan that meets the needs of the communities and businesses served by the JOS, the Sanitation Districts felt it was important to involve the public from the onset. Since 2006, the Sanitation Districts have held over 500 public outreach meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. Their input provided valuable guidance during the alternatives analysis and environmental review process. At the onset of the planning effort, a project website (www.ClearwaterProgram.com) and an information hotline (877-300-WATER) were established. In March 2008, long before any decisions were made, the Sanitation Districts conducted a series of public workshops in San Pedro, Carson, Wilmington, and Rancho Palos Verdes. Also, in October and November 2008, public hearings for the preparation of the draft EIR/EIS were held in San Pedro, Carson, Wilmington, and Whittier. The notice of availability for the draft EIR/EIS was mailed to approximately 4,000 addresses, including more than 3,000 homes and businesses along the alignments. Public hearings on the draft EIR/EIS were conducted in San Pedro, Carson, and Whittier in March 2012. All of these public workshops and hearings were advertised in several newspapers including the Daily Breeze, Press Telegram, Random Lengths, Beach Reporter, Peninsula News, Impacto, La Opinion, Wave Pub West Edition, Inland Valley Daily Bulletin, and San Gabriel Valley newspapers. In addition, three newsletters were circulated in the project area to keep the public and interested parties apprised of progress being made during the planning process. The mailing list for the third newsletter included every parcel along each the final four tunnel alignment alternatives.

The Paseo Del Mar landslide is under the jurisdiction of the city of Los Angeles and is being managed by the city's Bureau of Engineering. The Sanitation Districts contacted the Bureau of Engineering on May 16, 2012, to obtain information regarding the city's plans and timeline for repairing the portion of Paseo Del Mar affected by the landslide. The Bureau of Engineering indicated that they are developing a geotechnical report outlining repair options, costs, and other pertinent information. The timeline for repairs is undefined at this time because the city of Los Angeles has not yet identified or approved funding and has not selected an engineering design option.

See Responses to Comments P28-1 and P28-2.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-9

The comment states that there has been one significant change since the traffic studies for the draft EIR/EIS were conducted several years ago.

See Responses to Comments P28-1 and P28-2.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P28-10

The comment requests that additional information on the truck hauling routes from Royal Palms Beach through the community of San Pedro be provided and expresses concerns about traffic impacts during construction.

The truck trip generation estimates for the Royal Palms shaft site construction were presented in Table 18-29 of the draft EIR/EIS. For the purposes of analyzing the potential traffic impacts of the project, a passenger-car-equivalent factor of 2.0 was applied to each truck trip (i.e., the estimates shown in Table 18-29 were double the number of estimated truck trips, as noted in the table's footnote). It was estimated that a maximum of 40 truck round trips (80 total one-way truck trips) per day would occur during the approximately 9-month shaft construction period and subsequent 18-month manifold and tie-in construction period at the Royal Palms shaft site. Truck traffic would occur during one 10-hour shift, 5 days per week. For each hour of the workday, there would be an average of 4 inbound and 4 outbound truck trips, or about 1 truck trip every 7 to 8 minutes during the peak construction period.

As discussed in Section 18.3.4 of the draft EIR/EIS, the city of Los Angeles requires the preparation of traffic management plans for major construction projects that include designation of haul routes, among other elements, to ensure that any construction-related effects are minimized to the greatest extent possible.

See Responses to Comments P28-1 and P28-2.

No other revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P29: Lonna Calhoun – Resident

Commenter P29

**Public Comment related to the Clearwater Sanitation Project:**

Lonna Calhoun, CEM
1570 W. 9th Street
San Pedro, CA
310-569-5438

**Concerns over Landslide Risk:**

As a San Pedro resident and a Certified Emergency Manager I am concerned about the landslide risk in Alternative # 4. My concern is based on my experience in hazard analysis and risk mitigation specifically through 2010-2011 as a consultant for the City of Rancho Palos Verdes where I became interested in landslide activity on the Peninsula.

According to the Clearwater EIR:

Alternative # 4 *"could expose people, structures, or property to major geologic hazards such as landslides, mudslides, or ground failure."*

Alternative # 1 *"would not cross ancient landslides and would not result in renewed landslide movement during construction. Deep-seated ground failure is considered a low geologic hazard during construction. Impacts would be less than significant."*

Knowing that landslides can be caused by manmade activities the question becomes *landslide risk vs. no landslide risk.* I considered previous landslide history: 1929 - Sunken City, 1956 - Portuguese Bend, 1974 - Abalone Cove, 1981 - Klondike Canyon, 1983 - Flying Triangle, 1999 - Ocean Trails Golf Course, 2001 - The Peninsula Center, 2009 - 1800 block of West Paseo del Mar, 2010 – Sunken City Cliff Area, 2011 – Paseo Del Mar. Most notable is the Portuguese Bend Landslide that was triggered by manmade activities. It cost $14.6 Mil in the first year, millions since and the land continues to move at about 3 feet per year. P29-1

I'm concerned because the full scope/cause of the Paseo Del Mar Landslide is still undetermined and the majority of the EIR was completed prior to that event. It was mentioned by a Clearwater representative that there was a 2000 foot buffer between the Paseo Del Mar Landslide and Royal Palms. When you consider the distances between the Peninsula landslides I've listed, 2000 is an insignificant distance.

Furthermore, The EIR states that the Royal Palms site "consists of Altimira Shale". Our landslide vulnerability is due in part because the majority of the Peninsula is underlain by shale and siltstone units of the Monterey Formation. San Pedro News Pilot reported that Mark Pestrella, Assistant Director of Public Works told visiting officials evaluating the Paseo Del Mar slide, "The whole area is unstable"; "This is what we call coastal bluff landslide"; "The material here, because it does not have high cohesion, wants to slip into the ocean."

Our community has suffered a devastating loss with the Paseo Del Mar Landslide. We need better answers to these concerns.

**Request to extend April 10th Public Comment Time:**

Only one poorly attended public comment presentation was made in San Pedro on March 8th and no questions were allowed at that forum. Many residents are still unaware of the potential impact of this project. More marketing of the public comment meetings need to happen and we should have the public comment period extended. The community needs more time for public education P29-2

and public comment that is due to end on April 10th. We should also be able to ask and have questions answered at the public comment meetings.

P29-2 cont.

**Mitigation for San Pedro in compensation for landslide risk:**

If Alternative # 4 of the Clearwater Project is chosen then there should be some compensation made to San Pedro for the landslide risk to our community. While we all benefit from infrastructure improvements this project will not be used by San Pedro residents but will used by LA County residents. San Pedro should not be asked to take the risk without any direct benefit.

P29-3

**Conclusion:**

I do support the Clearwater Project but am concerned with Alternative # 4. I understand the vital importance of improving aging infrastructure and that risk is part of progress. However, the landslide risks to San Pedro should be fully considered, investigated further and the public should be better informed that landslide risk does exist.

P29-4

## Response to Comment P29-1

The comment is concerned that Alternative 4 (the recommended alternative) has the potential to initiate a landslide or ground failure in the surrounding cliffs due to shaft construction at the Royal Palms shaft site.

The draft EIR/EIS discussed the potential for landslides at the Royal Palms shaft site (part of Alternative 4 [the recommended alternative]), in Section 8.4.6.2, Impact GEO-1, Shaft Site – Royal Palms. The draft EIR/EIS stated that the shaft would be constructed in Altimira Shale, which could contain weak layers, and that excavation could result in ground failure in the vicinity of the shaft. The draft EIR/EIS recognized this as a significant impact. Mitigation was included to reduce this impact to less than significant. Specifically, Mitigation Measure (MM) GEO-1 and MM GEO-6a require geotechnical investigation and site-specific recommendations for stabilization of slopes and shaft instability. The mitigation measures state that all recommendations be incorporated into the final design. In addition, MM GEO-6b requires construction monitoring at the shafts and along the onshore tunnel.

In addition, Appendix 8-A of the draft EIR/EIS included a letter report, prepared by Fugro West, that addressed the potential for Alternative 4 (the recommended alternative) to affect slope stability in the Royal Palms area. This report was prepared in response to the recent landslide activity on Paseo Del Mar near White Point State Beach. In summary, the report stated that the Monterey Formation throughout the peninsula can be folded and variable over short distances. Weak bentonitic layers contained within the formation have resulted in some of the landslides when the bedding plane is out of slope (i.e., slopes downhill towards the ocean). In the vicinity of Royal Palms Beach, the bedding planes are sloped in a favorable inclination, which was confirmed during the excavation of the Sanitation Districts of Los Angeles County's (Sanitation Districts') 8- and 12-foot tunnels in 1938 and 1957, respectively. The report concluded that impacts on the stability of the existing slopes in the vicinity of the Alternative 4 alignment resulting from tunnel construction would be unlikely. Furthermore, the reinforced concrete tunnel may improve slope stability. The study recommended that (1) additional geotechnical investigation be conducted during final design and (2) the slopes be instrumented and monitored in advance of, and during, construction activities as a precautionary measure. Implementation of MM GEO-2, MM GEO-6a, and MM GEO-6b would fulfill these recommendations.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P29-2

The comment requests an extension of the comment period for the draft EIR/EIS, stating that only one public meeting was held, with no questions allowed, and that the meeting was not well publicized.

The comment periods for the draft EIR and draft EIS were 60 days and 57 days, respectively, which exceeded the 45-day requirements for both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In addition, the Sanitation Districts and the U.S. Army Corps of Engineers (Corps) have given consideration to all late comments received within a reasonable timeframe that would not delay preparation of the final EIR/EIS.

During the comment period, a total of three public hearings were held in San Pedro, Carson, and Whittier. Notices for the hearings appeared in newspapers and were mailed to approximately 4,000 addresses. In addition, the notices were sent to the State Clearinghouse, published in the Federal Register, posted at the County Clerk's office, and featured on the Sanitation Districts and Clearwater Program websites. The noticing exceeded the requirements of CEQA and NEPA. The purpose of the meetings on the draft

EIR/EIS was to take comments on the document. Each of the comments received is addressed in the final EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P29-3

The comment expresses concern that Alternative 4 (the recommended alternative) has the potential to initiate a landslide or ground failure in the surrounding cliffs due to shaft construction at the Royal Palms shaft site, and the project would not benefit the residents of San Pedro.

See Response to Comment P29-1 regarding landslide or ground failure associated with the project.

The Joint Outfall System (JOS) serves portions of the city of Los Angeles, including areas in the vicinity of the San Pedro community as shown on Figure 7-9 of the draft MFP. The recommended alternative (Alternative 4) would regionally benefit the entire JOS by providing for reliable JWPCP effluent management and would locally benefit the San Pedro community by reducing the potential of having to bypass JWPCP effluent flow into the Wilmington Drain. As described in the draft EIR/EIS, most of the construction-related project impacts would occur at the JWPCP West shaft site, which is located on the border between the city of Los Angeles and city of Carson. The majority of the residences and businesses in the immediate vicinity of the JWPCP West shaft site are within the JOS service area. Additionally, the residents of the South Shores area of San Pedro would benefit from the project because they are within the Sanitation Districts' service area for wastewater treatment.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P29-4

The comment expresses support for the Clearwater Program but concern that Alternative 4 (the recommended alternative) has the potential to initiate a landslide in the surrounding cliffs due to shaft construction at the Royal Palms shaft site.

The Sanitation Districts and Corps appreciate the support expressed for the Clearwater Program. The comment will be provided to the decision makers for their consideration.

See Response to Comment P29-1 regarding landslide potential at the Royal Palms shaft site.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P30: Heal the Bay – W. Susie Santilena, Environmental Engineer, and Kirsten James, Director of Water Quality

Commenter P30

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April 10, 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601
Sent Via email to [shighter@lacsd.org]

**Re: Comments on Clearwater Program Draft Environmental Impact Report**

Dear Mr. Highter:

On behalf of Heal the Bay, we submit the following comments on Clearwater Program ("Program") Draft Environmental Impact Report ("DEIR") issued by the Sanitation Districts of Los Angeles County ("Districts"). We appreciate the opportunity to provide these comments.

Heal the Bay is a nonprofit environmental organization with over 13,000 members dedicated to making the waters of Southern California clean and healthy for marine life and people. Heal the Bay has actively worked to improve water quality in the Santa Monica Bay for over 26 years. In the context of this project, Heal the Bay has long followed water quality regulatory issues associated with the Districts and was a party to the consent decree negotiated in response to the suit USEPA and the California Regional Water Quality Control Board filed against the Districts under Section 309 of the Clean Water Act to comply with full secondary treatment at the JWPCP by December 31, 2002.[1] P30-1

There are aspects of the Clearwater Program we support, such as its goals to create a plan to increase water reuse, to optimize water treatment plants within the Joint Outfall System ("JOS"), and to improve system reliability and accommodate future flows, while protecting public health. However, we have a number of questions and concerns regarding the DEIR that are outlined below. We also offer suggestions for additional options to explore that could ultimately reduce the need for a second outfall. Minimizing discharge is beneficial to overall water quality and avoiding outfall construction is favorable for marine habitat protection. If an outfall project does move forward, it is critical that mitigation take place for marine mammal and marine habitat disturbance.

**The EIR should evaluate water recycling, treatment system upgrades, and discharge to Wilmington Drain as alternatives to the pipeline.** P30-2

[1] *Joint Water Pollution Control Plant, Upgrade to Full Secondary Treatment; Intent To Prepare a Draft Environmental Impact Statement* Federal Register Vol. 60, No. 18 / Friday, January 27, 1995 / Notices P. 5389

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Water Recycling

The EIR should evaluate increased recycling of water at the Districts' seven treatment plants connected to the JOS and expansion of recycled water use throughout its service area as an alternative to the proposed Project. Section 3.3.1.2 of DEIR mentions that JOS is expected to have a treatment capacity shortfall of around 20 million gallons per day (MGD) needed to accommodate future flows, yet it appears that by optimizing treatment plant operations in all of its plants, the Districts will be able to increase water reuse by anywhere from 16-47 MGD. Has there been any analysis to determine if the Districts could increase water recycling instead of building a new tunnel altogether? If so, what were the results? We believe the option of treatment upgrades and increased water recycling either at upstream plants and/or JWPCP is worth investigating and could be included as an additional alternative evaluated in the EIR. Water recycling is an important component of the development of sustainable water resources in both the short- and long-term. In order to further increase water recycling, the Districts should also investigate ways to expand demand and uses for recycled water in its service area. Having "satellite" water recycling plants is also helpful in finding economically viable uses for the water. Have the Districts tried working with CDHP to expand allowable uses of recycled water, such as use for toilet flushing and other indoor non-potable uses?

P30-2 cont.

Advanced Treatment and Discharge to Wilmington Drain and Machado Lake

Proposition O authorized the City of Los Angeles to issue a series of general obligation bonds for up to $500 million for projects to protect public health by cleaning up pollution, including bacteria and trash, in the City's watercourses, beaches and the ocean, in order to meet Federal Clean Water Act requirements. In addition, the measure funds improvements to protect water quality, provide flood protection, and increase water conservation, habitat protection, and open space.[2] Heal the Bay played a key role in securing this funding for projects by strongly supporting Proposition O on the ballot. Heal the Bay also sat on the Proposition O Citizens Oversight Advisory Committee (COAC) that is responsible for monitoring the bond program, projects, budgets and schedules and to advise and report to the Mayor and the Los Angeles City Council on its status. Thus, we are extremely supportive of Prop O projects such as the Wilmington Drain Multi-Use Project and Machado Lake Rehabilitation Project sited at Harbor Park. The City has earmarked Proposition O funding to implement the project by mid-2014. This $117 million project will be the key to meeting the wasteload allocations ("WLAs") in multiple TMDLs aimed at addressing water quality issues in the Lake.

P30-3

Unfortunately, the Machado Lake system is starved for water inputs, partly because the Districts' Bixby Marshland demands most of the dry-weather flows from the Wilmington Drain, which would otherwise feed the lake. In order to meet water quality standards and replenish the lake, the City of Los Angeles is considering replenishing the lake with potable water, a precious resource that must be conserved for other uses. The Notice of Availability that accompanied the

[2] Proposition O Background http://www.lapropo.org/index.htm Accessed 4 Apr. 2012

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DEIR and Section 3.4.1.5 of the DEIR states that if the tunnels were to be damaged or the capacity of the ocean discharge system exceeded, treated JWPCP effluent would need to be bypassed into the Wilmington Drain, a stormwater channel that flows through the Harbor Regional Park (Notice of Availability Page 2, DEIR Page 3-28). This leads us to believe the infrastructure is in place for JWPCP to discharge into the Drain. Is this a correct assumption? Unfortunately, JWPCP's effluent quality currently does not consistently meet all water quality standards for the Lake. Have project proponents investigated the feasibility of upgrading JWPCP treatment to a level where JWPCPs effluent could be regularly discharged to Wilmington Drain to allow for maintenance of the existing JOS tunnel infrastructure? Text within the Draft Clearwater Program Facilities Master Plan ("Draft FMP") insinuates this option was not examined for JWPCP when it states, "Taking into account the facility's current operational effectiveness and efficiency of treatment, consideration of either a new process or significant changes for process optimization are not warranted nor included in this option. As such, any future expansion at the JWPCP would be consistent with current processes and configurations" (Draft FMP Page 6-11).

