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U. S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT
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4 PUBLIC SCOPING MEETING
5 FOR THE PACIFIC ENERGY CRUDE OIL MARINE TERMINAL AND
6 PIPELINES PROJECT ON PIER 400

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11 TRANSCRIPT OF MEETING
12 JULY 8, 2004
13 WILMINGTON, CALIFORNIA
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ROCKET REPORTING NETWORK (310) 202-4211
1 Transcript of meeting taken at 6:30 p.m.,
2 July 8, 2004, at 100 East Water Street, Wilmington,
3 California, before Karen Cosgrove, CSR No. 12425.
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APPEARANCES:

PANEL: COLONEL DAVID TURK
DENNIS HAGNER
JOSHUA BURNAM
KENNETH RAGLAND
DOUGLAS POMEROY
DAVE CASTENON

SPEAKERS: NOEL PARK RICHARD SLAWSON
JESSE MARQUEZ NORMAN TUCK
KATHLEEN WOODFIELD DAVID ARIAN
BILL SCHWAB
DR. CRAIG SHUMAN
HOWARD ULLER
DONNA ETHINGTON
COLIN BAILEY
KATHRYN PADBURY
AUGUSTIN EICHWALD
RAY FAMILATHE

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WILMINGTON, CALIFORNIA

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THURSDAY, JULY 8, 2004, 6:30 P.M.

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COLONEL TURK: Good evening. My name is

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Colonel Dave Turk. I'm the acting commander of the

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Los Angeles District of the United States Army Corps of

9 Engineers.

10 On behalf of the Corps of Engineers, I'd like to
11 welcome you all to this meeting, which we are conducting in
12 Spanish for the public.

13 The Port of Los Angeles has applied for permits
14 to construct a crude oil terminal on Face C of Pier 400.
15 Under our federal permit program, the Corps of Engineers is
16 responsible for regulating dredging and filling activities
17 in the waters of the United States.

18 The Port's proposed activities are regulated
19 under both Section 404 of the Clean Water Act and
20 Section 10 of the Rivers and Harbors Act.

21 Federal actions, such as our permit decisions,
22 are subject to compliance with a variety of federal
23 environmental laws. Consequently, the Corps has a
24 responsibility for evaluating the environmental impacts
25 that would be caused by the proposed permit decision prior

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1 to making that permit decision.

2 In particular, the Natural Environmental Policy
3 Act, NEPA, requires that we prepare an environmental impact
4 statement, EIS, to evaluate the direct, indirect, and
5 cumulative environmental effects of the proposed permit and
6 to consider alternatives to the proposed permit.

7 The Port will also prepare an
8 environmental impact report, EIR, as required by the
9 California Environmental Quality Act, CEQA.

10 In order to efficiently use government resources,
11 the Corps and the Port have agreed to prepare a single
12 joint EIS/EIR to satisfy both NEPA and CEQA.

13 The purpose of tonight's meeting is to gather
14 advice from the public on what should be evaluated in the
15 planned EIS/EIR. We are interested in the public's help to
16 ensure that we establish the proper scope in this analysis
17 of environmental impacts and that we identify the proper
18 range of alternatives as well.

19 For purposes of the testimony that we'll hear
20 tonight, I will concentrate on issues specifically related
21 to the Port's proposed project.

22 The meeting this evening is not for the purpose
23 of providing comments and support of the opposition --
24 excuse me -- in support of or in opposition to this
25 project. There will be opportunities later in the process

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1 for such comments. Tonight we are only seeking comments on
2 how to establish the proper scope for the planned EIS/EIR
3 document.

4 I would like to emphasize that my staff and I
5 will carefully consider all comments that we receive both
6 orally and in writing. I hope and expect that you will
7 respect opposing views and allow speakers to make their
8 statements without interference.

9 Following this hearing, all parties will be given
10 until July 16th to provide any written comments.

11 The meeting is also being simultaneously
12 translated into Spanish. If you would like to listen in
13 Spanish, please pick up a wireless receiver from the table.
14 I believe it's in the back.

15 We will begin tonight with a presentation from
16 the Corps regarding the particular CEQA responsibilities,

17 which they will give a 10- to 15-minute visual presentation
18 describing the overview of the project.

19 Following this presentation, we will take oral
20 testimony in two discrete sessions. The first session will
21 be devoted to hearing from speakers who represent
22 significant numbers of people. These groups have
23 precoordinated their request for additional time with my
24 staff. They will be allowed up to ten minutes to make
25 their statements.

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1 The second session will be from members of the
2 public who would like to present their views as
3 individuals. During this session, speakers will be given
4 five minutes to make their comments. If you would like to
5 speak during the second session, you must fill out a
6 speaker card and give it to the Corps staff identified by
7 the Corps ID badges before the second session begins. In
8 fairness, the order of speakers will be randomly
9 determined.

10 Again, if you wish to speak for ten minutes as a
11 representative of a group, you were required to
12 precoordinate the request with my staff. This was outlined
13 in a joint public notice issued by the Corps and the Port.

14 All the oral or written testimony will become
15 part of an administrative record for this permit
16 application.

17 There is a court reporter present tonight. Once
18 we have the written transcripts of the testimony, they will
19 be published on our website which is posted on the wall and
20 listed in our public notice for this hearing.

21 Again, if you want to present your testimony
22 directly to me, you must fill out a speaker card and hand
23 it out to one of my staff before we start the second
24 session of oral testimony.

25 As you make your comments, please note that on

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1 the table there's a speech timer. The light will be green
2 when you begin. When you have one minute left, the light
3 will turn yellow. When the time is up, the light will turn
4 red. Please respect the time so that all who desire may
5 have an opportunity to speak.