Our research suggests that Wilmington Drain and Machado Lake have the capacity to handle dry-weather effluent flows from JWPCP. Wilmington Drain had a design capacity varying from 5,400 cfs (approximately 3,500 MGD) at its northern portion near the 110 Freeway to 7,000 cfs (approximately 4,500 MGD) at its southern portion near Machado Lake. This is enough capacity for the 593 MGD discharge from the seven wastewater treatment plants connected to the JOS, along with storm runoff in excess of the 2-year, 24-hour design storm (1500 cfs) through the described stretch of Wilmington Drain.[3] Our understanding is that the lake itself is also equipped to handle large inputs from the Wilmington Drain. Machado Lake is comprised of upper and lower basins separated by a low earthen dam. The upper basin contains the 40-acre recreational lake created by impoundment of stormwater runoff; the lower basin is a seasonal freshwater marsh of roughly 63 acres. The dam was designed to maintain the level of the lake at a maximum of approximately 10 feet above mean sea level. During major storms, water flows over the dam into the lower basin and ultimately to the Harbor Outfall at the southeastern corner of the park, where it is discharged to the West Channel of the Los Angeles Harbor[4] (see Attachment 1).

P30-3 cont.

Given the potential capacity of Wilmington Drain and the need for water inputs to Machado Lake, the Districts should look at the alternative to treat water from JWPCP or upstream plants to a higher level and discharge to Wilmington as an alternative way of relieving pressure on the existing JOS and to allow for its maintenance, as well as to offset potable water usage in Machado Lake and provide other water quality and supply benefits. As a part of the analysis of this alternative, the Districts should confirm maximum capacity of the lake needed to maintain

[3] Source: email correspondence with Los Angeles County Water Resources Department staff 4/3/2012
[4] City of Los Angeles Department of Public Works, Bureau of Engineering. Machado Lake Ecosystem Rehabilitation Project Wilmington Drain Multi-Use Project Pre-Design Report Executive Summary Page 3. July 2009.

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habitat value. The proposed Project is estimated to cost $550 million. How would this compare to the cost of advanced treatment at JWPCP and/or upstream plants? Project proponents should investigate this option to eliminate the need for an additional tunnel. As an added benefit, a portion of the advanced treated water could be sold to industrial users, used for indirect potable use and groundwater replenishment, or sold to other entities to recoup a portion of the costs of advanced treatment. Investing in advanced treatment would also help the Project meet its goal of providing "a long-term solution for meeting water quality requirements set forth by regulatory agencies" (Public Notice Page 2). Advanced treatment may provide high enough quality water so that flows intermingled with secondary treated water could still meet waste load allocations when discharged to Wilmington Drain, allowing for even more relief to the overtaxed system. As a side question, what are the maximum flows that can exist in the current outfall tunnel that would allow for repairs? This information can also be factored into this alternative. P30-3 cont.

Other treatment plants have opted to install advanced treatment as an alternative to building a second ocean outfall. For example, when faced with the possibility of having to build a second ocean outfall that would have cost approximately $200 million, the Orange County Sanitation District instead partnered with the Orange County Water District to create the Groundwater Replenishment System – the world's largest wastewater purification system for indirect potable reuse. This system treats and reuses 70 MGD of treated wastewater for a saltwater intrusion barrier and to replenish groundwater basins.

**Project proponents should work towards 100% beneficial reuse of any dredged material resulting from the proposed Project.**

Over the past fifteen years, Heal the Bay has worked with the Los Angeles Contaminated Sediments Task Force and others to develop solutions the management of contaminated sediment and other dredged material in the Los Angeles Region. The *Los Angeles Regional Contaminated Sediments Task Force: Long-Term Management Strategy* contains a goal for projects to beneficially reuse 100 percent of dredged contaminated sediment. We are disappointed to learn that over 30 million cubic yards of material from dredging activities associated with the project could potentially end up at USEPA's open-ocean dredged disposal sites LA-2 and LA-3. Section 13.4.1 states "Suitable dredge and tunnel spoils as a result of construction activities would be disposed of at LA-2 or LA-3, or sidecast, if practicable, for graded seafloor sediments." (DEIR Page 13-44). This is an enormous amount of material and would be a huge waste. While this material might not be considered "contaminated," it is important that it is beneficially reused instead of being disposed of in the ocean. Clean material does not require the same level of containment and caution in its handling as contaminated material; hence, there should be more potential uses for this material in coastal and inland projects. For instance, if physically compatible with beach sands, clean sandy dredged material may be used for beach nourishment. In addition, a large amount of clean material is needed for capping the USEPA's Superfund Site off of Palos Verdes Shelf. Barging material six miles offshore and dumping in the ocean disposal P30-4

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sites is not logical when the material is clean enough to be beneficially reused in local projects. Project proponents should exhaust all other beneficial reuse options prior to choosing offshore disposal at LA-2 and LA-3. Also, the Districts should work with other dredging project proponents, the Los Angeles Regional Water Quality Control Board, the Army Corps of Engineers, and the other regulatory entities involved in the Dredged Materials Management Team to develop a specific plan for beneficial reuse as soon as possible that includes interim goals with a timeline to reach the 100 percent reuse goal.

P30-4 cont.

**Project Proponents should promote water use efficiency and conservation measures to further reduce future capacity shortfalls of the JOS.**

We encourage project proponents to look for additional ways to encourage ratepayers to conserve water and take pressure off of the Joint Outfall System, including promoting the use of waterless urinals (which each save an average of 20,000-45,000[5] gallons of potable water annually) instead of conventional urinals within commercial properties. The current precarious state of our water supply in California necessitates that our region reduces potable water usage and conserves water to the greatest extent possible. As you know, water rates are increasing throughout our region, mainly due to water shortages and the need to repair our aging water infrastructure. Water shortages are expected to worsen due to climate change and population growth. Project Proponents should: a) make sure these factors are considered in its projections for increased water demand, and b) utilize public outreach, financial incentives, and other resources to further encourage water conservation among its user base.

P30-5

It is crucial that project proponents address these issues discussed above. If you have any questions or would like to discuss any of these comments, please feel free to contact us at (310) 451-1500.

Sincerely,

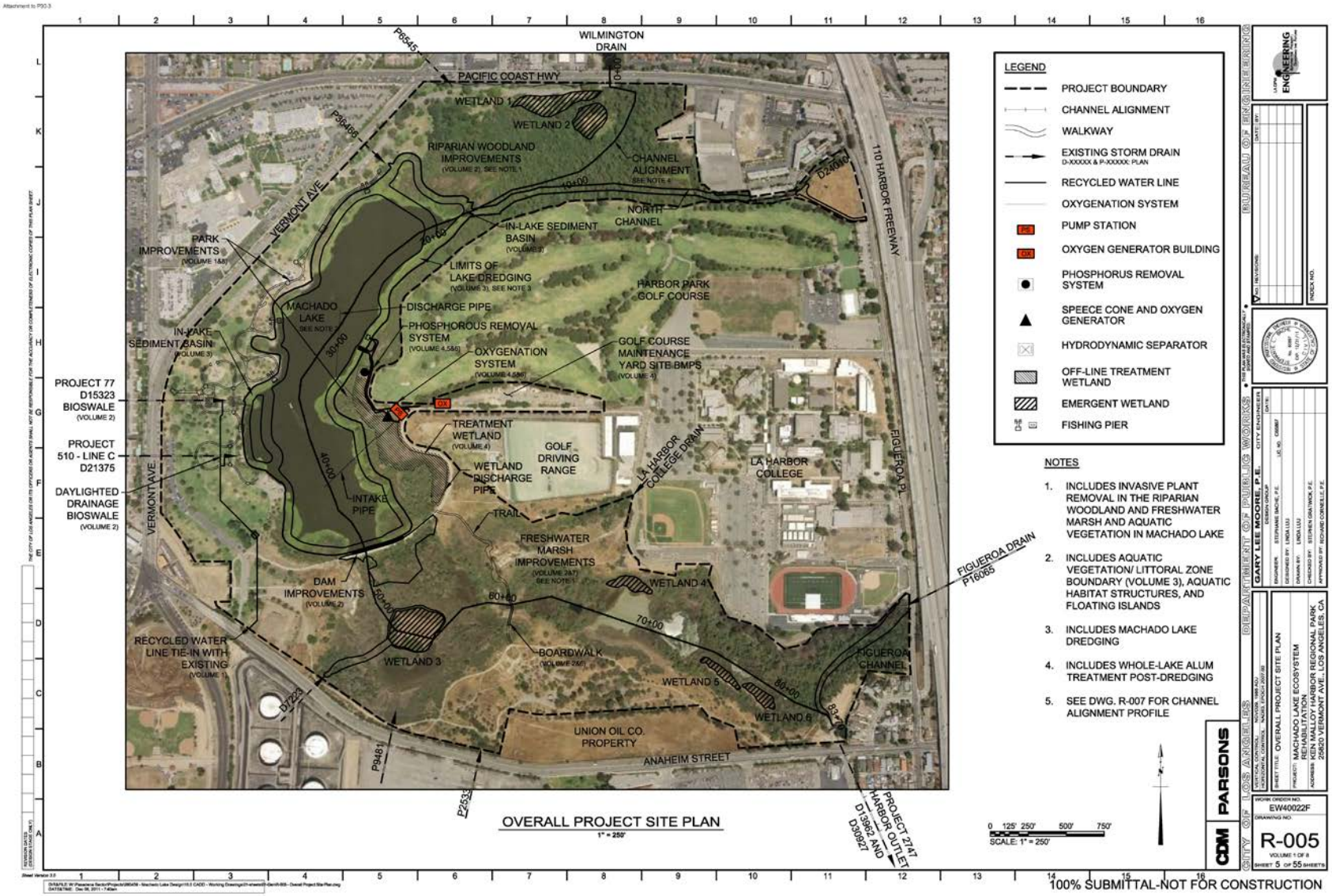
W. Susie Santilena
Environmental Engineer/Water Quality

Kirsten James
Director of Water Quality

[5] Waterless.com Homepage: Water Conservation. http://www.waterless.com/index.php?option=com_content&task=view&id=17&Itemid=44

Attachment to P30-3


2 | EXECUTIVE SUMMARY JULY 2009


WILMINGTON DRAIN
PACIFIC COAST HWY
WETLAND 1
WETLAND 2
RIPARIAN WOODLAND IMPROVEMENTS
CHANNEL ALIGNMENT
110 HARBOR FREEWAY
VERMONT AVE
NORTH CHANNEL
IN-LAKE SEDIMENT BASIN
PARK IMPROVEMENTS
LIMITS OF LAKE DREDGING
HARBOR PARK GOLF COURSE
MACHADO LAKE
DISCHARGE PIPE
PHOSPHOROUS REMOVAL SYSTEM
OXYGENATION SYSTEM
GOLF COURSE MAINTENANCE YARD SITE BMPS
PROJECT 77 D15323 BIOSWALE
PROJECT 510 - LINE C D21375
DAYLIGHTED DRAINAGE BIOSWALE
TREATMENT WETLAND
GOLF DRIVING RANGE
WETLAND DISCHARGE PIPE
INTAKE PIPE
LA HARBOR COLLEGE DRAIN
LA HARBOR COLLEGE
FIGUEROA PL
TRAIL
FRESHWATER MARSH IMPROVEMENTS
FIGUEROA DRAIN P16065
DAM IMPROVEMENTS
WETLAND 4
RECYCLED WATER LINE TIE-IN WITH EXISTING
WETLAND 3
BOARDWALK
WETLAND 5
WETLAND 6
FIGUEROA CHANNEL
UNION OIL CO. PROPERTY
ANAHEIM STREET
PROJECT 274 HARBOR OUTLET D13962 AND D30927
LEGEND
PROJECT BOUNDARY
CHANNEL ALIGNMENT
WALKWAY
EXISTING STORM DRAIN
RECYCLED WATER LINE
OXYGENATION SYSTEM
PUMP STATION
OXYGEN GENERATOR BUILDING
PHOSPHORUS REMOVAL SYSTEM
SPEECE CONE AND OXYGEN GENERATOR
HYDRODYNAMIC SEPARATOR
OFF-LINE TREATMENT WETLAND
EMERGENT WETLAND
FISHING PIER
NOTES
1. INCLUDES INVASIVE PLANT REMOVAL IN THE RIPARIAN WOODLAND AND FRESHWATER MARSH AND AQUATIC VEGETATION IN MACHADO LAKE
2. INCLUDES AQUATIC VEGETATION/ LITTORAL ZONE BOUNDARY (VOLUME 3), AQUATIC HABITAT STRUCTURES, AND FLOATING ISLANDS
3. INCLUDES MACHADO LAKE DREDGING
4. INCLUDES WHOLE-LAKE ALUM TREATMENT POST-DREDGING
5. SEE DWG. R-007 FOR CHANNEL ALIGNMENT PROFILE
OVERALL PROJECT SITE PLAN
1" = 250'
SCALE: 1" = 250'
CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
PARSONS
OVERALL PROJECT SITE PLAN
MACHADO LAKE ECOSYSTEM REHABILITATION
KEN MALLOY HARBOR REGIONAL PARK 25820 VERMONT AVE., LOS ANGELES, CA
EW40022F
R-005
100% SUBMITTAL-NOT FOR CONSTRUCTION

## Response to Comment P30-1

The comment provides background information about Heal the Bay and serves as an introduction to subsequent comments. See Responses to Comments P30-2 through P30-5.

## Response to Comment P30-2

The comment asks if the Sanitation Districts of Los Angeles County (Sanitation Districts) have analyzed the potential for increased water recycling at the upstream water reclamation plants (WRPs) to obviate the need to build a new tunnel and because of its importance to water resource sustainability. The comment also suggests that the Sanitation Districts investigate ways to expand demand and uses for recycled water in the Joint Outfall System (JOS) service area.

The Sanitation Districts recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." Under the recommended plan (Alternative 4), as described in Chapter 7 of the draft MFP, projected increases in wastewater flow would be accommodated through a 25-million-gallons-per-day (MGD) expansion of the SJCWRP West. As described in Chapter 1 of the draft Master Facilities Plan (MFP), the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 WRPs that produce approximately 165 MGD of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County for groundwater replenishment; industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. The other (unused) half of the recycled water produced is currently wasted, and discharged to nearby receiving waters (i.e., rivers, creeks, and channels) that convey it to the ocean.

While efforts to increase reuse at the JOS WRPs through coordination with local water agencies and regulators are ongoing, the anticipated success of these efforts will have no bearing on the need to build a new effluent tunnel at the Joint Water Pollution Control Plant (JWPCP). The permitted capacity of the JWPCP would remain at 400 MGD, and the associated peak flows of 927 MGD would require an approximately 18-foot-diameter (internal) effluent tunnel. Therefore, even if the Sanitation Districts could achieve the goal of 100 percent reuse at the WRPs, there would not be a commensurate reduction in wastewater flow to the JWPCP; there would only be a reduction to what is currently discharged to the receiving waters by the WRPs.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P30-3

The comment encourages the construction of advanced wastewater treatment at the JWPCP and discharge to Wilmington Drain as a potentially cost-effective alternative to a new tunnel and outfall. It states that Machado Lake needs supplemental water and that recycled water would be preferred over potable water. The comment suggests that new treatment may be more cost-effective than a new tunnel. It also claims that Machado Lake lacks water inputs that are instead used for the Sanitation Districts' Bixby Marshland.

Chapter 6 of the draft MFP explored the possibility of providing advanced treatment (such as microfiltration/reverse osmosis, ultraviolet disinfection, and advanced oxidation) at the JWPCP. Specifically, Section 6.2.6 of the draft MFP analyzed the feasibility of diverting enough flow from the

existing JWPCP ocean discharge system to allow for the inspection and repair of each of the existing tunnels (Option JE 4 Reduced Ocean Discharge). To accommodate reuse and storage of the required 200 MGD of diverted flow, advanced treatment would be necessary. This reduced ocean discharge option specifically contemplated diversion of this advanced-treated effluent to the Central, West Coast, and/or Main San Gabriel Basins for groundwater recharge (i.e., indirect potable reuse). However, the reduced ocean discharge option was determined to be not viable for reasons presented in Section 6.2.6.5 of the draft MFP and thus was not further evaluated in the draft EIR/EIS.

Alternatively, as suggested by this comment, the advanced-treated effluent under the reduced ocean discharge option could potentially be discharged to the Wilmington Drain. However, this discharge location shares many of the same concerns discussed in Section 6.2.6.5 of the draft MFP, including those relating to constructability, operational flexibility, reliability, and familiarity. Hydraulically separating the two existing tunnels while both are flowing full each day would be a complex undertaking. Only then could flow be diverted to one tunnel, with the balance of the flow being diverted to the advanced treatment facilities for discharge to the Wilmington Drain so that inspection/repair work could ensue in the other dewatered tunnel. Tunnel inspection/repair would need to occur during the dry season when flows are typically lower. However, there would always be the risk of a severe unseasonal storm event that could overwhelm the advanced treatment facilities and thus require a portion of the secondary-treated JWPCP effluent to be diverted directly to the Wilmington Drain in violation of the JWPCP discharge permit. This option would also require the operation of a completely new and complex treatment system to enhance the JWPCP's effluent quality. Lack of familiarity and system complexity would reduce the options' overall operational reliability. And, even if all of these impediments could be overcome, it would be very difficult to implement this option within a reasonable timeframe (i.e., approximately 10 years).