6 If you prefer to provide comments in writing,
7 they will be considered equal to spoken comments, but you
8 must provide them to us by July 16th.

9 I would like to briefly introduce some of my key
10 staff who are present at this location: Mr. Josh Burnam
11 from my regulatory branch who is the senior project manager
12 for this project. I would also like to point out
13 Mr. Douglas Pomeroy, the acting Regulatory Branch Chief,
14 and Dave Castanon, chief of the North Coast Section
15 Regulatory Branch.

16 I will now ask the Corps to begin their
17 presentation.

18 MR. RAGLAND: Thank you. I would like to introduce
19 Dennis Hagner from the Port of Los Angeles.

20 My name is Kenneth Ragland. I'm the project
21 manager for the environmental management of the Corps --
22 the environmental impact report.

23 I'm going to give a brief presentation. It's
24 really an overview of the project, and we'll cover the

25 purpose of the project; a description of the elements of

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1 the project location; some of the history, background
2 supporting environmental documents and supplemental
3 environmental impact report; and also discuss briefly some
4 of the alternatives we're going to look at and evaluate as
5 well as potential significant impacts of this project that
6 we've identified. And, of course, we expect that you folks
7 will add to that list with your comments in this time
8 period.

9 Most of you here are probably familiar with some
10 CEQA -- CEQA, the California Environmental Quality Act --
11 International Environmental Policy Act. But I will be
12 throwing these terms around a little bit. Like, the NOI is
13 the Notice of Intent to prepare an environmental impact
14 statement, and the notice of preparation is the notice of
15 preparation to prepare an environmental impact report.
16 They're very similar-sounding documents. The difference is
17 that one is mandated by federal law and the other by state
18 law.

19 There is a chart in the back, if you wish to
20 refer to it, that gives some of the background on the NOP
21 and CEQA. This is -- both laws require public agencies to
22 evaluate the impacts of projects or development projects at
23 the port, and this is the first step: The release of the
24 NOP/NOI. This is the first step in that process.

25 The document was released on June 14th. In other

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1 words, a mailing of the NOI out to quite a number of
Page 7

2 people. It was placed in the library in the San Pedro and
3 Wilmington branches and published in the paper -- four
4 papers -- display ads, and more recently, I think something
5 on the order of 80,000 postcards were sent out just to
6 remind people about these notices.

7 The NOP/NOI is available here complete, and
8 there's the public notice section with the project
9 description and also a Spanish version of that back on the
10 table in the back. And there's also the environmental
11 checklist in the impact analysis. So if you want those,
12 they're here.

13 If for some reason you don't get it here,
14 someone you know wants it, it's available. You can
15 download it from the Port's website, and you can go to the
16 library and look at it there. Or if you call us at the
17 number -- that's the Environmental Division's general
18 number -- we'll send you one.

19 A public comment period is going to end on
20 July 16th. Again, your comments will all be supplied --
21 the scope of our analysis of the environmental impacts.

22 A little bit of background: This will be a
23 Supplemental Environmental Impact Report/Environmental
24 Impact Statement. The Deep Draft Navigation Improvements
25 Project Feasibility Study in the environmental impact

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1 segment in the report that was prepared in 1992 considered
2 construction of Pier 400 and also considered possible
3 future construction and operation of relocated or new
4 petroleum facilities in the terminal at Pier 400.

5 Pier 400 -- when it was constructed, it was
Page 8

6 actually at that time in anticipation of this -- looking in
7 the future. The proposed document is going to supplement
8 that original Draft EIS/EIR.

9 There are a number of reasons why Pacific Energy
10 thought this was a project they wanted to do. They
11 submitted an application last year, and after some period
12 of time talking to them and requesting additional
13 information, we got to the point that we felt it was
14 complete, and we could proceed with an environmental
15 evaluation.

16 This is seen as providing a deep-water berth that
17 doesn't exist now to accommodate the large deep-draft
18 vessels that are going to be more and more part of the
19 oil -- crude-oil fleet. And their proposed project would
20 provide the berthing -- all of the associated
21 infrastructure to help accommodate the expected future of
22 crude oil in Southern California and other similar
23 petroleum stocks.

24 It will also provide an up-to-date, modern,
25 efficient, safe, secure, high-volume transfer of crude oil,

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1 which is something that doesn't exist in the port now.

2 I want to look at the map and just walk through
3 briefly where the project is. This map is in the handout
4 documents. All the figures that are on this are in that
5 handout. And then I'll go through some verbal slides that
6 verbalize the project description.

7 The proposed wharf is on the west face of
8 Pier 400. There's an area on the south face of Pier 400
9 that would be used for tankation (phonetic) and some other

10 equipment. There will be a pipeline, a 42-inch pipeline,
11 that would run along the north end of Pier 400 up to
12 Terminal Island.

13 There are four tank farms on the central portion
14 of Terminal Island that are proposed. Their locations
15 we'll look at a little closer in a minute.

16 The connecting pipeline to an existing pipeline
17 that goes under the main channel of Mormon Island where
18 they would link -- proposed -- from this 36-inch pipeline
19 with a new 24-inch pipeline running mostly inside the port
20 property beginning out of the port property close to the
21 Ultramar/Valero Refinery, which is very probably a customer
22 for this project.

23 I'll walk through this again in a little more
24 detail at this point. We want to construct and operate a
25 new marine terminal on Pier 400; construct and operate tank

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1 farms -- the desire -- up to four-million-barrels storage
2 capacity, and we identified several sites on
3 Terminal Island and on Pier 400 that will provide
4 approximately three and a half -- 3.6 million barrels of
5 storage capacity.