A reduced ocean discharge option that relies on discharge to the Wilmington Drain raises other concerns beyond those discussed in Section 6.2.6.5 of the draft MFP. First, the Wilmington Drain flows directly into Machado Lake, which is currently slated for major restoration. The restoration project includes providing an average of 1 cubic feet per second (0.6 MGD) of recycled water from the Terminal Island WRP to supplement flow already provided by the Wilmington Drain. According to the project manager, the 200 MGD the Sanitation Districts would need to divert to the Wilmington Drain would far exceed the average daily flows for which the Machado Lake restoration project is being designed and could potentially result in adverse impacts. A flow of this magnitude would exceed the capacity of the low-flow outlets in the Machado Lake dam. Consequently, there would be permanent overflow of the dam during the summer, cutting the east side of the lake off from the west, thus restricting public access to the park facilities. The proposed lake edge planting and terrace, pedestrian bridge in the lower freshwater marsh, and pedestrian walkway could be affected as well. The trash net system operating in the Wilmington Drain could also be impacted, as could the ecosystem in the Wilmington Drain, which provides habitat for the protected least Bell's vireo (Ahmed pers. comm.). Second, the primary function of the Wilmington Drain is to provide flood control for the local area, and storm flows in the Wilmington Drain have historically reached or exceeded its capacity. For example, as a result of a 1995 storm event, the Wilmington Drain overflowed its concrete channel next to the JWPCP and came within inches of overflowing a berm located between the drain and the plant. Consequently, because of the potential for a significant storm event at any time during the year, the Sanitation Districts cannot reliably discharge any amount of JWPCP effluent to the Wilmington Drain. Third, discharge to the Wilmington Drain would require a significant investment in facility upgrades at the JWPCP. It is estimated that the required treatment and storage facilities would cost over $1 billion, and there are no confirmed local reuse opportunities to offset these costs through the sale of the recycled water.

Finally, the recommended alternative (Alternative 4) provides benefits that would not be realized under the reduced ocean discharge option. As discussed in Chapters 1 and 7 of the draft MFP and in Chapter 1 of the draft EIR/EIS, in addition to aging infrastructure concerns, the existing tunnels cross the active Palos Verdes Fault and cannot accommodate projected peak wastewater flows associated with major storm events. A new tunnel would be constructed to current seismic standards and would have a hydraulic capacity of approximately 1,080 MGD, which can accommodate the peak storm flows of 927 MGD projected for the year 2050. Therefore, the reduced ocean discharge option, with or without utilization of the Wilmington Drain as a discharge location, is not viable and was not further analyzed in the draft EIR/EIS as a feasible project alternative.

Additionally, the Sanitation Districts' Bixby Marshland is designed to return stormwater and urban runoff flows back to the Wilmington Drain upstream of Machado Lake while providing wetland habitat to a variety of birds, animals, and plants. Therefore, the Bixby Marshland does not reduce water inputs to Machado Lake.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P30-4

The comment requests that the project beneficially reuse all dredged material if feasible. All other options should be exhausted before choosing offshore disposal, in accordance with a management strategy developed by the Los Angeles Regional Contaminated Sediments Task Force. The comment suggests specific beneficial reuse options and all relevant project and regulatory entities to facilitate a reuse plan.

The only marine work proposed under Alternative 4 (the recommended alternative) would be the rehabilitation of the existing ocean outfalls. As described in Section 7.2.5.4 of the draft MFP, Section 3.3.2.3 of the draft EIR/EIS, and the draft Executive Summary, rehabilitation of the existing ocean outfalls would include re-ballasting and joint repairs. Rehabilitation of the existing ocean outfalls would not require mechanical dredging or removal of large quantities of sediment. A small derrick barge would be used to place the ballast rock around the outfalls and to support the joint repair work. The re-ballasting work would occur on the existing 72-, 90-, and 120-inch outfalls in water depths ranging from approximately 20 to 50 feet. A tube extending from the barge deck to the ocean floor would ensure that placement of ballast rock would not extend beyond the existing footprint. Joint repairs would require the temporary removal of sediment and ballast rock to fully expose the joint being repaired. A team of divers would remove the ballast rock and hand-shovel approximately 2 cubic yards of sediment from each joint. A coupling, which is a giant clamp that wraps around the joint, would be installed and the annular space filled with concrete. The sediment and existing ballast rock would be replaced around the pipe, and additional ballast rock would be placed as needed. Cathodic protection would also be restored or added where necessary. It is estimated that approximately 10 to 40 joints would require repair, resulting in the hand removal of approximately 20 to 80 cubic yards of sediment. Therefore, because no mechanical dredging would be associated with Alternative 4 (the recommended alternative), the rehabilitation work would entail removal of *de minimis* quantities of sediment, none of which would require offshore disposal at LA-2 and LA-3.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P30-5

The comment encourages project proponents to promote water use efficiency and conservation to further reduce capacity shortfalls of the JOS.

The Sanitation Districts agree that water use efficiency and conservation measures can effectively reduce future capacity shortfalls of the JOS. The flow projections presented in Section 4.8 of the draft MFP were based on a per-capita wastewater generation rate derived over an 8-year period that included years of sustained drought conditions and increased water conservation efforts. The resulting per-capita generation rate was determined to be 83 gallons per capita per day (gpcd), which is 18 percent lower than the 101-gpcd rate used for the previous JOS facilities planning effort in 1995. Although the Sanitation Districts have historically supported water conservation within the JOS service area, and will continue to do so, the California Health and Safety Code limits what the Sanitation Districts can do to promote water conservation. Additionally as described in Section 3.6.2 of the draft MFP, state regulations require the capacity of sanitary sewer systems to be appropriately designed to reasonably prevent overflows. Therefore, as previously discussed, Alternative 4 (the recommended alternative) would benefit the entire service area by providing adequate system capacity, improving overall system reliability, and reducing the risk of discharges to the Wilmington Drain or sewer overflows.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P31: Sierra Club Angeles Chapter – Charming Evelyn, Chair, Water Committee

Commenter P31

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April 10, 2012

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**RE: Comments on Clearwater Program Draft Environmental Impact Report/ Environmental Impact Statement**

The following comments are submitted on behalf of the Sierra Club Angeles Chapter in response to the Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS) prepared for the Clearwater Program.

We recognize the need for an additional tunnel from the Sanitation Districts' Joint Water Pollution Control Plant (JWPCP) in Carson to the ocean, (1) in order to inspect, and if necessary, repair the existing tunnels and (2) to provide additional capacity for possible future high-flow storm events such as happened in January 1995. Such storm events are likely to become more frequent with global warming. Also, sea level will continue to rise because of global warming, so that there will be decreased hydraulic head between the JWPCP and the ocean outfall. P31-1

Clearwater construction would *yield of 165 million gallons per day of high quality recycled water*. That Clearwater elevates recycled water to major player status in our local water resources inventory is only hinted at in this report.

After review of the DEIR/DEIS, we believe that this document is inadequate to meet CEQA requirements.

**Chapters-Number/Titles p.Chap.N-pg #** Text-Quotation ***Comments***

***ES-1 Executive Summary (DEIR and MFP) is based on inadequate and incomplete assessment of Program and a single Project impacts, their significance, and appropriate mitigations (see comments below) and therefore must be considered as incomplete and inadequate and must be reviewed and revised in accordance with revisions of the DEIR for adequacy and completeness.*** P31-1 cont.

**p.ES-3** The wastewater from homes and businesses flows...to seven wastewater treatment plants with a combined permitted capacity of 593 MGD.
**p.ES-4** Approximately one-third of the wastewater...is treated at six WRPs...produce high-quality recycled water that is beneficially reused (e.g., landscape irrigation and groundwater recharge)...remaining two-thirds, which includes saltier industrial wastewater...is treated at...JWPCP in Carson...solids removed at the WRPs...returned to the trunk sewers to be **cost-effectively** processed at the JWPCP.
***ES-2 This part of the project description clearly indicates that the six upper WRPs do not provide complete sewage treatment (e.g., sludge digester, dewatering, and storage/transport) or cause the same environmental effects as those of the JWPCP in Carson. Thereby the upper WRPs and their service areas (above +300ft elevation) avoid impacts from sludge processing and disposition but receive benefits (e.g., abundant cheap treated recycled irrigation water) which are not available to lower service areas' residents and in Carson (those below +300ft elevation). As these areas represent different communities with different economic, ethnic, and other relationships, these difference become the basis for comments on environmental justice elsewhere. The current and proposed Programmatic effects are significant and continuing and avoided throughout the DEIR. The current and proposed projects and Program must address adequately and completely the differences between benefits and effects in the upper and lower service areas and facilities before any new facilities are proposed.*** P31-2

**p.ES-7 CLEARWATER PROGRAM GOALS *[vs]* OBJECTIVES** The Clearwater **Program...objectives**:
*Provide adequate system capacity to meet the needs of the growing population.*
*Provide for overall system reliability by allowing for the inspection, maintenance, repair, and replacement of aging infrastructure.*
*Provide support for emerging recycled water reuse and biosolids beneficial use opportunities.*
*Provide a long-term solution for meeting water quality requirements set forth by regulatory agencies.*
***ES-3a The Executive Summary and DEIR fails to provide the "Goals" of the Program or Project and the preparers appear to have confuse objectives and goals without definitions of the terms. All sections fail to provide shorter term, dated and quantitative expected/planned achievement (=objectives). Therefore the provided "objectives" are incomplete and inadequate or they are goals and no objectives are provided.*** P31-3

**Appendix 1-A PRELIMINARY SCREENING ANALYSIS, Chap.2 p.1-A 2.2 2.1.3 Clearwater Program Objectives** The Clearwater Program is necessary to ensure adequate JOS wastewater system capacity and reliability through the year 2050...following objectives were P31-4

identified in the Master Facilities Plan (MFP) and are the **California Environmental Quality Act (CEQA) objectives**: *List is identical with those of p.ES-7*
*ES-3b The Executive Summary provides similar Program "objectives" while the Screening further emphasizes capacity and reliability, and both do not provide the 2050 Goals on which the objectives would be based. Therefore the fundamental basis for alternatives and proposed Program components and the Project itself are inadequately developed and not based on scheduled and quantitative parameters and criteria.*

P31-4 cont.

**p.ES-7** ...**philosophy** is to design, construct, and maintain **reliable** systems that have **sufficient capacity and redundancy** to provide the **highest level of public safety and environmental protection**. These systems are maintained with routine inspection, repair, and/or replacement as required....critical component...onshore tunnels for the existing ocean discharge system, has not been inspected for over 50 years. Both tunnels cross the active Palos Verdes Fault, which is an additional **area of concern**...Districts have **no reason** to believe **serious** problems exist...imperative that they be **properly** inspected. Addressing aging infrastructure is an **important objective** of the Clearwater Program.
*ES-4a Engineering is not philosophy although the remainder of the paragraph contains many undefined, arbitrary, and unquantitative words and phrases. If aging is an important objective why wasn't it place specifically in the list of objectives. Aging and redundancy are not defined but would be estimated, say 100-yr life of project (along a depreciation or capital replacement provision) or 25% capacity, in order to quantify the aging and related redundancy/reliability. Lack of timely proper inspection and maintenance (=deferred maintenance) are reasons for existence of serious problems, if not in the physical facilities, in the management of those facilities. Similarly deferred maintenance relates to O&M costs of facilities and rates , and managements' apparent avoidance of costs with increased risks/costs of failures for those in the lower portions of the sewerage network.*

*Before committing to an additional tunnel ending at White Point, geotechnical field studies must be done to determine whether this route can be built without impact.*

P31-5

**p.ES-8.a PURPOSE AND NEEDS** ...rely on two onshore tunnels...have not been inspected...due to their overall length, limited access, interconnections between the tunnels, and continuous flow through the tunnels...flows...from these storm events nearly exceeded the capacity of the JWPCP ocean discharge system. If...damaged or the capacity of the ocean discharge system exceeded, treated JWPCP effluent would need to be bypassed into the Wilmington Drain...through Harbor Regional Park. If sufficient capacity were not available in the Wilmington Drain, the sewers tributary to the JWPCP could overflow and untreated wastewater could enter various water courses, such as the Dominguez Channel and the Los Angeles River.
*ES-5a The DEIR and ES do not provide the relationship of Goal(s), Objectives, Purpose(s) and Needs nor their definitions.*
*ES-5b All risks of adverse effects from expected overflow problems are focused in the Carson-San Pedro area and not in the upper service areas (north of I-5) which have been in place for decades. This again demonstrates assignment of risks and adverse effects toward the lower and benefits in the upper services areas. The proposed Project is, in part only, aimed at reducing the risks to the communities from Carson southward which in*

P31-6

***itself would benefit, reduce risks of overflows and malfunctions of the onshore outfall, while increasing the concentration of sludge processing and impacts for residents of the lower service areas. Assessment of benefits and impacts for the lower service areas' compared to upper service areas' is not provided in the DEIR. As indicated herein, the benefits and impacts must be quantified and balanced else wise "net-impact(s)" should be considered as significant.***

P31-6 cont.

**p.ES-8.b** The **project purpose and needs** are to inspect and upgrade the aging ocean discharge system, to provide sufficient capacity in the JOS to accommodate the estimated 2050 peak wastewater flows, and to comply with all applicable water quality standards...prohibiting sewer overflows...Program evaluates both modifying the existing ocean discharge system and constructing a new ocean discharge system.

***ES-6 These Project purpose(s) and needs (inspect/upgrade discharge-on/offshore) are not related to the Program and Project goals and objectives and the Program purpose(s) and needs.***

***Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-7

**p.ES-9 PROGRAM-WIDE ALTERNATIVES ANALYSIS AND RECOMMENDATIONS JOINT OUTFALL SYSTEM COMPONENT AREAS** For the purposes of developing and evaluating **program-wide alternatives**, the JOS was divided into...: Wastewater Conveyance and Treatment WRP Effluent Management Solids Processing Biosolids Management JWPCP Effluent Management

***ES-7a The proposed Program continues and emphasizes distinctions between the five-six WRPs (upper system) and the JWPCP area and again demonstrates assignment of benefits in the upper services areas and continues and increases effects of sludge management in the lower service areas. The five proposed Program elements predominately involve how to get increased sludge generation in the upper service areas down to JWPCP and disposal of treated effluent without recycling. As indicated above, the Program assigns treated WRP effluent for recycled irrigation, recharge, and streamflows to benefit the upper service areas, while sludge and other "non-compliant stream discharge" flows to the regional "sewers" also continues and increases upper sludge discharged for treatment in the JWPCP.***

***ES-7b The DEIR does not clearly provide adequate nor complete assessment of the sludge processing and differential focus of benefits/impacts for upper and lower service areas. Lower service areas do not receive benefits of recycling***

***ES-7c No alternatives are developed nor screened to increase in-door water conservation/sewage reduction in upper service areas and to reduce their liquids/sludge flows to and their impacts on the lower service areas and needs for new ocean outflows and risks of overflows.***

***Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-8

**p.ES-13 PROJECT-SPECIFIC ALTERNATIVES ANALYSIS AND RECOMMENDATIONS OCEAN DISCHARGE SYSTEM PROJECT ELEMENTS**
...**purposes** of developing and evaluating project-specific alternatives, the...project was divided into...five elements based on primary functionality: JWPCP Shaft Site Onshore Tunnel Alignment Intermediate Shaft Site Offshore Alignment Diffuser Area.

***ES-8a Project purposes, needs, goals, and objectives are not clearly defined. The Project alternatives have been developed without the simplest onshore outfall element alternatives: Straight Alignment from either the west JWPCP Shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***

***ES-8b No study in the DEIR provides an overall sewerage liquid/sludge conservation/management alterative for both upper and lower services' areas with an objective of say 10% reduction in WRP flows to JWPCP and 15% reduction in discharge to the Onshore Tunnel by 2030.***

***ES-8c No study in the DEIR provides an overall hydrological modeling, conducted to locate "best" marine water quality locations for 50-100% increased discharge by 2050.***

***Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-9

**p.ES-19 PROJECT-SPECIFIC RECOMMENDATIONS** Alternative 4...highest-ranked **feasible** alternative and thus is the recommended project...maximum hydraulic capacity...accommodate the peak wastewater flows...for the year 2050.

***ES-9 The Recommendations of the DEIR are based on the undefined "feasible" (technically, financially, administratively, etc.), and the ranking is based on undefined and unquantified goal(s), objectives, purpose(s), and needs without quantified criteria levels to assess feasible vs infeasible.***

***Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-10

**p.ES-22 Project Implementation Schedule** The estimated implementation schedule for the **recommended project** is shown below. The actual schedule could vary depending on...considerations.

***ES-10 No Program Schedule has been presented other than 2050 for all Program's projects in order to understand the relationship of the ocean discharge vs water conservation, improved recycling in the upper service areas, and eventual upgrading to advanced secondary or tertiary for recycling and reuse.***

***Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-11

**p.ES-24 ENVIRONMENTAL REVIEW** In conformance...joint EIR/EIS...assess the environmental impacts of the **recommended plan**...identified in...MFP. Both program-wide and project-specific recommendations comprise each alternative.

***ES-11 The only "recommended plan" (presumably the proposed Project or Recommended Alternative, Alternative 4) does not incorporate even a tentative program-wide projects'***

P31-12

***recommendations in order to understand and assess impacts of both the specific Project and others of the Program.***

***Without clear and consistent definition of the proposed Project, the recommended plan and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-12 cont.

**p.ES-24 CEQA Scope of Analysis** The EIR...**Program** provides a **program**-level environmental assessment of the following **program** elements:

**conveyance improvements, plant expansion, process optimization,** WRP effluent management, solids processing, and biosolids management.

***[p.ES-9 states program items - Wastewater Conveyance and Treatment, WRP Effluent Management, Solids Processing, Biosolids Management, JWPCP Effluent Management]***

Because these elements would not be implemented in the **near future and/or the actual construction locations are unknown (e.g., sewer relief projects), the project specifics are too speculative for a detailed analysis.**

***ES-12a The CEQA Program analysis can easily propose a "conceptual base-case" for one set of feasible "projects" which would serve the population of the service areas in 2050 and be integrated with the proposed Project from the JWPCP and seaward.***

***ES-12b Even within the Executive Summary differences in Program elements differ as they do in the DEIR text - adding JWCP effluents, while lumping plant expansion and process optimization within joint Wastewater Treatment.***

***ES-12c No Program Schedule has been presented other than 2050 for all other projects in the Program, although a 2050 timeframe does not equal useful life of the Program or the Project projects. A "conceptual base-case" overall program and optimal feasible schedule can and should be provided.***

***Without clear and consistently applied definitions and a base-case program plan and schedules, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-13

**p.ES-24** The EIR for the Clearwater Program provides a **project-level environmental assessment of the JWPCP effluent management project alternatives.** The alternatives are divided...for analysis: onshore tunnel alignment, offshore tunnel alignment, JWPCP shaft site, intermediate shaft site, and diffuser area.

***ES-13a Please not that even on the same page (ES-11 - perhaps as WRP Effluent Management) and in the related sections of the DEIR, the classification of the proposed Project is not included as JWPCP Effluent Management (ES-9) in the initial portion of the ES section.***

***ES-13b The Project alternatives have been developed without the simplest onshore outfall element alternatives: Straight Onshore Tunnel Alignment from either the west JWPCP shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***

***ES-13c The Project alternatives have been developed without delineation of the best offshore diffuser areas with existing and future discharges and the marine and maritime environments offshore of Royal Palms or Angels Gate. Other sections and appendices of the DEIR do not start from the basic premise of locating the best-case area for treated***

P31-14

*sewage diffusion and then working back to onshore facilities all of which maybe within 10-15% of the total length of the recommended Alternative 4.*

*ES-13d The Project also includes elements upstream of the effluent system but related to the current and future flows through the JWPCP effluent system alternatives.*

*Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.*

P31-14 cont.

**p.ES-24** Prior to approval of any future projects related to the **program elements**, the environmental impacts would be **reassessed, and appropriate environmental documentation** would be prepared at that time.

*ES-14 Given the lack of definitive future Program projects, their schedules, and integration with the recommended Project, no other project should be considered to be included in this Programmatic EIR and future project must be separately assessed within Supplemental EIRs at the least.*

*Without clear and consistently applied definitions, the recommended project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.*

P31-15

**p.ES-27 SIGNIFICANT UNAVOIDABLE IMPACTS** ***[Project]***

*ES-15 Most if not all of the identified significant adverse effects of the Program and recommended alternative (No.4) can be further mitigated or compensated by existing technologies and changes in designs and may be reduced sufficiently so as to eliminate significant unavoidable impacts. As an example, an alternative onshore tunnel alignment would avoid the more circuitous alignment of Alternative 4 and reduce anticipated alignment impacts by 10-20%. Other alternative mitigation and/or compensatory measures will be provided as appropriately below.*

*Without consideration of a direct onshore alignment, screening and recommendation of an effluent project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.*

P31-16

**p.ES-28 Air Quality** Significant and unavoidable peak day air quality impacts would occur at a regional level...would exceed the Southern California Air Quality Management District daily significance thresholds for construction-related emissions **before mitigation**.

*ES-16 Construction emissions for tunneling can be greatly reduced by alternative electrical or LPG/CNG powered and slurry-line systems compared to the diesel fuelled "locomotives". The JWPCP facilities currently do dewatering and have staff experience and facilities and thereby can deal with dewatering in a more efficienct manner.*

*Without consideration of alternative conveyance systems for tunnel debris, the recommendation of an effluent project (Alt.4) and assessments of unavoidable and significant impacts thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.*

P31-17

**p.ES-28** Specifically, Alternatives 1, 3, and 4 would exceed thresholds for volatile organic compounds (VOC) and nitrogen oxides (NOX)...Although mitigation would reduce emissions, impacts would remain significant for NOX for all alternatives...significance is **directly related**

P31-18

**to the length of the alignment**, the **duration of construction**, and the **overlap of elements during construction**...Alternative 4 has the smallest emissions contribution of the four alternatives and would be the preferred alternative based on air emissions.

***ES-17 Construction emissions for tunneling can be greatly reduced by alternative direct tunnels rather than those proposed and recommended. Additional alternative onshore and offshore tunnel alignments can further reduce emissions below those of considered alternatives and changes in conveyance system can greatly reduce the emissions.***

***Without consideration of alternative alignments and conveyance systems, assessments of unavoidable and significant impacts thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-18 cont.

**p.ES-28 Cultural Resources** **Significant and unavoidable impacts on paleontological resources would occur during construction**...rock face being removed during onshore and offshore tunnel construction **could not be observed** for the presence of paleontological resources; thus, if present, paleontological resources would be destroyed by the TBM. Likewise, at a certain depth, paleontological resources may be encountered during construction at the shaft sites; these resources could not be observed and, if present, would also be destroyed...relatively equal across the alternatives...more paleontological resources would be encountered in the longer alignments...based on alignment length. Alternative 4 would be the preferred alternative with regard to paleontological resources based on alignment length.

***ES-18a Construction impacts on fossils can be greatly reduced by:***

- ***Early geotechnical sampling, analyses, and reporting for shafts and tunnel alignments,***
- ***Geological investigations to establish most-likely locations to encounter fossils prior to construction***
- ***Site/Locations identification as to probable fossiliferous locations based on stratigraphy and drilling information***
- ***Sampling, analyses, and reporting fossiliferous deposits encountered during excavations***
- ***Develop/operate sampling systems for shaft and slurry/debris from tunneling excavations***

P31-19

***ES-18b DEIR preparer does not recognize what fossils are. Fossils include foraminifera, diatoms, shells, and bones but the assessment appears to be focused on "bones".***

***Without consideration of all fossils and of many opportunities that paleontologists have implemented, the assessment appears to be totally inadequate and incomplete which in turn assigns unavoidable and significant impacts when in fact such impacts can be mitigated to below significance levels and the DEIR must be revised and recirculated.***

**p.ES-29 Employment, Housing, Socioeconomics, and Environmental Justice** Under NEPA, **significant and unavoidable environmental justice impacts** would occur during construction of...JWPCP East shaft site would result in environmental impacts that are disproportionately high and adverse on minority and low-income populations.

P31-20

***ES-19 Further mitigation and compensation can be implemented to reduce the significant effects of construction and should be combined with current and ongoing environmental justice impacts from existing and proposed facilities and the overall program bias toward protecting the upper service areas and impacting the lower service areas and Carson***

***Without clear and consistently applied definitions, the recommended Program and Project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-20 cont.

**p.ES-30 SIGNIFICANT IMPACTS AND MITIGATION MEASURES (PROGRAM-WIDE)** ***[Tables]***

**p.ES-** AQ

p.ES- CR

p.ES-33 **EMPLOYMENT, HOUSING, SOCIOECONOMICS, AND ENVIRONMENTAL JUSTICE2**
**Impact SOC-3.** Would Program result in environmental impacts that are disproportionately high and adverse on minority and low-income communities
**p.ES-46** EMPLOYMENT, HOUSING, SOCIOECONOMICS, AND ENVIRONMENTAL JUSTICE
Impact SOC-3. Would Alternatives...result in environmental impacts that are disproportionately high and adverse on minority and low-income populations?

P31-21

Carson vs other treatment facilities - Solids/Sludge treatment
***ES- The Project alternatives have been developed without the simplest onshore outfall element alternatives: Straight Alignment from either the west JWPCP shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***
***Without clear and consistently applied definitions, the recommended Program and Project and assessments therefrom cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

p.ES-34 **SIGNIFICANT IMPACTS AND MITIGATION MEASURES (PROJECT-SPECIFIC)** ***[Tables]***

**MM AES-3a**. Implement **visual measures** to improve the aesthetic quality of the noise barrier to ensure the design blends with the surrounding environment...During the final design process, the input of residents and/or recreationists that will be affected by the placement of the noise barriers **will be accepted**. Their comments will be **evaluated for inclusion** in the design to ensure the final treatment **meets expectations to the greatest extent feasible.**
***ES- The Project alternatives have been developed without the simplest onshore outfall element alternatives: Straight Alignment from either the west JWPCP shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***

P31-22

p.MFP6.1/189 **Chapter 6 ALTERNATIVES ANALYSIS 6.1 Introduction**
...overall **goal**...is to ***identify a recommended plan*** *that*
*is* ***protective of public health*** *and*
*will best* ***meet the needs of the Joint Outfall System (JOS) through the year 2050***
*in a* ***cost-effective*** *and* ***environmentally sound manner***.

P31-23

Recommendations consist of
system improvements, upgrades, and expansions
to accommodate projected future conditions within the service area.
The future conditions...include
anticipated growth within the system,
an aging infrastructure,
emerging demands for recycled water, and
potential new regulatory requirements.
***MFP definition of a single overall Project goal of "identify a recommend plan" is totally inadequate and incomplete for the proposed Project and its relationship to the Program.***
***Without clear and consistently applied Goals, objectives, and quantification for the recommended Program and Project and assessments thereof the DEIR and MFP cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-23 cont.

**6.1.2 Planning Objectives** The MFP...ensure adequate JOS wastewater system capacity, reliability, sustainability, and compliance...2050...recommended plan in the MFP...following objectives:
*Provide adequate system capacity to meet the needs of the growing population*
*Provide for overall system reliability by allowing for the inspection, maintenance, repair, and replacement of aging infrastructure*
*Provide support for emerging recycled water reuse and biosolids beneficial use opportunities*
*Provide a long-term solution for meeting water quality requirements set forth by regulatory agencies*
***MFP use of identical objectives for a recommend plan is totally inadequate and incomplete for a specific proposed Project.***
***Without clear and consistently applied quantification objectives, the Project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-24

**p.MFP6-2 6.1.5.1 Program Versus Project**...*program*...options or alternatives that are broad in nature and do not have a high level of detail...implemented in the long term.
*project*...a specific component of the comprehensive plan....in the short term, and a greater level of detail is required for its analysis in the MFP and the associated EIR/EIS.
...program...continuation of...current biosolids management practices...2050 planning horizon...project...a new or modified ocean discharge system...next 10 years...address the effluent management needs of the JWPCP.
***MFP use of identical objectives for a recommend plan would require that the Program and Project have identical systems and facilities but the proposed Project represents a totally inadequate and incomplete for a specific proposed Project.***
***Without clear and consistently applied quantification objectives, the Project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

**p.MFP6-58 6.4.3 Identification of Recommended Plan** ...alternatives consist of program and project aspects....identical in all aspects except for...JWPCP effluent management...Alternative

4...is the **recommended plan alternative**...program and project elements of the **recommended plan** are:

**Wastewater Conveyance and Treatment – CT 2A:** Expansion at the SJCWRP; Process Optimization at the SJCWRP, POWRP, LCWRP, and LBWRP; and Additional Conveyance Capacity ***(same in all 4)***

**Solids Processing – SP 1A:** Centralized Processing at the JWPCP ***No changes***

**Biosolids Management – BM 1:** Current Practices: Beneficial Use/Landfill ***No changes***

**WRP Effluent Management – WE 1:** Use of Current Effluent Management Systems ***No changes***

**JWPCP Effluent Management – JE 3:** Figueroa...– Royal Palms (JWPCP West [working shaft];..to Royal Palms Beach [exit shaft]); and Rehabilitation of the Existing Ocean Outfalls...

***MFP use of identical objectives for a recommend plan would require that the Program and Project have identical systems and facilities but the proposed Project represents a totally inadequate and incomplete for a specific proposed Project.***

***Without clear and consistently applied quantification objectives, the Project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

P31-24 cont.

p.MFP7-1/263 The five major program component areas are:

Wastewater conveyance and treatment
Solids processing
Biosolids management
Water reclamation plant (WRP) effluent management
JWPCP effluent management

...recommended program-level improvements are wastewater conveyance and treatment, solids processing, biosolids management, and WRP effluent management...area with recommended project-specific improvements is JWPCP effluent management.

***MFP use of identical objectives for a recommend plan would require that the Program and Project have identical systems and facilities but the proposed Project represents a totally inadequate and incomplete for a specific proposed Project.***

***Without clear and consistently applied quantification objectives, the Project and assessments thereof cannot be considered as complete and adequate and the DEIR must be revised and recirculated.***

**1 Introduction**

**2 Existing Facilities**

P31-25

**3 Alternatives Description**

***Program Alternatives do not include major building water conservation measures and recycling of effluent in the lower service areas. Apparently higher salts levels in lower***

***service areas could reflect high inflow and leakage which should be a major conservation/process-reduction measures.***

***Alternative 4 (Project) doesn't appear to be the best/shortest distance alternative, straight line alternative reduces length and associated impacts by 15+%. "Preferred" alternative should be dead straight line and deeper to the existing header perhaps with additional overflows between the existing onshore outfalls and the new one.***

P31-25 cont.

**5 Air Quality** p.5-26 **Locomotives Used During Tunneling Activities** Small, mining-type locomotives would be used to convey excavated material and personnel in rail cars through the tunnel alignments. Emissions from these diesel-powered locomotives were quantified using 5-27 EPA Tier 2 off-road diesel emission standards...were calculated based on the sulfur content of California diesel fuel of 15 ppm...assumed that up to 5 locomotives could operate simultaneously.

***Traffic, odors, and air emissions impacts can be mitigated by a pressure-balancing rotating TBM-shield can use electric powered slurry line systems and a muck-dewatering at the JWPCP with odor control and dewatering systems. Similarly all tracked conveyance could use LPG or electric drive locomotives.***

P31-26

p.5-108 **5.4.6 Alternative 4 (Recommended Alternative)** Alternative 4 (Program) is the same as Alternative 1 (Program). The impacts for the JWPCP West shaft site for Alternative 4 (Project) would be the same as for Alternative 3 (Project). Alternative 4 (Project) includes a shaft site at Royal Palms Beach. The impacts for the existing ocean outfalls would be the same as for Alternative 1 (Project).

***Alternatives do not include major building water conservation measures and recycling of effluent in the lower service areas. Apparently higher salts levels in lower service areas could reflect high inflow and leakage which should be a major conservation/process-reduction measures.***

***Alternative 4 doesn't appear to be the best/shortest distance alternative, straight line alternative reduces length and associated impacts by 15+%. "Preferred" alternative should be dead straight line and deeper to the existing header perhaps with additional overflows between the existing onshore outfalls and the new one.***

P31-27

**7 Cultural Resources (Terrestrial and Marine)**

**22.4.1.3 Cultural Resources** Significant and unavoidable impacts on paleontological resources...The rock face...could not be observed for the presence of paleontological resources...paleontological resources would be destroyed by the tunnel boring machine. Likewise, at a certain depth, paleontological resources may be encountered during construction at the shaft sites; these resources could not be observed and, if present, would also be destroyed. Impacts are relatively equal across the alternatives...in the longer alignments; thus, Alternatives 3 and 4 are preferred over Alternatives 1 and 2 based on alignment length.

***7- The Project alternatives have been developed without the simplest onshore outfall element alternative: Straight Alignment from either the west JWPCP shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***

P31-28

Alternative 4...preferred alternative with regard to paleontological resources based on alignment length.

7- ***The Project alternatives have been developed without the simplest onshore outfall element alternatives: Straight Alignment from either the west JWPCP shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***

P31-28 cont.

**8 Geology, Soils, and Mineral Resources**

***The Program facilities and proposed improvements of sewerage systems depend on a basic functional concept and related facilities - sludge is separated but not treated in the upper WRPs and is conveyed through onshore transmission sewers to the JWPCP facilities for treatment. Such concentration of sludge treatment and disposition places the entire sewerage system at risk from seismic and fault rupture due to the transit of sewers and sludge conveyance crossing numerous fault zones. This risk of significant environmental effects is not discussed in this Chapter 8.***

***Similarly risk of sludge handling disruption by seismic events and perhaps fault ruptures and damages to facilities is not assessed for the concentration of most if not all sludge processing in the JWPCP within an active fault zone.***

***Assessment of impacts for damage to sewerage facilities does not reflect effects of differential movement of large facilities (e.g., manholes, access-shafts, pump stations) and their interconnecting pipelines for both Program and Project level, and the differential movement of buried shafts and tunnels and connections with exposed or ballasted surface structures.***

P31-29

**8.2.1.5 Non-Seismic Geologic Hazards - Subsidence**

Measured ground subsidence occurs in areas where groundwater extraction, oil production, or other mining activities have lowered the ground surface...**Artificial recharge has managed the problem.**

***The Project alternatives have been developed without the simplest onshore outfall element alternatives: Straight Alignment from either the west JWPCP shaft-to-Intermediate Royal Palms shaft or central JWPCP shaft-to-Royal Palms-to-Angels Gate shafts.***

***No locations/areas of subsidence are shown to relate to the proposed Project Alternatives nor the Program Alternatives.***

***No documentation for this statement is provided or referenced regarding artificial recharge successes and return of ground surface to original levels.***

***No consideration is given to significant changes in the Wilmington and Long Beach Oil Fields.***

***Boundary maps of oil fields and areas of >1ft historic subsidence and current residual subsidence of >1ft are not provided as part of Setting nor Assessment. No well-head, casing path, and well toes within 6000ft of the proposed Alternative 4 route.***

P31-30

**8.2.3 Project Setting 8.2.3.1 Tunnel Alignment**

Figure 8-2 **Tunnel Depths** ***[In-Plan -colored-segments rather than In-Section]***

Figure 8-3a **Map of Stratigraphic Relationships for Proposed Tunnel Alignments** ***[Surface geology]***

Figure 8-4 **Generalized Geological Cross Section** ***[Scale >2000ft, while maximum depth is 200ft]***

P31-31

*Alternatives are not shown in reasonable scaled-sections; the plan alignments with colored segments do not relate the alignments with the geological settings through which Project tunnel alternatives would pass.*

*As tunnels, the surface geology does not provide adequate setting of the actual vertical tunnel alignment with respect to surface geological conditions.*

*Without such comparative depiction, no adequate assessment and meaningful comments can be made with regard to the risks of each alternative with the geological conditions of the ground responses to seismic tremors (e.g., depths of materials and length of tunnel susceptible to liquefaction.*

P31-31 cont.