6 At this point we have not identified any other
7 sites in the port that would make up that remaining four
8 hundred to five hundred thousand barrels that they desire
9 for the port. It's possible that they may find some space
10 outside the port for this. As time goes on, there may be
11 other locations that become available or could be
12 considered in the future. At this point that's what we're
13 dealing with in terms of capacity.

14 A 42-inch pipeline would be constructed to
15 connect from the four storage tank farms, and they would
16 construct the pipeline from those to the existing pipeline
17 on Mormon Island and the construction of the 24-inch from
18 Mormon Island to the Ultramar/Valero Refinery. That's one
19 of the things that will be different.

20 This is a new facility. It's going to be
21 constructed with the latest standards and requirements of
22 regulatory agencies, including the Coast Guard, State Fire
23 Marshal, Los Angeles Fire Department, South Coast, and many
24 other agencies that will be involved.

25 This is a close-up of the facility layout on

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1 Pier 400; the berth on the west face. They're proposing a
2 50,000-barrel surge tank here into the pipeline system, a
3 500,000-barrel storage tank there, and then the pipeline
4 goes up on the east side of Pier 400 northward to the tank
5 farms, four tank farms. One is here. It has
6 1,450,000-barrel tanks that are proposed there. There's a
7 possibility that this site could be used. It also may be
8 used for security. There's still an issue whether it's
9 available or not. There's some security functions located
10 on that site. But if that were used, that would provide
11 750,000 barrels.

12 Site 6A could be adapted for tank use as could be
13 Seaside, Terminal Way side. There's a red line through
14 here. There are issues and problems that will have to be
15 evaluated and resolved.

16 We're going to look at quite a few project
17 alternatives, and not all these will be carried through the

18 entire analysis because some may not be feasible. But we
19 want to start looking at a wide range to make sure that the
20 proposed project -- that there is an alternate to the
21 proposed project or finding an alternate to the proposed
22 project that meets the objectives. But the proposed
23 project -- of course, we want to state an analysis.

24 We want to consider the expansion of existing
25 crude oil terminals within the port and if that was a

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1 feasible alternative to building a new terminal. There's a
2 possibility that of the two -- potential development of a
3 new landfill terminal within the port -- that the extension
4 would provide more space perhaps off of Pier 400 somewhere.

5 We want to consider expansion or construction of
6 the crude oil terminal outside of the port; perhaps another
7 port in Southern California.

8 One of the concepts we're considering is
9 lightering from ships that are in a deeper-water location,
10 perhaps in the outer harbor. And this would involve
11 lightering smaller vessels prior to this -- removing some
12 of the load from the ship -- so that the dimensions and the
13 draft of the ship could go on to another wharf, perhaps an
14 existing wharf.

15 There's potential for offshore mooring site, such
16 as the one that's going off El Segundo -- I believe that's
17 Chevron's -- where tankers off-load offshore, and the
18 product is carried in by submarine piping. And we will
19 look at the potential for that with a location outside of
20 the breakwater and, you know, discharging there by
21 submarine pipeline.

22 There's a combination that actually overlaps with
23 the lightering of ships; a combination
24 marine-terminal-lightering operation because you could
25 consider lightering as the whole project and never berthing

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1 a ship and never having a new wharf, or you can lighter the
2 ship until it can go to an existing berth or to a new
3 berth. We will look at some of the areas in the port that
4 could be adapted for a new wharf, a new tanker terminal,
5 without dredging. And that's the point of that particular
6 alternative.

7 The near-shore dredging with the wharf setback
8 was one thing we needed to look at and wanted to look at
9 because of the size of some of the large crude carriers in
10 the proximity of the proposed berth to the main channel and
11 the navigation. We want to make sure that the current
12 dredging situation is adequate. If it's -- if there's any
13 issue there, we may want to evaluate whether dredging a
14 little further back into the shore face to allow more space
15 for the boats and pulling the wharf back a little bit from
16 the main channel would be appropriate.

17 Of course, there's no project to evaluate whether
18 there's any need for a no-project alternative.

19 The choice of relocation existing liquid bulk
20 facilities with wharf construction is also an alternative
21 we will look at.

22 And the no-federal-action was a variation we want
23 to evaluate where we use no existing facilities without
24 having to do any structures or dredging. And for this
25 proposed project there is no dredging proposed, but there

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1 will be construction for the waters of the U. S.

2 As far as impacts, there are quite a few that we
3 are going to be evaluating: Air quality impacts; potential
4 impacts from off-loading or during off-loading of fuel -- I
5 mean, crude oil; the shipping lines coming in; a number of
6 the new tankage -- all are potential sources for emissions
7 that have to be evaluated. During construction, dust or
8 emissions from the construction equipment are also sources
9 of air quality that will be evaluated.

10 For most of the project area, cultural and
11 historical resources are probably not a significant impact,
12 but there will be some areas where new pipelines are
13 constructed, and there will be -- we will consider that in
14 those areas.

15 The geological site and issues: Of course, we
16 have the Palos Verdes fault in the harbor, and its
17 potential earthquake fault. We will evaluate those issues
18 with respect to the new construction in siting the project.

19 There are also issues of hydrology: The
20 surface-water impacts or ground-water impacts from spills
21 or leakage from product from ships along the pipelines and
22 things like this.

23 The hazardous materials: Petroleum products --
24 crude is considered a hazardous material, and how that's
25 managed and the potential for a release by some sort of an

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1 accident or disaster will also be evaluated.