**8.2.3.1 Tunnel Alignment Table 8-7. Geologic Inventory of Hazards Along Tunnel Alignments** Sources: a Parsons 2011; b CDMG 1998e; c CDMG 1998f;

**8.2.3.2 Shaft Sites Table 8-8. Geologic Inventory of Shaft Sites** CDMG 1998f; d Parsons 2011;

*Several liquefaction zones for shafts referencing CDMG rather than Parsons, while in alignments reference is only given for Parsons and no liquefaction zones are identified.*

*Discussions of shafts and their geological character can not be related to the colored geological sections provided.*

*Alternatives 1-3 includes outfall segments, while Alternative 4 uses existing diffuser sections, and no geological sections and settings are provided.*

*The above referenced sections are contradictory, totally inadequate and incomplete, and cannot provide the basis for an objective description of the project setting and potential impacts that may arise.*

P31-32

**13 Marine Environment**

**p.13-42 13.4 Environmental Impacts and Mitigation Measures 13.4.1 Methodology and Assumptions**

This section evaluates environmental impacts resulting from both the construction and operation of the project for each alternative. The primary project activities that could potentially affect the marine environment are:

Construction of a riser
Construction of a diffuser
Improvements to existing ocean outfalls
**Operation of the new ocean discharge system**

**All of the program elements** are located outside the marine environment; **some of the project elements** are located within the marine environment. Only...within the marine environment are discussed in the analysis.

P31-33

**p.13-132 13.4.6 Alternative 4 (Recommended Alternative) 13.4.6.1 Program** Alternative 4 (Program) does not include marine elements and, therefore, has **no potential to have an impact on the marine environment**.

*As all Program Alternatives have two central elements: sludge disposition and effluent disposition via JWPCP and all use ocean discharge for a near doubling of discharge of secondary-treated effluent, operations all Program alternatives. Program alternatives do not include intensive recycling of effluent and on-land disposition of effluent, and therefore all program alternatives impact the marine environment.*

***The Marine Environment Setting and Assessment does not identify the optimum location within San Pedro Bay for discharge and diffusion of a near-doubling of secondary treated effluent although it is widely restricted from any irrigation or recharge within the service areas of the JOS.***

***The Marine Environment Setting and Assessment are totally inadequate and incomplete and cannot provide the basis for an objective description of the project setting, program and project alternatives, and potential impacts that may arise within the marine environment.***

P31-33 cont.

**p.13-46 13.4.1.2** Furthermore, the impact analysis for operation assumes the following:...The physical characteristics of the effluent released on the SP Shelf and PV Shelf would be the same as the existing effluent characteristics despite any change in location or change in depth of release...

**p.13-133 13.4.6.2 Project** The construction impacts for the rehabilitation of the existing ocean outfalls for Alternative 4 (Project) would be the same as for Alternative 1 (Project). Operational impacts would be the same as baseline conditions; therefore, there would be no operational impacts for the existing ocean outfalls under Alternative 4 (Project)..

***As the DEIR-Project does not locate within the Marine study area the optimal location for discharge and diffusion of a doubling of the treated effluent load, the assessment appears to be bias to justifying the existing discharge area for a doubling of existing nutrient and freshwater daily loads. The discharge characteristics are simply assumed to be identical to those at present although with the current and future anticipated water recycling and conservation characteristics can be assumed to change perhaps in those elements which may not be regulated through the current secondary treatment requirements for discharge, e.g., salts, boron, chemicals of concern, TPH, etc.). The Marine Environment Setting and Assessment does not identify the optimum location within San Pedro Bay for discharge and diffusion of a near-doubling of secondary treated effluent although it is widely restricted from any irrigation or recharge within the service areas of the JOS.***

***The Marine Environment Setting and Assessment are totally inadequate and incomplete and cannot provide the basis for an objective description of the project setting, program and project alternatives, and potential impacts that may arise within the marine environment.***

P31-34

**15 Employment, Housing, Socioeconomics, and Environmental Justice**

**p.15-18 Environmental Justice.** The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. (EPA 2004:Section 2.2.)

**p.15-22 15.3.3.2 South Coast Air Quality Management District** In 1997, the South Coast Air Quality Management District (SCAQMD) adopted a set of guiding principles on environmental justice...initiatives led to the SCAQMD Board's approval of the 2003–2004 Environmental Justice Workplan. SCAQMD intends to update this as needed to reflect ongoing and new initiatives..."right to equal protection from air pollution and fair access to the decision making process that works to improve the quality of air within their communities."..."...equitable environmental policymaking and enforcement to protect the health of all residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution."

P31-35

**p.15-23 15.3.4.1 General Plan of the City of Los Angeles Environmental Justice**...adopted environmental justice policies as outlined in its framework and transportation elements; these policies are summarized in this section. The framework element is a "strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements."...policy to "assure the fair treatment of people of all races, cultures, incomes and education levels with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in early planning stages through notification and two-way communication."

...Compact for Environmental Justice, which was adopted by the City's Environmental Affairs Department as the City's foundation for a sustainable urban environment. Statements relevant to the proposed project include the following:

> All people in Los Angeles are entitled to equal access to public open space and recreation, clean water, and uncontaminated neighborhoods.
>
> All planning and regulatory processes must involve residents and community representatives in decision making from start to finish.

P31-35 cont.

**p.15-46** Environmental justice impacts would be considered indirect impacts with respect to the Corps' NEPA scope of analysis described in **Section 3.5.**

***As indicated elsewhere, the JOS service areas of are clearly not treated identically and the upper service areas are not subject to the same potential risks of sludge treatment and treated effluent malfunctions as those south of I-5, the lower service areas. Similarly the upper service areas receive the benefits of higher level treated recycled irrigation water that are not provided to residents and ratepayers in the lower service areas.***

***Therefore, the DEIR contains contradictory, totally inadequate and incomplete, assessment of environmental justice issues and without specific mitigation the effects must be considered as significant.***

**22 Comparison of Alternatives 22.2.1 CEQA Requirements**

The CEQA requirements for the evaluation of alternatives...an EIR present a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the **basic project objectives** but would avoid or substantially lessen any significant effects of the project...requires an evaluation of the comparative merits of the alternatives. An EIR is not required to consider alternatives that are infeasible.

***Elsewhere in the comments, alternatives and mitigation have been proposed which have not been considered and which cannot be considered infeasible without incorporating more environmental justice issues:***

- ***a. Full recycling of advanced treated effluent from and local sludge disposition systems for all service areas***
- ***b. Onshore outfall along a straight line from JWPCP to the Royal Palms Header;***
- ***c. Slurry pipeline from EPB-TBM to JWPCP;***
- ***d. Marine disposal site based on the most favorable (optimal) location for discharge and diffusion of a doubling of current loads;***
- ***e. Screening and sampling of paleontological materials from slurry or cart conveyed-systems***

P31-36

***Without fuller review of alternatives, the program and project DEIR cannot be considered adequate and/or complete.***

**23 Significant Irreversible Impacts - 23.2 Analysis of Irreversible Changes**

p.23-1 - 2 The tunnel boring...could damage or destroy unknown, unique paleontological resources...as discussed in Chapter 7...would be significant and irreversible...other significant impacts...would not be irreversible.

...Alternative 4 **would result** in significant irreversible changes...**could result** in significant irreversible damages to paleontological resources during construction...commitments and damages would occur in accordance with the Clearwater Program...significant irreversible changes...**deemed acceptable in light of the Clearwater Program's overall benefits**.

*As indicated elsewhere, mitigation of paleontological impacts exists but the assessment has centered entirely on those remains which would be >1in in diameter, while significant paleontological resources and information are gathered and used for every drilling operation for gas and oil in Los Angeles County and even within the onshore and marine environment of the Project.*

*Without fuller review of available mitigation, the program and project DEIR's assessment of irreversible impacts cannot be considered adequate and/or complete.*

P31-37

We respectfully submit these comments.

Charming Evelyn
Chair, Water Committee
Sierra Club Angeles Chapter

## Response to Comment P31-1

The comment recognizes the need for an additional effluent tunnel between the Joint Water Pollution Control Plant (JWPCP) and the ocean to allow for the inspection and repair of the existing effluent tunnels and to provide additional hydraulic capacity for peak flows associated with significant flow events. The comment also states that the draft Master Facilities Plan (MFP) did not sufficiently discuss how implementation of the Clearwater Program would result in recycled water becoming a significant local water resource. The comment further states that the draft EIR/EIS was inadequate in meeting California Environmental Quality Act (CEQA) requirements and the draft Executive Summary was based on an inadequate and incomplete environmental assessment.

The Sanitation Districts of Los Angeles County (Sanitation Districts) concur that a new effluent tunnel between the JWPCP and ocean is necessary. However, the Sanitation Districts strongly disagree with the assertion that the draft MFP did not sufficiently recognize the significant role that recycled water serves as a local water resource. As presented in Chapter 1 of the draft MFP and Chapter 1 of the draft EIR/EIS, one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water…opportunities." As further described in Chapter 1 of the draft MFP, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day (MGD) of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County. Eight of these WRPs, located in the Joint Outfall System (JOS), intercept and treat the more reclaimable wastewater flow that would instead be treated at the JWPCP and discharged to the ocean. The tertiary-treated effluent produced at the JOS WRPs essentially meets drinking water standards and is used for groundwater replenishment (i.e., indirect potable reuse) and other important uses, including industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. Assuming this water would otherwise have been supplied by imported water, the Sanitation Districts' recycled water programs have avoided approximately 250,000 megawatt hours of annual power consumption, offsetting 73,000 metric tons of carbon dioxide equivalents.

It is not clear how the commenter reached the conclusion that the Clearwater Program would result in an additional 165 MGD of recycled water. The current combined permitted treatment capacity of the six JOS WRPs is 193 MGD. To accommodate the projected wastewater flows for the year 2050, the Sanitation Districts are proposing an expansion at the San Jose Creek Water Reclamation Plant (SJCWRP) that would result in the ability for the JOS to produce an additional 25 MGD of recycled water.

The comment did not specify how the draft EIR/EIS was inadequate in meeting CEQA requirements, or how the draft Executive Summary was inadequate and incomplete. Overall, the Clearwater Program documents were prepared in accordance with State Revolving Fund loan and CEQA/National Environmental Policy Act (NEPA) requirements.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-2

The comment states that the draft EIR/EIS did not adequately address environmental justice impacts on the lower service area residents near the JWPCP. The comment suggests that the absence of sludge management/solids processing and the abundance of cost-effective recycled water in the upper service

areas provided residents in these areas with advantages not available to residents in the lower service areas.

An analysis of environmental justice impacts is required under NEPA, in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. CEQA does not require an analysis of environmental justice impacts. Because only the project elements of the Clearwater Program are subject to NEPA, the program elements did not require an analysis of environmental justice impacts. The required environmental justice analysis to comply with NEPA was presented in Chapter 15 of the draft EIR/EIS.

Regardless, implementation of the Clearwater Program would not disproportionately concentrate the risk of treated-effluent discharges into the Wilmington Drain or sewer overflows in the lower portion of the JOS. On the contrary, as stated in the purpose and needs statement, Alternative 4 (the recommended alternative) would benefit the San Pedro community by reducing the potential of discharges to the Wilmington Drain or overflows from the sewers tributary to the JWPCP. Section 6.2.3 of the draft MFP, which provided an analysis of options/alternatives for solids processing, determined that processing at the source plants would not be feasible. Furthermore, the solids produced by the upstream WRPs and returned to the sewers for treatment at the JWPCP would constitute less than 2 percent of the JWPCP influent flow. The biosolids produced would be managed at remote locations, and, because centralized solids processing is more cost-effective, rates would be lower throughout the JOS service area. Also, approximately two-thirds of the recycled water that would be reused in the JOS would replenish the regional groundwater basins (i.e., the Central Basin, which is hydraulically connected to the West Basin) thus providing a benefit to the entire lower service area. Recycled water from the Long Beach Water Reclamation Plant is reused at the Alamitos Seawater Barrier to prevent salt water intrusion into the groundwater of the lower service area

Section 6.2.5.1 of the draft MFP, which provided an analysis of options and alternatives for WRP effluent management, determined that complete reuse at the upstream WRPs would not be feasible. The draft MFP also explored the possibility of providing advanced treatment (such as microfiltration/reverse osmosis, ultraviolet disinfection, and advanced oxidation) at the JWPCP. Specifically, Section 6.2.6 of the draft MFP analyzed the feasibility of diverting enough flow from the existing JWPCP ocean discharge system to allow for the inspection and repair of each of the existing tunnels (Option JE 4 Reduced Ocean Discharge). To accommodate reuse and storage of the required 200 MGD of diverted flow, advanced treatment would be necessary. This reduced ocean discharge option specifically contemplated diversion of this advanced-treated effluent to the Central, West Coast, and/or Main San Gabriel Basins for groundwater recharge (i.e., indirect potable reuse). However, the reduced ocean discharge option was determined to be not viable for reasons presented in Section 6.2.6.5 of the draft MFP and thus was not further evaluated in the draft EIR/EIS.

Specific to this comment, the draft EIR/EIS was adequate.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-3

The comment states that the goal and objectives of the Clearwater Program provided in the draft Executive Summary and draft EIR/EIS were inadequate and/or incomplete.

The comment defines objectives differently than defined for CEQA. According to CEQA, an EIR requires a “statement of the objectives sought by the proposed project,” which will “help the Lead

Agency develop a reasonable range of objectives to evaluate in the EIR…." CEQA also states that the objects should include "the underlying purpose of the project." (CEQA Guidelines 15124[b].)

The NEPA equivalent to CEQA-required objectives is the purpose and need statement, which is defined under NEPA as a statement that briefly specifies "the underlying purpose and need to which the agency is responding in proposing the alternatives…" (40 CFR 1502.13.)

Neither CEQA nor NEPA require "shorter term, dated and quantitative expected/planned achievement," which the comment defines as objectives.

Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary each provided a broad, qualitative goal statement for the Clearwater Program, as well as a set of specific objectives for meeting the goal. These documents further elaborated on the objectives immediately after they were listed. A reasonable range of program-wide and project-specific alternatives was systematically analyzed in Chapter 6 of the draft MFP, and those that could feasibly meet the overall goal and underlying objectives of the Clearwater Program were further analyzed in the draft EIR/EIS. Note the goal and underlying objectives of the Clearwater Program were shared with agencies and the general public throughout the public outreach process, including coordination meetings held with the Sierra Club in January 2008 and July 2011. Agency and public feedback during the public outreach process, which generally was very supportive, were considered in the development of the Clearwater Program's goal and objectives. Furthermore, the goal and objectives in the draft EIR/EIS were consistent with the requirements of CEQA and NEPA.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-4

The comment states that the goal and objectives of the Clearwater Program as provided in Appendix 1-A of the draft EIR/EIS were inadequate and/or incomplete.

See Response to Comment P31-3 for the correct definition of objectives under CEQA and purpose and need under NEPA. Neither CEQA nor NEPA require objectives or the purpose and need to be based on "scheduled and quantitative parameters and criteria," as requested by the comment.

The goal and underlying objectives of the Clearwater Program provided in Appendix 1-A of the draft EIR/EIS were consistent with those provided in Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary. Appendix 1-A consisted of a preliminary screening analysis, the purpose of which was to evaluate potential environmental impacts and identify those that would result in no impact or a less than significant impact so that the draft EIR/EIS could focus on potentially significant impacts.

Providing adequate system capacity and providing overall system reliability were the first-stated and second-stated objectives of the Clearwater Program, respectively. Therefore, Chapter 6 of the draft MFP appropriately considered capacity and reliability when identifying a reasonable range of alternatives that could feasibly meet the overall goal and underlying objectives of the Clearwater Program.

The goal and objectives in the draft EIR/EIS were consistent with the requirements of CEQA and NEPA.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-5

The comment takes issue with the discussion of the aging infrastructure objective in the draft Executive Summary. The comment also states that additional geotechnical studies should be conducted before committing to a new tunnel that terminates within the White Point area as proposed under Alternative 4 (the recommended alternative).

In an effort to ensure that readers would fully understand the meaning and context of the Clearwater Program objectives provided in Chapter 1 of the draft MFP, both Chapter 1 of the draft EIR/EIS and the draft Executive Summary included further elaboration on the objectives immediately after they were listed. It is not clear why the comment takes issue with this approach. For example, the word "philosophy" applied to the Sanitation Districts as an organization, not the field of engineering, and the word "aging" was specifically used in the second objective listed.

As discussed in Section 8.4.1 of the draft EIR/EIS, the geology, soils, and mineral resources impact analysis was based on literature review, available geological data, geotechnical studies conducted by Fugro West, and a feasibility report prepared by Parsons. Mitigation Measure (MM) GEO-1, MM GEO-2, MM GEO-3, MM GEO-4, and MM GEO-6a all require further site-specific geotechnical studies during the final design phase of the project and prior to construction.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-6

The comment states that the project purpose, needs, goals, and objectives provided in the draft Executive Summary and draft EIR/EIS were not clearly defined. The comment further states that the risk associated with sewer overflows were disproportionately concentrated in the lower portion of the JOS.

As previously discussed in Response to Comment P31-3, Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary each provided a broad, qualitative goal statement for the Clearwater Program, as well as a set of specific objectives for meeting the goal. These documents further elaborated on the objectives immediately after they were listed and, pursuant to NEPA, described the project purpose and needs.

As previously discussed in Response to Comment P31-2, implementation of the Clearwater Program would not disproportionately concentrate the risk of sewer overflows or the responsibility of solids processing in the lower portion of the JOS. As stated in the purpose and needs statement, the recommended project alternative (Alternative 4) would benefit the San Pedro community by reducing the potential of overflows from the sewers tributary to the JWPCP. Additionally, centralized solids processing would facilitate lower rates throughout the JOS service area. Furthermore, as described in Section 5.2.4 of the draft MFP, the most effective means of minimizing potential overflows would be through proper conveyance system management practices, including the relief of hydraulic capacity constraints. Under the Clearwater Program planning effort, a conveyance system needs assessment was conducted, the results of which were provided in Section 5.9.1 of the draft MFP. As described in Chapter 7 of the draft MFP, the Sanitation Districts proposed construction of approximately 33 miles of Joint Outfall relief trunk sewers. Overall, based on the information provided in the draft MFP, implementation of the recommended plan would result in a beneficial impact on the lower services areas with respect to reducing potential sewer overflows.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-7

The comment states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because the project-specific purpose and needs were not related to the Clearwater Program goal and objectives and the program-wide purpose and needs.

See Response to Comment P31-3 for the correct definition of purpose and need under NEPA.

As described in Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary, the Clearwater Program comprises program-wide and project-specific elements. The project elements are subject to NEPA because they require federal permits from the U.S. Army Corps of Engineers. Conversely, the program elements are not subject to NEPA because they do not require federal permits. Therefore, the statement of purpose and needs, which is provided pursuant to NEPA, only applies to the project. The project purpose and needs statement is provided in Section 1.4.2 of the draft MFP, Section 1.1.2.3 of the draft EIR/EIS, and the draft Executive Summary. The statement of purpose and needs is consistent with the Clearwater Program goal and objectives provided in Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary. The need component is typically understood to be the larger and more general objective, whereas the purpose component is a specific objective that supports the larger objective. Section 1.1.2.3 of the draft EIR/EIS stated that "the project purpose and needs are to inspect and upgrade aging infrastructure, to provide sufficient capacity to accommodate projected 2050 flows, and to comply with all applicable water quality standards." Furthermore, Section 1.1.2.3 of the draft EIR/EIS stated, "to meet these needs, the Sanitation Districts propose to either modify the existing ocean discharge system or construct a new ocean discharge system." Therefore, the overall purpose of modifying the existing ocean discharge system or constructing a new ocean discharge system is in support of the need to inspect the existing tunnels and accommodate projected flows. As such, the draft EIR/EIS evaluated the impacts of modifying the Sanitation Districts' existing ocean discharge system (Alternative 4, the recommended alternative) and constructing a new ocean discharge system (Alternatives 1, 2, and 3). Therefore, the project purpose and needs are well defined and closely related to the Clearwater Program's goal and objectives.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-8

The comment states that the draft EIR/EIS was inadequate and incomplete because it did not adequately address environmental justice impacts on the lower service area residents near the JWPCP. The comment suggests that the absence of sludge conveyance/solids processing and the abundance of cost-effective recycled water in the upper service areas provided residents in these areas with advantages not available to residents in the lower service areas. It further suggests that the document did not adequately address increased water conservation/sewage reduction in the upper areas to benefit the lower areas.

See Responses to Comments P31-2 and P31-6.

The flow projections presented in Section 4.8 of the draft MFP were based on a per-capita wastewater generation rate derived over an 8-year period that included years of sustained drought conditions and increased water conservation efforts. The resulting per-capita generation rate was determined to be 83 gallons per capita per day (gpcd), which is 18 percent lower than the 101-gpcd rate used for the previous JOS facilities planning effort in 1995. Although the Sanitation Districts have historically

supported water conservation within the JOS service area, and will continue to do so, the California Health and Safety Code limits what the Sanitation Districts can do to promote water conservation. Additionally as described in Section 3.6.2 of the draft MFP, state regulations require the capacity of sanitary sewer systems to be appropriately designed to reasonably prevent overflows. Therefore, as previously discussed, Alternative 4 (the recommended alternative) would benefit the entire service area by providing adequate system capacity, improving overall system reliability, and reducing the risk of discharges to the Wilmington Drain or sewer overflows.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-9

The comment states that project purpose, needs, goals, and objectives provided in the draft Executive Summary were not clearly defined. The comment further states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because it did not consider a straight tunnel alignment alternative, overall system sewage reductions, and an optimal ocean discharge location.

As previously discussed in Response to Comment P31-3, Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary each provided a broad, qualitative goal statement for the Clearwater Program, as well as a set of specific objectives for meeting the goal. These documents further elaborated on the objectives immediately after they were listed and, pursuant to NEPA, described the project purpose and needs. The draft EIR/EIS analyzed a reasonable range of alternatives that feasibly met the project objectives. These final feasible alternatives were determined through the alternatives analysis process presented in Chapter 6 of the draft MFP and summarized in Chapter 3 of the draft EIR/EIS.

A straight tunnel alignment option was evaluated as one of 23 conceptual onshore tunnel options in Section 6.3.3.1 of the draft MFP. This straight tunnel alignment option would parallel the existing two tunnels. However, the existing 68 tunnel easements would not permit construction of a new tunnel, and a parallel tunnel alignment just beyond the existing easements would require approximately 1,060 new easements. Therefore, this conceptual option was eliminated, and the remaining 22 conceptual onshore tunnel options that were aligned primarily through public rights-of-way were carried forward into the analysis as preliminary options.

As previously discussed in Response to Comment P31-8, the Sanitation Districts recognize that water use efficiency and conservation measures can effectively reduce future capacity shortfalls, and those effects were considered in the flow projections presented in Section 4.8 of the draft MFP.

The Sanitation Districts are not proposing to expand the JWPCP. Under the recommended plan (Alternative 4), as described in Chapter 7 of the draft MFP, projected increases in wastewater flow would be accommodated through a 25-MGD expansion of the SJCWRP West. The JWPCP permitted treatment capacity would remain at 400 MGD. The full-secondary, disinfected effluent produced at the JWPCP consistently meets all treatment requirements for safe ocean discharge. The existing ocean outfall locations are extensively monitored on a regular basis, and there is no evidence to suggest the Sanitation Districts' ocean discharge of secondary-treated effluent from the JWPCP is having an adverse impact on the marine environment. With the exception of legacy (1940s to 1970s) dichlorodiphenyltrichloroethane/polychlorinated biphenyl (DDT/PCB) sediment contamination, the health of the ecosystems (i.e., benthic, pelagic, kelp forest, and rocky reef) near the existing outfalls is

comparable to other parts of the Southern California coastal zone that do not have treated wastewater effluent outfalls.

In support of the Clearwater Program planning effort, as referenced in Section 13.2.2.1 of the draft EIR/EIS, the Sanitation Districts conducted the Palos Verdes Flow Study from October 2000 through April 2008, which included the collection of temperature and current data on the Palos Verdes and San Pedro Shelves over a 9-year period. More than 100 million data points generated from this unprecedented field observation program were used in a computer model to determine optimal locations for a new ocean outfall. As described in Sections 13.4.3.2 and 13.4.4.2 of the draft EIR/EIS, this information was utilized to ensure that a new outfall would not impair receiving water quality and that the effluent plume would remain submerged.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-10

The comment states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because the recommendations were based on a project goal, objectives, purpose, needs, and criteria that were insufficient in assessing feasibility.

As previously discussed in Responses to Comments P31-3, P31-7, and P31-9, the draft EIR/EIS analyzed a reasonable range of alternatives that feasibly met the project objectives and purpose and needs. These final feasible alternatives were determined through the alternatives analysis process presented in Chapter 6 of the draft MFP and summarized in Chapter 3 of the draft EIR/EIS.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-11

The comment states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because the schedule presented did not take into consideration water conservation and increased recycling.

The Clearwater Program program-wide schedule was described in Sections 7.2 and 7.3 of the draft MFP, Section 3.3.1 of the draft EIR/EIS, and the draft Executive Summary. The project-specific schedule was included in Table 7-1 of the draft MFP, Table 3-13 of the draft EIR/EIS, and the draft Executive Summary. The Clearwater Program implementation schedule is driven by the short-term need to inspect and repair the existing JWPCP effluent tunnels, rehabilitate the existing ocean outfalls, and optimize the upstream WRPs. The Clearwater Program implementation schedule also is driven by the long-term need to accommodate projected wastewater flows in the JOS through conveyance system relief and expansion of the SJCWRP.

As previously discussed in Responses to Comments P31-8 and P31-9, the Sanitation Districts recognize that water use efficiency and conservation measures can effectively reduce future capacity shortfalls and those effects were considered in the flow projections presented in Section 4.8 of the draft MFP.

As previously discussed in Response to Comment P31-1, the Sanitation Districts own and operate WRPs that produce approximately 165 MGD of high-quality recycled water. Approximately half of the recycled water is reused. The other (unused) half of the recycled water produced is currently wasted, and discharged to nearby receiving waters (i.e., rivers, creeks, and channels) that convey it to the ocean. While efforts to increase reuse at the JOS WRPs through coordination with local water agencies and regulators are ongoing, the anticipated success of these efforts will have no bearing on the need to build a new effluent tunnel at the JWPCP. The permitted capacity of the JWPCP would remain at 400 MGD, and the associated peak flows of 927 MGD would require an approximately 18-foot-diameter (internal) effluent tunnel. Therefore, even if the Sanitation Districts could achieve the goal of 100 percent reuse at the WRPs, there would not be a commensurate reduction in wastewater flow to the JWPCP; there would only be a reduction in what is currently discharged by the WRPs to the receiving waters.

As previously described in Response to Comment P31-2, Chapter 6 of the draft MFP did explore the feasibility of diverting enough flow from the existing JWPCP ocean discharge system to allow for the inspection and repair of each of the existing tunnels. However, as discussed in Section 6.2.6.5 of the draft MFP, it was determined that a reduced ocean discharge option was not viable, and thus was not further evaluated in the draft EIR/EIS.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-12

The comment states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because the program-wide and project-specific recommendations and associated impacts were not clearly presented.

As described in Chapter 1 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary, the Clearwater Program comprises program-wide component areas and project-specific elements. The term program was consistently used in reference to options/alternatives that would be implemented over a longer period of time and, thus, included a general level of detail. The term project was consistently used in reference to options/alternatives that would be implemented in the near term and, thus, a greater level of detail was available for analysis. As presented in Chapter 6 of the draft MFP, the program and project options/alternatives were systematically analyzed through a multi-tier screening process to determine feasibility. The environmental impacts of feasible alternatives, each of which had program and project elements, were then evaluated in the draft EIR/EIS. Therefore, the recommended alternative (Alternative 4) for the Clearwater Program, which was presented in Chapter 7 of the draft MFP, Chapter 3 of the draft EIR/EIS, and the draft Executive Summary, included both program-wide and project-specific recommendations.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-13

The comment states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because it lacked program-wide recommendations, inconsistently categorized the program elements, and failed to present a program schedule.

See Response to Comment P31-12 for a discussion on program and project. For the purposes of the alternatives analysis presented in Chapter 6 of the draft MFP, wastewater conveyance was evaluated in combination with treatment (plant expansion/optimization) as one program component area. As described in Section 6.2.2 of the draft MFP, this was the most logical approach because of the interdependence between treatment capacity and the conveyance system flows (i.e., an upstream WRP expansion reduces the need for downstream sewer relief). However, for the purposes of environmental analysis presented in the draft EIR/EIS, it was more logical to evaluate potential impacts based on location, so conveyance improvements, plant expansion, and process optimization were assessed as separate program elements. Table 3-2 of the draft EIR/EIS presented a side-by-side comparison of the program component areas in the draft MFP and program elements in the draft EIR/EIS.

See Response to Comment P31-11 for a discussion on the program and project schedule.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-14

The comment states the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because it failed to address JWPCP effluent management, include a straight tunnel alignment alternative, consider an optimal ocean discharge location before identifying tunnel alignments, and associate upstream program elements with flows through the JWPCP effluent management system.

See Response to Comment P31-12 for a discussion on the program and project. As shown in Table 3-4 of the draft EIR/EIS, at a program-level, the draft EIR/EIS analyzed the potential environmental impacts for one alternative with the following program elements: conveyance improvements, plant expansion, process optimization, WRP effluent management, solids processing, and biosolids management. As shown in Table 3-9 of the draft EIR/EIS, at a project-level, the draft EIR/EIS analyzed the potential environmental impacts of four alternatives for JWPCP effluent management under the following functional categories: tunnel alignment, shaft site, and riser/diffuser area. As described in Sections 3.1, 3.2, and 3.3 and shown in Figure 3-3 of the draft EIR/EIS, each of the four project alternatives in combination with the program alternative constitutes Alternatives 1, 2, 3, and 4 in the draft EIR/EIS. Therefore, JWPCP effluent management was addressed at a project-specific level of analysis in the draft EIR/EIS.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

As previously discussed in Response to Comment P31-9, more than 100 million data points generated from the Palos Verdes Flow Study from October 2000 through April 2008 were used in a computer model to determine optimal locations for a new ocean outfall (see Section 13.2.2.1 of the draft EIR/EIS). As described in Sections 13.4.3.2 and 13.4.4.2 of the draft EIR/EIS, this information was utilized to ensure that a new outfall would not impair receiving water quality and that the effluent plume would remain submerged. As described in Section 6.3.3.5 of the draft MFP, because each offshore tunnel alignment is dependent on the locations of the intermediate shaft site and diffuser area, preliminary options for the offshore alignment were established after the viable options for the intermediate shaft site and diffuser area were determined. Therefore, optimal ocean discharge locations were considered before identifying tunnel alignments.

As described in Chapter 1 of the draft MFP and Chapter 1 of the draft EIR/EIS, the condition and capacity of the existing JWPCP ocean discharge system were major concerns addressed through the Clearwater Program planning effort. Based on the program-wide alternatives analysis for JWPCP effluent management presented in Chapter 6 of the draft MFP, it was determined that this concern could be feasibly met by constructing a new ocean discharge system (Alternatives 1, 2, and 3) or by modifying the existing ocean discharge system (Alternative 4). A new tunnel would be required under each of these alternatives, the diameter of which would be dictated by projected peak flows at the JWPCP. A summary of the analysis used to project future flows in the JOS was provided in Chapter 4 of the draft MFP. Based on the wastewater conveyance and treatment alternatives analysis provided in Chapter 6 of the draft MFP, it was determined that projected flow increase would be accommodated through an expansion of the SJCWRP. Consequently, the permitted capacity of the JWPCP would remain at 400 MGD, and the associated peak flows of 927 MGD would require an approximately 18-foot-diameter (internal) effluent tunnel. Therefore, the projected flows associated with the proposed upstream program elements were used to establish the preliminary engineering design criteria for the proposed ocean discharge system project elements.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-15

The comment states that the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because future projects in the Clearwater Program should be subject to supplemental EIRs and not be included in the current programmatic EIR.

The Clearwater Program EIR/EIS is both a project and program environmental document. For the program, future environmental reviews will be required to fully comply with CEQA, and in some cases NEPA. These future reviews may result in supplemental initial studies (and in some cases environmental assessments) to determine whether additional environmental impacts would be significant. If significant impacts could not be mitigated to less than significant, then supplemental EIRs (and in cases EISs) may be prepared.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-16

The comment states that the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because it did not consider a straight tunnel alignment alternative.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-17

The comment requests the use of alternative fuels for the tunnel locomotive and slurry conveyance, and the use of JWPCP solids processing facilities to dewater slurry-excavated material. The comment further states that without consideration of alternate tunnel conveyance for excavated material, the draft EIR/EIS was inadequate and incomplete and must, therefore, be revised and recirculated.

In Chapter 5 of the draft EIR/EIS, mitigation measures that exceed regulatory requirements were included to protect public health to the highest extent practical and to reduce air quality impacts.

MM AQ-2g directly addresses the highest emissions source of nitrogen oxide of the proposed project by utilizing the cleanest locomotive engine commercially available. This mitigation would exceed U.S. Environmental Protection Agency emission standards applicable to in-use locomotive engines.

An electric locomotive was considered but deemed infeasible for several reasons, including: (1) the inability to stay charged given the number of trips back and forth and the tunnel distance involved; (2) the safety hazard of an in-tunnel charging station given the potential of encountering water during tunnel construction; and (3) the need for a reliable, uninterrupted power source to evacuate personnel in the event of an emergency. Alternative fuels, such as liquefied natural gas and compressed natural gas, would not be suitable in a confined space due to concerns of potentially creating an explosive or flammable environment as a result of a tank leak. Conversely, diesel has a very low vapor pressure and is essentially non-volatile. The concerns over using alternative fuels would also apply to the system used to convey the excavated material. The type of tunneling system used will be determined during final engineering design based on geological conditions. If a slurry tunnel boring machine (TBM) is selected, electrically powered pumps would be utilized to transfer the excavated materials to the surface through pipes, and a tunnel locomotive would be used to transport supplies and personnel. If an earth- pressure balance (EPB) TBM is selected, a tunnel locomotive would be used to transport supplies, personnel, and excavated material. The method for removal of the excavated materials is specific to each type of TBM and cannot be used interchangeably. Therefore, for an EPB TBM, an electrically powered pump for the removal of excavated materials would not be feasible.

For clarification, Section 3.3.2.1, last paragraph, is revised in the final EIR/EIS as follows:

> Two types of TBMs could be used to build the tunnel: earth-pressure balance (EPB) or slurry. These TBMs differ in how the excavated material generated from the tunneling operations is handled, transported, and treated~~removed~~. With an EPB TBM, locomotives convey the excavated material in rail cars back through the constructed portion of the tunnel to the shaft for removal by crane. The excavated material would be retained at the surface to allow any water to separate before removal. With a slurry TBM, a slurry is supplied by pipe from the ground surface of the shaft to the cutterhead of the TBM to suspend the excavated material, which is then~~the excavated material would be blended with a slurry mixture and~~ pumped back to the shaft and up to the surface through pipes. In this case, the excavated material would be processed at a slurry separation plant at the surface of the shaft site prior to disposal. A bentonite additive is used in the slurry TBM method, which may preclude ocean disposal of the excavated material. For the purposes of evaluating the greatest potentially significant environmental impacts, the tunnel construction was analyzed assuming either an EPB TBM or ~~the use of~~ a slurry TBM, depending on the resource area.