2 And going hand and hand with that is public
3 health and safety and the impacts from that sort of --
4 following the impacts from that sort of impact will be
5 evaluated by risk assessments to see if there's a
6 potentially significant impact to public health.

7 Aesthetics or potential impacts from aesthetics
8 due to new lighting associated with tank farms, with ships
9 coming in off-loading fuel, ambient light in the areas
10 around the tank farms will increase, and that will need to
11 be evaluated. The terminal facility tank on Pier 400 will
12 be visible from a number of areas in San Pedro. That,
13 again, will have to be evaluated as an aesthetic impact or
14 potential aesthetic impact.

15 Biological resources of sensitive species: One
16 of the particular things we're looking at is the least tern
17 nesting area on Pier 400 under a proposal to put storage
18 facilities approximate to that nesting area. So we'll look
19 very hard at that and make sure that there are no
20 significant impacts to those endangered species.

21 Noise from construction and operation. That's
22 pretty straightforward.

23 Marine vessel traffic or navigation there: The
24 location of the wharf is such that it is -- could offer
25 some concern to vessel traffic and navigation area, and we

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1 want to look at that very closely.

2 One thing that's not specifically mentioned here
3 is in security, and we will be addressing that.

4 And cumulative impacts: We'll look at other
5 projects and see -- make sure that we're not passing over

6 significant impacts that result from a number of projects.

7 The anticipated project schedule is -- at the
8 present time, we're in the comment period which will end
9 July 16th. The scoping meeting is July 8th. We anticipate
10 after the close of the public comment period the -- we'll
11 be preparing the draft supplemental EIS/EIR, and that
12 should be released by the end of January.

13 There will be a public meeting during that
14 period. That should be determined -- exact date. We're
15 looking at having the final supplemental EIS/EIR by the end
16 of the July 2005, summer of 2005. A little far out there.

17 I think if there are people here who don't want
18 to comment tonight, or you leave and you realize that
19 there's something you do want to comment on, we want to
20 remind you, you have until July 16th to give comments
21 and -- written comments. They should be addressed to this
22 address. That's in this public notice. There's a lot of
23 them back there, so please pick one up.

24 If you get a chance to look -- if this is the
25 first time you've seen it and you have a comment after

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1 you've left and mulled it over, please send it in. We want
2 to know what your concerns are about the project.

3 And that concludes my presentation. If anyone
4 has a question, I'll address it. I'll turn this back over
5 to Colonel Turk.

6 COLONEL TURK: We're going to start with the first
7 session that I stated earlier. The first person to speak
8 will be Noel Park.

9 And just to let you know, the second speaker will

10 be Jesse Marquez.

11 MR. PARK: My name is Noel Park. I'm the president of
12 the San Pedro Peninsula Homeowners Coalition. Thank you
13 for your courtesy in allowing this time.

14 I hope that, as the Corps looks at this project,
15 it will consider very carefully the legality of this
16 project. We believe this project is illegal. And we're
17 not attorneys, but if not, it is absolutely argued
18 inappropriate under the terms stated in the
19 Port Master Plan.

20 We have some other people who are going to speak
21 more directly to these issues, so I'm not going to dwell on
22 it too much. But, I mean, briefly, the Port Master Plan of
23 1979 provided that this Pier 400 landfill would be the
24 place to relocate hazardous liquid bulk facilities away
25 from the communities of San Pedro and Wilmington.

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1 And this is why in the '80s the Port did
2 something called a risk management plan which purports to
3 prove that none of those uses are hazardous anymore, and so
4 they don't need to be -- which somehow justifies the fact
5 that it's now been turned into a container terminal.

6 In the 1992 Deep-Draft EIR, to which this is
7 supposedly to be a supplement, the Port returned and/or the
8 Corps -- whoever did it -- to the fact that it was a
9 relocation place for hazardous liquid bulk facilities. I
10 think my colleagues will quote directly from that document.

11 So, I mean, this has gone back and forth, and we
12 believe that the proper use of this whole facility would
13 have been to relocate these hazardous liquid bulk

14 facilities, which it has not happened.

15 So, I mean, as I'm walking around before the
16 meeting -- and here's one right out the window. And if you
17 look, you see in San Pedro we have the happy situation of
18 having this liquid petroleum gas facility, which is much
19 more dangerous than the liquid natural gas facility which
20 is causing such an uproar in Long Beach. And that was to
21 have been relocated to Pier 400 as a matter of urgency
22 because it's a cargo of particular hazard to the
23 Coast Guard, so says the Port Master Plan. But, in fact,
24 it's still there posing a tremendous blast risk to the
25 surrounding communities and the surrounding container

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1 facilities and the workers there.

2 So -- and now we're being subjected to this PR
3 offensive from the people who run that terminal to try to
4 keep it in place, and it's too horrible to continue with
5 but -- so all of this stuff. So we just object to this.

6 We believe that the master plan has not been
7 followed. It's out-of-date. There are 22 amendments to
8 it, and we believe this is just -- it's now totally
9 compromised and needs to be done over.

10 Councilwoman Janice Hahn, when she came into
11 office, said there should be no more port projects until
12 there was a new master plan. Of course, that's gone
13 ignored.

14 And I just want to quote to you from an article
15 from the Daily Breeze of August 22nd, 2001, which I'll
16 leave with you, titled, "Wentworth's Port Term Ends, But
17 Will The 100-Year War?"