The JWPCP centrifuges were designed specifically for dewatering biosolids and would be unsuitable for dewatering the excavated materials. Additionally, there are no extra or unused centrifuges available at the JWPCP.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-18

The comment states that the draft EIR/EIS was inadequate and incomplete and must be revised and recirculated because it did not consider a straight tunnel alignment alternative and changes in the conveyance system that could reduce construction emissions.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

Furthermore, as described in Chapter 7 of the draft MFP, the Sanitation Districts are proposing an expansion at the SJCWRP and approximately 33 miles of sewer relief to accommodate the projected wastewater flows for the year 2050. As described in Section 5.9.1 of the draft MFP, an expansion at the JWPCP would have required an estimated 44 miles of sewer relief. Therefore, the recommended alternative (Alternative 4) would result in a 25 percent reduction in conveyance system projects.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-19

The comment states that the draft EIR/EIS was inadequate and incomplete and must be revised and recirculated because geological testing did not identify the most likely fossil locations, the term fossils was not properly defined, and the impacts on fossils should have been mitigated to below significance levels.

Chapter 7 of the draft EIR/EIS addressed paleontological impacts of the Clearwater Program. The draft EIR/EIS detailed the geologic formations through which the alternatives would pass and identified which of these would be most likely to contain paleontological resources.

The draft EIR/EIS did not specifically define or exclude any type of paleontological resources. Consistently throughout Chapter 7 of the draft EIR/EIS, the analysis included all paleontological and fossil resources, and did not focus on bones. In fact, the word bone does not appear anywhere in the paleontological resources discussion.

The draft EIR/EIS identified impacts on paleontological resources that would be significant, and in some cases, unavoidable. For areas where ground disturbance would occur from above ground (e.g., at WRPs and shaft sites), MM CUL-3 was proposed to reduce impacts to less than significant. However, this mitigation is not possible for the tunnel, where a TBM would be used. A TBM has a cutterhead, which consists of a rotating disk with cutting teeth that grind the rock into small pieces. The TBM would pulverize and destroy any paleontological resources in its path. Even if paleontological fragments were detected in the excavated material, the TBM could not change course to avoid potential resources. It

would not be possible to perform geologic testing in front of the advancing TBM, nor would it be feasible to attempt to excavate hundreds of feet down under a public right-of-way to try to recover any potential resources in its path. Therefore, as described in Chapter 7 of the draft EIR/EIS, the impacts on paleontological resources, if present, would be significant and unavoidable.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-20

The comment states that the draft EIR/EIS was inadequate and incomplete because further mitigation and compensation could be implemented to reduce the significant impacts of program and project construction that would disproportionately affect the lower service areas.

See Response to Comment P31-2.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-21

The comment states that the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because it did not consider a straight tunnel alignment alternative.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-22

The comment states that the draft EIR/EIS did not consider a straight tunnel alignment alternative.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-23

The comment states that the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because the overall Clearwater Program goal was to identify a recommended plan.

The comment only refers to the introductory phrase of the overall Clearwater Program goal. Chapters 1 and 6 of the draft MFP, Chapter 1 of the draft EIR/EIS, and the draft Executive Summary each provided a

complete goal statement for the Clearwater Program, which was "to identify a recommended plan that is protective of public health and will best meet the needs of the JOS through the year 2050 in a cost-effective and environmental sound manner." These documents also provided a set of underlying objectives for meeting the goal. As previously discussed in Response to Comment P31-3, a reasonable range of program-wide and project-specific alternatives was systematically analyzed in Chapter 6 of the draft MFP, and those that could feasibly meet the overall goal and underlying objectives of the Clearwater Program were further analyzed in the draft EIR/EIS.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-24

The comment states that the draft EIR/EIS was incomplete and inadequate and must be revised and recirculated because the draft MFP used the same set of objectives to screen program-wide and project-specific options/alternatives and arrive at a recommended plan.

See Response to Comment P31-12 for a discussion on program and project. Because the project-specific alternatives for a new or modified ocean discharge system were based on the findings of the program-level alternatives analysis of JWPCP effluent management, it is appropriate that they meet the same overall goal and underlying objectives. The recommended alternative (Alternative 4) is the highest ranking combined program/project alternative.

Specific to this comment, the draft EIR/EIS was adequate, and recirculation is not necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-25

The comment notes that the feasible alternatives did not include water conservation measures and water recycling in the lower service areas due to high salt levels and speculates that inflow and leakage could be the cause of the high salt levels. The comment further states that the tunnel alignment for the recommended alternative should be straight.

Inflow and infiltration, which were addressed in Section 4.8.3.3 of the draft MFP, are not the cause of the relatively high dissolved solids concentrations in the wastewater tributary to the JWPCP. As described in Section 1.3.4 of the draft MFP, the JOS was developed over time to not only accommodate growth and take advantage of gravity flow, but to augment the regional water supply through water recycling. In the early 1960s, when wastewater flows began to approach the capacity limits of the downstream trunk sewers, a plan was developed to build WRPs at inland sites as an alternative to a massive expansion of the downstream sewer system and the JWPCP that would have otherwise been necessary. The WRPs were sited to take advantage of the nearby groundwater replenishment spreading grounds and of the relatively low concentration of dissolved solids (i.e., salts) in wastewater from the largely residential portions of the JOS. The wastewater with relatively high concentrations of dissolved solids is largely from industrial portions of the JOS. Because it is far more expensive and energy-intensive to reclaim, the wastewater with relatively high concentrations of dissolved solids continues to be treated at the JWPCP.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-26

The comment suggests the use of an EPB TBM with electrically powered slurry lines to convey excavated material to the JWPCP and the use of JWPCP dewatering centrifuges and odor control systems to reduce traffic, odor, and air emissions impacts. The comment also recommends the use of an electric or alternative fuel locomotive.

As previously discussed in Response to Comment P31-17, the use of electrically powered slurry lines with an EPB TBM would not be feasible.

Additionally, as previously discussed in Response to Comment P31-17, the JWPCP centrifuges were designed specifically for dewatering biosolids and would be unsuitable for dewatering the excavated materials. The JWPCP odor control systems are designed for removing the odorous constituents that accumulate in the headspace of the treatment processes and biosolids storage buildings, and not for scrubbing diesel exhaust.

Furthermore, as previously discussed in Response to Comment P31-17, the use of an electric or alternative fuel locomotive to support tunneling activities would not be feasible. MM AQ-2g would require a Tier 4 engine be used for the tunnel locomotive. This would be the cleanest diesel engine available.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-27

The comment notes that the feasible alternatives did not include water conservation measures and water recycling in the lower service areas due to high salt levels and speculates that inflow and leakage could be the cause of the high salt levels. The comment further states that tunnel alignment for the recommended alternative should be straight.

See Response to Comment P31-25 for a discussion regarding salt concentrations in wastewater.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-28

The comment favors a straight tunnel alignment to reduce significant and unavoidable cultural resources impacts.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

See Response to Comment P31-19 for a discussion on cultural resources impacts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-29

The comment states that the draft EIR/EIS does not address the potentially significant seismic impacts of conveying solids from the upstream WRPs to the JWPCP, centrally processing solids within an active fault zone at the JWPCP, and the differential movement of interconnected facilities.

As described in Chapter 7 of the draft MFP, the Sanitation Districts proposed an expansion at the SJCWRP to accommodate the projected wastewater flows for the year 2050. Because the solids produced by the upstream WRPs and returned to the sewers for treatment at the JWPCP constitute less than 2 percent of the JWPCP influent flow, with the expansion of the SJCWRP, there would be a net reduction in the amount of wastewater (including solids from the upstream WRPs) that would have otherwise been conveyed to the JWPCP. As described in Section 8.4.3.1 of the draft EIR/EIS, approximately 33 miles of the conveyance system would be improved within the JOS. All relief sewers would be constructed to meet the modern-day seismic standards established by the California Building Code, which was described in Section 8.3.2.3 of the draft EIR/EIS. Therefore, as described in Section 8.4.3.1 of the draft EIR/EIS, this impact would be less than significant.

As presented in Table 8-5, shown on Figures 8-1 and 8-3a, and described in Section 8.4.3.1 of the draft EIR/EIS, the JWPCP is not near or within a known active fault zone. The active Palos Verdes, Cabrillo, and Newport-Inglewood Faults are located more than 5 miles away. Therefore, the centralized solids processing facilities would not be directly affected by a fault rupture. However, seismic ground shaking levels could result in damage to the facilities. Implementation of MM GEO-3 would reduce this impact to less than significant.

Potential differential movement between interconnected facilities is addressed in the California Building Code. All facilities being proposed under the Clearwater Program would be designed and constructed to meet modern-day standards for seismic ground shaking, liquefaction, and shrinking/swelling soils, but significant impacts could remain. However, as described in Sections 8.4.3., 8.4.4, 8.4.5, and 8.4.6 of the draft EIR/EIS, implementation of MM GEO-3, MM GEO-4, MM GEO-5, and MM GEO-7 would reduce these impacts to less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-30

The comment states that the draft EIR/EIS did not consider a straight tunnel alignment; did not disclose areas subject to subsidence; did not adequately document sources for statements about artificial recharge; did not provide boundary mapping of oil fields and areas of historic subsidence; and did not provide well-head, casing path, and well toe information.

See Response to Comment P31-9 for a discussion on the evaluation of a straight tunnel alignment option. As previously described, this conceptual option was evaluated and eliminated in Section 6.3.3.1 of the draft MFP.

As stated in Section 8.2.1.5, subsidence was documented in the 1940s and 1950s in the Wilmington Oil Fields, but artificial recharge has since managed this problem. References for this chapter were provided in Section 25.8 of the draft EIR/EIS. Additionally, numerous mitigation measures were included in the draft EIR/EIS that require geological investigations and site-specific recommendations to minimize risks associated with ground failure and subsidence. With mitigation, impacts would be less than significant.

As discussed in Section 10.2.2.1 of the draft EIR/EIS, the Wilmington to San Pedro Shelf alignment and the Wilmington to Palos Verdes Shelf alignment would pass through the Wilmington Oil Field, which contains numerous active, idle, and abandoned oil wells; the Figueroa/Gaffey to Palos Verdes Shelf alignment would skirt the southwestern margin of the Wilmington Oil Field; and the Figueroa/Western to Royal Palms alignment would briefly skirt the southwestern margin of the Wilmington Oil Field and may include the southeastern margin of the Torrance Oil Field. It was also stated that relatively few active, idle, or abandoned oil wells were mapped in the vicinity of the Figueroa/Western to Royal Palms alignment, which is the recommended alternative (Alternative 4). The Long Beach Oil Fields are not located within the Clearwater Program study area.

Section 10.3.2.9 of the draft EIR/EIS acknowledged that the project would be located within the administrative boundaries of the Torrance and Wilmington Oil Fields. Additionally, it was stated that the tunnel alignments presented in the document were located specifically to minimize interference with active and idle wells. In the unlikely event that an abandoned oil well were encountered at a shaft site or during tunnel boring, it was stated that the well would be re-abandoned in accordance with the California Code of Regulations Title 14, Division 2, Chapters 2 through 4, and the approval of the local California Division of Oil, Gas, and Geothermal Resources office.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-31

The comment states that Figures 8-2, 8-3a, and 8-4 of the draft EIR/EIS did not adequately present the geological setting with respect to scale and the relationship between geology and the project alternatives. The comment further states that seismic risk could not be adequately assessed unless the tunnel alignments were depicted with geological conditions.

Each figure was scaled to be displayed on a single 8½-inch by 11-inch sheet of paper. On Figure 8-2 of the draft EIR/EIS, the different color segments along each alignment only referred to the depth of the tunnel below the ground surface; they were not intended to illustrate which geological formations the tunnel would be boring through. While the stratigraphic relationships shown on Figure 8-3a of the draft EIR/EIS were for the ground surface, they did represent the types of material through which the tunnels would be constructed. Properties of the formations at the surface can be used to help anticipate how the material will perform at the depth of the tunnel. Figure 8-4 of the draft EIR/EIS presented a general overview of the geological profile that exists between the JWPCP and Royal Palms shaft sites; therefore, no scale was necessary. A general comparison of some geological hazards along each tunnel alignment was presented in Table 8-7 of the draft EIR/EIS.

As described in Section 8.4.1 of the draft EIR/EIS, geotechnical reports were prepared for the Sanitation Districts by Fugro West, and the resulting analysis and recommendations were evaluated in a feasibility

report prepared by Parsons (see Chapter 25 of the draft EIR/EIS for references). The feasibility report considered potential geotechnical and seismic issues that could affect the design and construction of the facilities for the project alternatives. Geological impacts were analyzed in Chapter 8 of the draft EIR/EIS, and it was determined that, with mitigation, all geological impacts would be less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-32

The comment states that Sections 8.2.3.1 and 8.2.3.2 and Tables 8-7 and 8-8 of the draft EIR/EIS were contradictory and did not adequately provide the basis for an impact analysis due to how liquefaction zones were presented in relationship to the project alternatives. The comment also states that the offshore portions of the alternatives were not addressed in the draft EIR/EIS.

Table 8-7 of the draft EIR/EIS provided a summary of the liquefaction potential for the various tunnel alignments. Table 8-8 of the draft EIR/EIS identified whether the shaft sites would be within a liquefaction hazard zone. The information presented is different and not contradictory. Sections 8.2.3.1 and 8.2.3.2 of the draft EIR/EIS provided an overview of the conditions each alternative would encounter. A more detailed geological profile was provided in the feasibility report prepared by Parsons, as referenced in the tables (see Chapter 25 of the draft EIR/EIS for references). The offshore portion of the tunnel alternatives was addressed in Table 8-7 of the draft EIR/EIS. Mitigation measures in Chapter 8 of the draft EIR/EIS require design-level geotechnical analysis and incorporation of the findings into the project design to reduce the geological impacts to less than significant.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-33

The comment states that Chapter 13 of the draft EIR/EIS was inadequate and incomplete because it did not take into consideration the impacts of program-wide component areas on the marine environment and did not consider an optimal ocean discharge location.

As previously discussed in Response to Comment P31-14, the projected flows associated with the proposed upstream program elements were used to establish the preliminary engineering design criteria for the proposed ocean discharge system project elements.

As previously discussed in Responses to Comments P31-9 and P31-14, more than 100 million data points generated from the Palos Verdes Flow Study from October 2000 through April 2008 were used in a computer model to determine optimal locations for a new ocean outfall (see Section 13.2.2.1 of the draft EIR/EIS). Additionally, the recommended alternative (Alternative 4) would avoid the marine environment impacts associated with the construction of a new riser/diffuser as required by Alternatives 1, 2, and 3.

Specific to this comment, the draft EIR/EIS was adequate.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-34

The comment states that Chapter 13 of the draft EIR/EIS was inadequate and incomplete because it did not consider an optimal ocean discharge location or potential changes in effluent quality characteristics and flows at the JWPCP.

As previously discussed in Responses to Comments P31-9 and P31-14, more than 100 million data points generated from the Palos Verdes Flow Study from October 2000 through April 2008 were used in a computer model to determine optimal locations for a new ocean outfall (see Section 13.2.2.1 of the draft EIR/EIS). Additionally, the recommended alternative (Alternative 4) would avoid the marine environment impacts associated with the construction of a new riser/diffuser as required by Alternatives 1, 2, and 3.

Chapter 4 of the draft MFP provided an analysis of wastewater characteristics and flow projections. Section 4.7.4 of the draft MFP specifically examined long-term trends in influent data for key parameters at the upstream WRPs and the JWPCP. Section 4.7.5 of the draft MFP concluded that, overall, the loadings and concentrations are expected to remain relatively constant. As previously discussed in Response to Comment P31-8, the flow projections presented in Section 4.8 of the draft MFP were based on a per-capita wastewater generation rate of 83 gpcd, which was derived over an 8-year period that included years of sustained drought conditions and increased water conservation efforts. Based on these findings regarding wastewater characteristics and flow projections, Section 13.4.1.2 of the draft EIR/EIS appropriately assumed the following: (1) all effluent discharged from any of the alternative outfall sites would, at a minimum, be treated to levels consistent with the effluent currently discharged through the existing ocean outfalls; (2) for operation of the new riser and diffuser, the Sanitation Districts' existing national pollutant discharge elimination system (NPDES) individual permit for wastewater treatment discharges would be updated; (3) NPDES requirements for all discharge alternatives would be no less protective of the beneficial uses of the receiving waters than the current NPDES permit, and the Sanitation Districts would have to comply with either the existing NPDES permit or an updated permit for the new riser and diffuser; and (4) the physical characteristics of the effluent released on the San Pedro Shelf or Palos Verdes Shelf would be the same as the existing effluent characteristics despite any change in location or change in depth of release (between 175 and 200 feet). Furthermore, based on the proposed expansion of the SJCWRP, it was assumed that the permitted capacity of the JWPCP would remain at 400 MGD, which is consistent with average daily flow that occurred at the JWPCP as recently as February 1998. As previously discussed in Response to Comment P31-9, the existing outfall locations are extensively monitored on a regular basis, and there is no evidence to suggest the current Sanitation Districts' ocean discharge of secondary-treated effluent from the JWPCP is having an adverse impact on the marine environment. With the exception of legacy DDT/PCB sediment contamination, the health of the ecosystems near the current outfall is comparable to other parts of the Southern California coastal zone that do not have treated wastewater effluent outfalls.