18 And quoting from the former president of the
19 harbor commission, John Wentworth,
20 "Wentworth now sides with critics who say
21 the harbor department violated its own
22 Port Master Plan by keeping fuel tanks and other
23 industrial operations along 22nd Street in
24 San Pedro. The 1979 document originally intended
25 for everything south of Ports O' Call Village,"

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1 etc.
2 The president of the harbor commission. Okay.
3 That's not us. Okay.
4 Then we have the response of Mr. Keller, the
5 executive director of the port. And I'm quoting again,
6 "Keller, the port's executive director,
7 praised Wentworth for his hard work. But he said
8 there is not enough land to relocate the
9 companies that move petroleum, steel, and other
10 industrial products."
11 "'A drive around the port shows just what a
12 dearth of space there is here,' Keller said.
13 This is the busiest port in the U.S. and it shows
14 it. When John points out that people have a
15 concern about port expansion, I say we have no
16 place to relocate these activities."
17 But we do have a place for a crude oil terminal
18 in the same land mass. So, you know, I submit to you that
19 this alternative of relocating the liquid bulk facilities
20 to this land mass is, in fact, the original intent of the
21 master plan, the intent of the 1992 Deep-Draft EIR, and

22 it's what the community expects to be done here.

23 You know, if you look at the display back there,
24 you see these various crude oil storage facilities
25 scattered around and about Terminal Island. Gee whiz,

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1 there's room for them.

2 It's kind of ironic that one of them -- I notice
3 it got erased off this presentation, but the previous one I
4 saw showed it as the site of an urban forest soon to become
5 a million gallons of crude oil storage. But, you know,
6 that's another sort of joke in our community.

7 You know, in the -- I think in the improper and,
8 I hope, unlikely event that this project goes forward --
9 you know, you have these environmental impacts.

10 We noticed an article in the Daily Breeze some
11 weeks ago about the least tern habitat that's adjacent to
12 this facility which noted the fact that the terns are
13 sensitive to high structures being placed in their
14 proximity. I believe it's a place for predators to perch
15 or whatever. This tern habitat is the last postage stamp
16 of 3000 acres of wetland habitat that the Port started, and
17 these terns are sort of symbolic of the probably millions
18 of birds, animals, and fish that have been sort of
19 extirpated as 3000 acres of the border went filled in. So,
20 you know, they are indeed a federal endangered species, so
21 we need to take every care in the world or we will all go
22 to hell if we kill off those endangered birds. I'm sorry.

23 Aesthetics is a big issue in our community. I
24 don't think any of us have much sense of what a very large
25 crude carrier looks like, but if there is an EIR for this,

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1 I'd certainly like to see some credible depiction of that
2 in the EIR so we can determine what a proper aesthetic
3 mitigation might be for the project. And we are not
4 interested in seeing a declaration that is going to fade in
5 the background of existing industrial development so
6 there's no aesthetic impact mitigation.

7 Air quality is a big concern here. Mr. Ragland
8 referred to the emissions from fuel transferring. We're
9 also extremely concerned about the diesel emissions from
10 the ships. We have no sense of how much diesel exhaust
11 comes from a VLCC (phonetic), but I imagine it's a fair
12 amount.

13 And our position is that Mayor Hahn has, once
14 again, even as we speak -- or last half an hour, the deputy
15 mayor was on the radio declaring that there will be no
16 increase in emissions from the port. So we're asking the
17 Port once again to mitigate any emissions from any project
18 down to zero in response to the mayor's policies.

19 Obviously, oil-spill response is a great concern.
20 I went to a meeting in Long Beach the other day. Present
21 there was the fire chief of Long Beach. I was naming off
22 this liquid natural gas terminal I heard referred to a
23 minute ago. He started laughing.

24 He said, "Well, you know, we've studied this
25 at length, and the liquid natural gas, I think,

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ROCKET REPORTING NETWORK (310) 202-4211

1 is probably something we can deal with. If you
2 really want to worry about something, worry about

3 crude oil terminals because if you have a large
4 crude oil spill inside one of these ports, it's
5 going to be the environmental disaster of the
6 age."

7 That really concludes my remarks. I'd just like
8 to ask you, please, as the Corps of Engineers -- I mean,
9 this whole situation with the sort of diversion of this
10 Energy Island and the container is already the subject of a
11 huge lawsuit. And to me, this is just compounding the
12 felony. Maybe it's just a misdemeanor. I don't know.

13 I really caution you, please do not expose the
14 good name of the Corps of Engineers into some sort of legal
15 mess with this project and be extremely careful what you
16 do. Thank you very much.

17 COLONEL TURK: Thank you. The next speaker is Jesse
18 and followed by Kathleen Woodfield.

19 May I ask also, for the remaining speakers, we do
20 have a court stenographer here. Let's make sure we keep
21 the pace down, especially when you're reading off an
22 article. Thank you.

23 JESSE MARQUEZ: I'd like to thank you again for coming
24 to Wilmington and to our local community. It's very
25 important for us to be able to talk with the people that

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1 are going to be making final decisions.

2 My name is Jesse Marquez. I live
3 140 West Lomita Boulevard in Wilmington. I'm also a father
4 of three children in Wilmington. My parents live in
5 Wilmington, and my two grandfathers live in Wilmington as
6 well.

7 I'm also executive director of
8 Wilmington Coalition For A Safe Environment. We are a
9 harbor-area-based environmental and public health advocacy
10 group.

11 I'd like to begin by stating that we would like
12 to have several things as part of the process for this
13 particular project.

14 For one, typically in the past things are
15 required that are the minimum. CEQA requires a minimum of
16 30, 45 days for a public-comment period. We have
17 repeatedly in the past asked for 90 days. Typically, when
18 you have a Draft EIR or a Final EIR, we're talking about
19 documents that are five, six hundred pages in length. They
20 typically will reference as many as 20 or more other
21 documents. Those other documents are typically between 50
22 and 500 pages each in length. It is near impossible within
23 a short period of time to read those types of documents.
24 So we ask that we have at least a minimum of a 90-day
25 public-comment period.

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ROCKET REPORTING NETWORK (310) 202-4211

1 We'd also like to ask that when it is released
2 that representatives of either the Corps or in combination
3 with the Port, as well as the customer himself and future
4 tenants, attend, in the case of Wilmington, the top ten
5 community and homeowner associations. In the case of
6 San Pedro, that number may be 25 or more because there are
7 more homeowner associations in there. It's very important
8 for representatives to come to the community and to have
9 that one face-to-face interview and question-and-answer
10 process.

11 Typically, the Port sends out a postcard with
12 half of the postcard in English and half of the postcard in
13 Spanish. We would like to request that it be a minimum
14 four-page, 11-by-17 brochure that goes into detail
15 discussing all the negative environmental and public health
16 impacts of the project.

17 The documents state that they will be importing
18 crude oil and related petroleum products. We want to know
19 the source of the origin of the crude oil. There are many
20 countries in turmoil at this time. The United States is
21 the leader of the world in terms of democracy and human
22 rights. Many countries are not democratic. Many countries
23 are violating human rights. We would like to know, are
24 these sources of these products membership to such as the
25 Kyoto Environmental Agreement (phonetic). That, we want to

27

ROCKET REPORTING NETWORK (310) 202-4211

1 know. We want to know how much is coming and what
2 percentage is coming from each of these countries.

3 If it is already a refined product, we want to
4 know the quantity and volume of that refined product. The
5 difference is that if it's refined diesel fuel, jet fuel,
6 or gasoline, that makes it a very explosive and a high fire
7 risk. We want know what those volumes and those
8 percentages would be.

9 In the environmental impact report, you will be
10 preparing the normal standard documentation. However, we
11 wish to state and have you be fully aware of that when that
12 oil or that related petroleum product arrives here at the
13 port, the environmental impact, the health risk assessment,
14 the public health impact does not stop at the port. That

15 crude oil is going to be off-loaded, and it's going to a
16 pipeline. That pipeline or those pipelines are going to be
17 passing through Wilmington, San Pedro, Harbor City, Carson,
18 Long Beach -- all of the local harbor communities.

19 The pipeline may be brand-new at the
20 Port of L.A., but I can tell you right now they are a
21 minimum of 20 years old, if not closer to 50 years old,
22 once they leave the port property. What assurance do we
23 have that there will not be a pipe break once it leaves the
24 port in our community?

25 Kender Morgan just had a major pipeline break a

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ROCKET REPORTING NETWORK (310) 202-4211

1 few months ago up in San Francisco. That same company,
2 Kender Morgan, had a breakdown in Arizona. In fact, I did
3 a check on the Internet. There's almost an oil or pipe
4 breakdown somewhere in the United States practically every
5 single month of the year. So it's not just stopping there.

6 But then where does that oil go? More than
7 likely, it's going to be going to one of our refineries:
8 Shell, Valero/Ultramar, Conoco Phillips, ARCO.

9 So when you do the environmental impact, it's not
10 just the fumes or emissions from the ships. It's not just
11 the fumes and the fugitive fumes coming from them being
12 off-loaded. We want that environmental impact report to
13 include the data from every refinery that is going to be
14 manufacturing and refining that product because that
15 refinery over here is going to be producing more emissions,
16 and we're talking about toxic emissions.

17 So it's not going to be a minor 2 percent,
18 3 percent, or a half a ton or a few hundred pounds here and

19 there at the port. That refined product is going to cause
20 hundreds of tons of emissions of particulate matter:

21 Sodium dioxide, carbon monoxide -- you name it.

22 So when you prepare that EIR, we want to know
23 that, in addition to what will be the final impact in our
24 community because we're talking now tons and tons and tons
25 and tons in every category. That's what we are faced with.

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ROCKET REPORTING NETWORK (310) 202-4211

1 Now, we may all think refined products, such as
2 diesel fuel, such as jet fuel and gasoline, is being
3 maintained in a safe container in a sealed tank. Well, we
4 know for a fact they are not. Refined products are kept in
5 a tank with a floating lid, and they -- when the lid moves
6 up, that extra vapor that comes out of it has to escape,
7 and they are vented out into our community. So, again, we
8 have also organic compounds that escape into our community
9 because of those nonleakproof tanks. And that is at every
10 single refinery in the harbor, and it's at every single
11 storage facility, such as Kender Morgan in San Pedro and
12 Kender Morgan in Carson.

13 And those products will also be leaving those
14 refineries and those distribution centers, and they will be
15 leaving by trucks. And those trucks are causing impacts on
16 traffic on our freeways and congestion, and those trucks
17 are also putting out diesel emission. And as you all know,
18 particulate matter is a cancer-causing chemical. So those
19 impacts must be included as well.

20 In addition to that, it still will be going over
21 our community. So if this project is going to be approved,
22 then we want to see appropriate mitigation set up. We want

23 to see a \$10 million public health trust fund. We want to
24 see a \$10 million environmental health trust fund.

25 When you prepare your EIR and you're preparing a

30

ROCKET REPORTING NETWORK (310) 202-4211

1 health risk assessment, we do not want to see regional data
2 in there. We want you to get the data from here in our
3 harbor community. So we want to see the numbers for the
4 mortality death rate in Wilmington, San Pedro, Harbor City,
5 and West Long Beach. We want to see morbidity studies for
6 Wilmington, San Pedro, Harbor City, and West Long Beach
7 because we are the impacted ones at the local level.