Specific to this comment, the draft EIR/EIS, including Chapter 13, was adequate.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-35

The comment states that the draft EIR/EIS contained a contradictory, inadequate, and incomplete assessment of environmental justice issues.

See Response to Comment P31-2.

Specific to this comment, the draft EIR/EIS was adequate.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-36

The comment states that the draft EIR/EIS was inadequate and incomplete because it did not consider environmental justice impacts or mitigation measures with respect to complete reuse of advanced-treated effluent, decentralized solids processing, a straight tunnel alignment, a slurry pipeline from an EPB TBM to the JWPCP, an optimal ocean discharge location, increases in flows at the JWPCP, and screening/sampling for paleontological resources in the excavated material from the slurry blend or tunnel rail cars. Note that the comment does not explain the link between several of these issues and environmental justice concerns, such as marine disposal sites and paleontological resources, for which disproportionate impacts on minority and low-income populations would not be likely.

See Responses to Comments P31-2, P31-14, P31-19, P31-26, and P31-34.

Specific to this comment, the draft EIR/EIS was adequate.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P31-37

The comment states that the draft EIR/EIS was inadequate and incomplete because it did not adequately mitigate significant irreversible cultural resources impacts by expanding the evaluation of paleontological resources during construction.

See Response to Comment P31-19. The draft EIR/EIS did not specifically define or exclude any type of paleontological resources. Consistently throughout Chapter 7 of the draft EIR/EIS, the analysis included all paleontological and fossil resources; nowhere did it state that the analysis focused on resources greater than 1 inch in diameter.

Specific to this comment, the draft EIR/EIS was adequate.

No revisions to the draft EIR/EIS are required in response to this comment.

# Commenter P32: Southern California Edison – Ben Wong, Director, Local Public Affairs

Commenter P32

SOUTHERN CALIFORNIA EDISON®
An EDISON INTERNATIONAL® Company

Ben Wong
Director
Local Public Affairs

April 10, 2012

Steven W. Highter
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601

Re: Clearwater Program Draft Environmental Impact Report (DEIR)

Dear Mr. Highter:

Southern California Edison (SCE) appreciates the opportunity to provide comment on the above referenced DEIR.

SCE Company rights-of- ways and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case-by-case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right-of-way constraints and rights. In the event the project proposes to impact SCE facilities or its land related rights, please forward five (5) sets of project plans, and a PDF copy of the same, depicting SCE's facilities and its associated land rights to the following location for review: P32-1

Real Properties Department
Southern California Edison Company
2131 Walnut Grove Avenue
G.O.3 – Second Floor
Rosemead, CA 91770

Please be advised if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for two years or longer. P32-2

Once again, we appreciate the opportunity to comment on the project. If you have any questions regarding this letter, do not hesitate to contact me at (323) 720-5292.

Sincerely,

Ben Wong

1000 Potrero Grande
Monterey Park, CA 91754
(323) 720-5292 PAX 45292
Fax: (323) 720-5208 21977
ben.wong@sce.com

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## Response to Comment P32-1

The comment requests coordination with Southern California Edison (SCE) prior to any use of SCE rights-of-way or fee-owned properties.

As standard practice, the Sanitation Districts of Los Angeles County (Sanitation Districts) will coordinate with utility providers, including SCE, during final design and construction.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P32-2

The comment states that additional California Environmental Quality Act (CEQA) review may be required if the Clearwater Program necessitates rebuilding or relocating SCE electrical facilities that operate at or above 50 kilovolts (kV).

The Sanitation Districts are aware that additional CEQA review could be required if implementation of the Clearwater Program requires rebuilding or relocating any SCE electrical facilities that operate at or above the 50-kV thresholds prescribed by the California Public Utilities Commission, and that the additional review could result in project delays.

No revisions to the draft EIR/EIS are required in response to this comment.

## Commenter P33: JoAnn Wysocki – Resident

April 10, 2012

Commenter P33

**CLEARWATER Program**

**Public Hearing for Draft EIR**

**COMMENT FORM** 1

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: JoAnn Wysocki

Organization: Resident

Mailing Address: 1006 KING AVE,

City: WILMINGTON State: CA Zip: 90744-3204

E-mail: None

(1 hard copy) OUTLINE OF TOPICS ON ESPECIAL NOTE

1. Cost of E.I.R. — P33-1
2. Sepulveda - Surge Tower - East Shaft Site — P33-2
3. Traffic Statistics — P33-3
4. West Shaft site — P33-4
5. Hours of Construction — P33-5
6. Traffic due to Construction — P33-6
7. 100 Ft. Crane — P33-7
8. Location of JWPCP — P33-8
9. San Pedro wof Wilmington — P33-9

I would like to receive future public notices regarding the project via: ☐ E-mail ☐ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to:

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

**CLEARWATER**
**Program**

## Public Hearing for Draft EIR II

### COMMENT FORM

This form is provided as a convenience and is not required. Your comments may be submitted at any time during the public comment period, which ends on April 10, 2012.

Name: JoAnn Wysocki

Organization: Resident

Mailing Address: 1006 King Avenue

City: Wilmington State: CA Zip: 90744-3024

E-mail: none

10. Define Ruderal P33-10

11. Small Print Volume I appendices P33-11

12. Figueroa St. at Harry Bridges P33-12

13 Fines to Harry Bridges - "C" to John S. Gibson P33-13

14 Pasha Terminal P33-14

15. L.A.P.D. Failure to respond P33-15

16. Water Uses P33-16

17. Put out to bid: Cost over runs - Street sweeping and Street cleaning; grafitti removal; telephone contacts P33-17

I would like to receive future public notices regarding the project via: ☐ E-mail ☐ Regular Mail

You may hand in this form during the public hearing or mail/e-mail it to: 18. Final EIR P33-18

Steven Highter, P.E.
Supervising Engineer, Planning Section
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601
shighter@lacsd.org

## Preface

The comments represent an abbreviated outline of the oral comments made at the public hearings on the draft EIR/EIS. Every effort has been made to interpret the comments and provide informative responses based on statements made by Commenters P3, P8, and P20.

## Response to Comment P33-1

The comment asks about the printing costs associated with the draft EIR/EIS.

The cost for printing and mailing one copy of the draft EIR/EIS, including the Executive Summary, Master Facilities Plan (MFP), and appendices, was approximately $690. The Sanitation Districts of Los Angeles County (Sanitation Districts) and U.S. Army Corps of Engineers (Corps) are cognizant of the need to conserve paper and minimize document reproduction costs. Thus, only a limited number of hard copies were produced and the use of electronic distribution was maximized. Electronic documents were made available on the Sanitation Districts' website and the Clearwater Program website, as well as distributed via compact disc. However, to facilitate public access to the materials, hard copies were made available for review at three public libraries in the project area and at the main headquarters of the Sanitation Districts. In addition, a few hard copies were produced for the record copies of the various agencies involved. Overall, 18 full sets of documents were produced.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-2

The comment requests clarification as to why Sepulveda Boulevard is mentioned various times in the draft EIR/EIS even though it is located away from the alternative sites. The comment also refers to the Joint Water Pollution Control Plant (JWPCP) East shaft site and requests information regarding additional facilities at the site, including a possible surge tower.

As described in Section 18.2.2 of the draft EIR/EIS, Sepulveda Boulevard transects the northern portion of the JWPCP. Because each of the alternatives analyzed included improvements to the JWPCP and a shaft site at the JWPCP, Sepulveda Boulevard was referenced numerous times in the analysis.

The JWPCP East shaft is not being proposed under Alternative 4 (the recommended alternative), which would instead require the 19-acre JWPCP West shaft site to support tunnel construction. As described in Section 7.2.5.1 of the draft MFP and Sections 3.3.2.2 and 4.4.5.2 of the draft EIR/EIS, upon completion of tunneling activities, the 40- to 60-foot-diameter JWPCP West shaft would be converted into a drop structure and connected to the existing JWPCP effluent force main, located just north of Lomita Boulevard. Should the existing effluent pumping plant at the JWPCP become inadequate in the future, space within the JWPCP West shaft site has been allocated for the placement of a future pumping plant. The pumping plant – along with a ground-level cover over the shaft, a surge tower (approximately 30 feet tall), vent pipes, and access covers – would require a total of approximately 0.5 acre.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-3

The comment suggests that the baseline traffic count data used in the traffic analysis was collected in 2009. The comment also requests that traffic analysis be conducted at Anaheim Street and Figueroa Street.

As discussed in Section 18.2.3 of the draft EIR/EIS, the traffic impact analysis was based on counts collected in late February and early March 2010 at all but three study intersections. The exceptions, located in Wilmington, used 2008 baseline count data for projecting future conditions in the vicinity of Figueroa Street and Harry Bridges Boulevard to provide consistency with the Final Environmental Impact Report for the Wilmington Waterfront Development Project, which was certified when the traffic analysis for the Clearwater Program was initiated. The year of the counts was correctly shown for the title of Figure 18-3, Existing (2010) Peak Hour Traffic Volumes, and the base counts were provided in Appendix 18-A of the draft EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-4

The comment requests additional information on the JWPCP West shaft site.

See Response to Comment P33-2.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-5

The comment requests information on the hours of construction at the JWPCP West shaft site.

Shaft construction would be based on a single 10-hour shift working 5 days a week.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-6

The comment requests clarification on how truck trips were counted in the draft EIR/EIS.

Round trips were counted as two trips, as explained in footnote (a) to Tables 18-12, 18-22, and 18-29 of the draft EIR/EIS, which presented construction truck trip generation estimates for each of the alternatives. In addition, as stated in Section 18.2.3 of the draft EIR/EIS, a passenger car equivalent factor of 2.0 was applied to construction trucks to account for the fact that their operating characteristics differ from those of automobiles.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-7

The comment requests information on how the 100-foot crane would be brought to the shaft site.

The 100-foot crane would be delivered in pieces and assembled on site.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-8

The comment states that the location of the JWPCP was not properly shown in Volume 2 of the appendices after Page 8-A-9 on Attachment B and Attachment C-1.

It appears that the comment is in reference to Appendix 13-E of the draft EIR/EIS, Joint Water Pollution Control Plant National Pollutant Discharge Elimination System Permit (2006). The JWPCP was incorrectly located on Attachment B, Location Map, which was after Page A-9. The JWPCP should be located between Sepulveda Boulevard and Pacific Coast Highway, not south of Pacific Coast Highway.

However, Attachment B was a copy of a portion of a waste discharge permit that was issued to the Sanitation Districts in 2006 by the California Regional Water Quality Control Board (RWQCB). Therefore, as an official RWQCB document, it cannot be revised for the final EIR/EIS. However, it should be noted that Appendix 13-F included the most recently issued Joint Water Pollution Control Plant National Pollutant Discharge Elimination System Permit (2011) by the RWQCB. For the 2011 permit, Attachment B did correctly locate the JWPCP on the map.

Attachment C (Page C-1) was a flow schematic of the treatment system. Therefore, the comment is not relevant to Attachment C, Page C-1, of the draft EIR/EIS.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-9

The comment addresses the Existing (2010) Level of Service Worksheets found in Appendix 18-B of the draft EIR/EIS. The comment states that the city is incorrectly labeled on some of the worksheets.

These forms were used during analysis by the traffic consultant. Some of these forms include a field for the city in which the intersection is located. Although these intersections are actually within the jurisdiction of the city of Los Angeles, the traffic consultant used San Pedro or Wilmington to provide context for analysis purposes. This identification does not affect the accuracy of the analysis because the jurisdictional information is not relevant to the analysis.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-10

The comment asks for a definition of ruderal.

Ruderal vegetation refers to natural vegetation growing in areas that have been disturbed by humans. (Merriam-Webster 2012).

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-11

The comment states that the print was too small in the appendices and that some pages lacked page numbering.

The appendices provided information to supplement the draft EIR/EIS. In some cases the print size needed to be small to allow printing on a standard 8½ inch by 11 inch sheet of paper. Some documents (e.g., model outputs) do not have page numbering.

As noted in Response to Comment P33-1, the Clearwater Program documents are electronically accessible on the Sanitation Districts' website, the Clearwater Program website, and compact disc. In an electronic format, readers have the ability to zoom in on any page if necessary.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-12

The comment appears to refer to the commenter's oral comments stating that the intersection of Figueroa Street and Harry Bridges Boulevard exists and requesting that the intersection be shown on Figure 18-5 of the draft EIR/EIS.

The title of Figure 18-5 of the draft EIR/EIS was "Cumulative Base (2017) Peak Hour Traffic Volumes." This figure appropriately reflected that the intersection of Harry Bridges Boulevard and Figueroa Street would no longer exist once the planned improvements to the Interstate 110 and C Street interchange were completed. The lane configuration shown on Figure 18-2 of the draft EIR/EIS also appropriately reflected the planned improvements at that location.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-13

The comment states that the intersection of Figueroa Street and Harry Bridges Boulevard exists and requests that the intersection be shown on Figure 18-5. The comment also requests that Table 18-3 and Figure 18-8 be revised because C Street and John S. Gibson Street are parallel streets.

The title of Figure 18-5 of the draft EIR/EIS was "Cumulative Base (2017) Peak Hour Traffic Volumes." This figure appropriately reflected that the intersection of Harry Bridges Boulevard and Figueroa Street would no longer exist once the planned improvements to the Interstate-110 and C Street interchange were completed. The lane configuration shown on Figure 18-2 of the draft EIR/EIS also appropriately reflected the planned improvements at that location.

The comment is correct regarding C Street and Harry Bridges Boulevard being parallel; however, as shown on Figure 18-2 of the draft EIR/EIS, the southernmost segment of Figueroa Street lies between C Street and the intersection of John S. Gibson Street and Harry Bridges Boulevard. Table 18-3 and Figure 18-8 of the draft EIR/EIS are correct as shown.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-14

The comment requests that Pasha Terminal be labeled on the figures in the draft EIR/EIS.

There were in-text references to Pasha Terminal in Chapters 3, 12, 14, 16, 18, and 19 of the draft EIR/EIS. There were no in-text references to Pasha Terminal in Section 19.4.3.1, Pages 19-33 or 20-28. On Figure 21-1, none of the detailed areas within the Port of Los Angeles were labeled directly on the map due its scale. However, in the legend of Figure 21-1, under the Port of Los Angeles Projects,

cumulative Project No. 17 (which was listed as "Berths 171-181, Pasha Marine Terminal Improvements Project") was properly located in Pasha Terminal. Pasha Terminal was shown in greater detail on Figures 12-8 and 12-9. To better locate Pasha Terminal, the following figures are revised for the final EIR/EIS: Figures 18-1, 18-4, 18-7, 18-10, and 19-2.

No other revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-15

The comment expresses disappointment that the Los Angeles Police Department did not provide information about the response times for the Angels Gate and Royal Palms shaft sites.

The information was requested, but neither the Sanitation Districts nor the Corps has the means to compel the police department to provide the information.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-16

The comment suggests that the Clearwater Program publicize new and innovative uses of recycled water.

As described in Appendix 1-B of the draft EIR/EIS, since 2006, the Sanitation Districts conducted over 500 public outreach meetings with public officials; civic and community groups; businesses; environmental organizations; news media; and various local, state, and federal agencies. This effort facilitated a productive exchange of information and ideas between the Sanitation Districts and stakeholders regarding all components of the Clearwater Program, including reuse opportunities for recycled water.

The Sanitation Districts and Corps recognize that recycled water is an essential regional resource, which is why one of the four primary objectives of the Clearwater Program is to "provide support for emerging recycled water reuse…opportunities." As described in Chapter 1 of the draft MFP, the Sanitation Districts have pioneered water reclamation and reuse in Southern California, beginning with the completion of the Whittier Narrows Water Reclamation Plant in 1962. The Sanitation Districts now own and operate 10 water reclamation plants (WRPs) that produce approximately 165 million gallons per day of high-quality recycled water. Approximately half of the recycled water is reused at over 640 sites throughout Los Angeles County for groundwater replenishment; industrial, commercial, and recreational applications; habitat maintenance; and agricultural and landscape irrigation. This message has been and will continue to be an important component of the Sanitation Districts' public outreach and education efforts.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-17

The comment requests additional information about the bid process, cost overruns, street sweeping, telephone contacts, and graffiti removal.

The project would be competitively bid upon completion of final design. The Sanitation Districts would award the project to the lowest qualified bid for each construction contract.

A contingency consistent with industry standards for a project of this size was applied to the cost estimate to account for possible overruns.

It is the Sanitation Districts' standard practice to require contractors have a motor sweeper on the job site at all times to keep paved areas acceptably clean wherever construction is occurring. In addition, implementing South Coast Air Quality Management District Rule 403 would reduce dust emanating from the job site because watering would occur at least three times a day. As part of the community outreach, a contact number would be established to provide people with a means to express their concerns during construction.

It is also the Sanitation Districts' standard practice to require contractors to remove graffiti within 24 hours of notification. Implementation of Mitigation Measure (MM) AES-1 (same as MM AES-3a), as described in the draft EIR/EIS, would ensure maintenance of the aesthetic treatments by removing graffiti in a timely manner.

No revisions to the draft EIR/EIS are required in response to this comment.

## Response to Comment P33-18

The comment asks whether the final EIR/EIS will be available in the local libraries.

The final EIR/EIS is available in hard copy format at the Carson Regional Library, the Los Angeles Public Libraries' San Pedro and Wilmington Branches, and the Sanitation Districts' offices in Whittier. In addition, the final EIR/EIS can be accessed electronically on the Sanitation Districts' website, the Clearwater Program website, or compact disc.

No revisions to the draft EIR/EIS are required in response to this comment.