8 We also want to see as part of the mitigation
9 that they put a \$2 million fund to conduct a public health
10 survey of the community. Things that are always coming up
11 is that no one wants to take responsibility for the health
12 impacts. Well, we want to see a health survey done at the
13 beginning so that one year or five years from now after
14 that terminal is built, then we can truly do an assessment
15 to see, has the health of the community gotten worse.

16 And we will be submitting public comment in
17 addition to this. Thank you.

18 COLONEL TURK: Thank you. Now, our next speaker will
19 be Kathleen Woodfield.

20 MS. WOODFIELD: Jesse, you left a piece of paper.

21 Thank you, gentlemen. A great deal has happened
22 since we last saw Colonel Thompson at the China Shipping
23 NOP Hearing. The U.S. Court of Appeal has certified that,
24 quote,

25 "The Port and City have reduced CEQA to a

ROCKET REPORTING NETWORK (310) 202-4211

1 process whose result will be largely to generate
2 paper to produce an EIR that describes the
3 journey whose destination is already
4 predetermined and contractually committed to
5 before the public has any chance to see either
6 the road map or the full price tag," end quote.
7 City Controller Laura Chick has conducted an
8 audit of the Port's leasing practices and concluded that,
9 quote,

10 "Though the Port asserts it operates like a
11 big business, it seems to be more like the
12 backroom than a boardroom. Long-term agreements
13 with shipping lines are based primarily on
14 flexibility of rules, confidentiality, and
15 relationships," end quote.

16 In addition, county and federal grand juries are
17 investigating whether the Hahn administration has fostered
18 a pay-to-play system that has required companies to make
19 political contributions to win City business or denied them
20 City business because they refuse to pay.

21 Tonight comes before you one of the closest of
22 the relationships: That of Philip Anschutz, a political
23 contributor to various campaigns of Mayor Jim Hahn.

24 The community understands that the Anschutz
25 terminal is a done deal. The community expects that the

32

ROCKET REPORTING NETWORK (310) 202-4211

1 U. S. Army Corps of Engineers will proceed as it did in the
2 matter of China Shipping with its head in the sand.

3 In order for the Army Corps of Engineers to
4 dispel the expectation that it will rubber-stamp the
5 Anschutz deal, it will have to broaden the scope of its
6 environmental inquiry to overcome the objections of the
7 U.S. Court of Appeal that the objective of this process is
8 to generate paper. It will have to overcome the
9 audit-finding that this transaction is somehow different
10 from all the other backroom deals. It will have to
11 demonstrate that this is not the ride Phil Anschutz has
12 already paid to play.

13 At another level, now that Energy Island has been
14 converted to a container terminal, the
15 Army Corps of Engineers must expand its scope to encompass
16 the ground that was covered in the 1992 Deep Draft EIR/EIS
17 that justified the creation of Pier 400, then
18 Energy Island, as the place to which the inappropriately
19 located hazardous liquid and dry bulk throughout the harbor
20 would be moved.

21 The Army Corps of Engineers will have to consider
22 in its scope how a new hazardous liquid bulk terminal can
23 be created when the Port violated California Public
24 Resources Code, Section 6306.1, which permitted the Port to
25 restore Batiqitos Lagoon to enable the relocation of

33

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1 chemical storage facilities to a new Energy Island to
2 increase community safety.

3 This code was violated by leasing Energy Island
4 to Maersk, Executive Director Keller's former employer and
5 joint owner of his residence. The legislation is
6 significant because it is a statute rather than a plan or

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policy. It states, quote,
"The legislature further finds that the enhancement, restoration, and management of Bati quitos Lagoon will provide benefits to the Port of Los Angeles and the community because it will, one, facilitate the development of an outer-harbor landfill, which is the initial step in relocating hazardous liquid and dry bulk facilities in the port, thereby providing substantial safety benefits to the surrounding community."

What does it mean that there's no Energy Island? The Port says the hazardous facilities are safe in place now because they conform to the Risk Management Plan; yet no relocation of existing hazardous facilities is the result that the 1992 Deep Draft EIR/EIS identifies as a no-action plan.

This EIR states that the no-action plan would not result in relocation of existing hazardous facilities and

34

ROCKET REPORTING NETWORK (310) 202-4211

marine oil facilities consistent with the risk management plan because there would not be an area to which facilities could be moved. This is considered a significant impact. In addition, siting new hazardous facilities would be difficult since very little land is presently available within the ports where hazardous facilities can be accommodated and sited in accordance with the risk management plan. And this is from page S-11.

The Pier 400 exists. The Port has attempted to rationalize that the existing hazardous facilities can

11 remain in place because they conform to the risk
12 management plan; yet the 1992 EIR/EIS and the
13 1992 Feasibility Study specifically cite that the
14 risk management plan was an integral part of their analysis
15 that resulted in the facilities identified for relocation.

16 The Port's new safe-in-place policy is based on
17 the assertion that tweaking the use of existing facilities
18 will make them consistent now with the risk management
19 plan. This ignores the concept which underlies the entire
20 Port Master Plan -- of which, by the way, the risk
21 management plan is Amendment 3 -- of segregation of uses.

22 As the City of Los Angeles Planning Department
23 stated in its April 10, 1981, interdepartmental
24 correspondence, quote,

25 "Substitution of compliance with the

35

ROCKET REPORTING NETWORK (310) 202-4211

1 risk management plan is not a substitute for
2 physical separation of hazardous uses by
3 relocation to a new landfill."

4 That became Pier 400.

5 The scope of the Army Corps of Engineers' study
6 will have to demonstrate how it can proceed to evaluate the
7 Anschutz project with an out-of-date Port Master Plan
8 because of the elimination of Energy Island. No project
9 can move forward before the Master Plan is updated. At
10 some point the continued disregard of community hazard and
11 risk to human life and safety becomes criminal. By moving
12 forward with this development, you will have proven that
13 the point is now.

14 Thank you. My name is Kathleen Woodfield. I

15 don't think I stated that.

16 COLONEL TURK: Because of the time, I'd like to take a
17 short five-minute break and let people stretch, and then
18 we'll start with our second session. If you want to speak,
19 now is the time to make sure you have your card filled out.
20 Thank you. Five minutes.

21 (Recess taken.)

22 COLONEL TURK: We're going to start. We have a quite
23 a few speakers.

24 The first speaker is Bill Schwab, and the next
25 speaker will be Craig Shuman.

36

ROCKET REPORTING NETWORK (310) 202-4211

1 MR. SCHWAB: My name is Bill Schwab. I've been a
2 resident of Wilmington for about 70 years.

3 Since 1985, I have seen it get bigger and bigger.
4 I was a seaman for 43 years; a marine engineer. I retired
5 off of tankers.

6 I'd like to ask the question on how many tankers
7 will be coming into that port -- into that berth. And I'd
8 like to ask who or what is going to unload that ship.

9 If it's going to be the ship's pumps, you're
10 going to have to use more generators, more power. You'll
11 put more pollutants in the air. And you have to remember,
12 the mayor said no more expansion of the port until we can
13 control the pollutants.

14 I also would like to say that I was looking at
15 this map over here, and I live over there where the
16 pipeline from Mobil goes by my house by a block. And it
17 goes down between Marine and Reeves (phonetic) to an alley
18 all the way to Lomita Boulevard. There is a manifold

19 there; kind of raggedy; poor shape. And I think that's
20 where they chute off all the way over to the Mobil Refinery
21 in Torrance.

22 I bring this up because we have a preschool on
23 the corner Reeves and Avalon which is about maybe a block
24 away from this manifold. The wall has been hit twice by a
25 truck.

37

ROCKET REPORTING NETWORK (310) 202-4211

1 There's a church west of that manifold on
2 Lomita Boulevard. The truck went right up to the door.
3 I'm just wondering whether they're going to knock that
4 manifold down.

5 It must be over a thousand homes adjacent to that
6 alley on Reeves and Marine. And I want to know how old
7 that pipeline is; if it comes up to standards.

8 And I also wanted to say, a few years back,
9 working with some other people, we had to coat the
10 facilities over at Terminal Island. And it took a little
11 while, but we finally got it covered, and I think it cost
12 \$28 million. Something like that.

13 Anyway, we had meetings over there in the
14 United States Customs building, which employed about 300
15 people. And we were invited over there a couple of times
16 for meetings, and we had meetings at lunchtime.

17 There was a fellow from Washington EPA. He was making a
18 spiel there and he took questions. Somebody in the crowd
19 asked, "What happens if we have a major catastrophe here?"

20 "Nothing."

21 "Why?"

22 "Nothing because you're all dead." That was the

23 answer.

24 So it kind of shook me up because, as we all
25 know, the U.S. Customs moved out of there, and they moved

38

ROCKET REPORTING NETWORK (310) 202-4211

1 to Long Beach. The facility is boarded up.

2 Thank you.

3 COLONEL TURK: Thank you. All right. Now
4 Howard Uller is next.

5 MR. SHUMAN: Good evening. I'm Dr. Craig Shuman. I'm
6 a staff scientist for Heal the Bay. I'd like to thank you
7 for the opportunity to comment on the proposed project.

8 Heal the Bay is a nonprofit organization with
9 over 10,000 members dedicated to making our local waters
10 safe and healthy for humans and wildlife.

11 Due to the hazardous and toxic nature of
12 petroleum that are to be off-loaded, transported, and
13 stored on the site in large amounts -- from what I
14 understand, it's four million barrels -- we have
15 significant water quality and wildlife concerns.

16 First and foremost, we'd like to see --

17 THE COURT REPORTER: Please slow down. Thank you.

18 MR. SHUMAN: We would like to see a storm water
19 pollution and prevention plan designed to capture and treat
20 all runoff from the project site to ensure there is no
21 increase of pollutants in the port waters.

22 Second, we'd like to see a state-of-the-art spill
23 prevention control and container plan designed to minimize
24 the risk of spill and to ensure minimal impacts if a spill
25 accident was to occur.

39

ROCKET REPORTING NETWORK (310) 202-4211

1 And, finally, the issue of the least tern is one
2 that causes us a lot of concern. As it has been previously
3 stated, they are federal - and state-listed endangered
4 species, and there's relatively few habitats left in our
5 state. We're concerned about the impacts from construction
6 and operation, and those have been so far identified in the
7 previous presentations. We'd like to make sure that there
8 are no impacts to the least tern nesting on the site.

9 Thank you.

10 COLONEL TURK: Howard? And then following Howard,
11 Donna Ethington.

12 MR. ULLER: Good evening. I'm Howard Uller. I am the
13 president of the Central San Pedro Neighborhood Council,
14 and I'm speaking on behalf of that council.

15 I have laryngitis, so I will not be able to do my
16 full presentation. I will give you a letter that outlines
17 our position in detail.

18 We have taken a position against this project
19 going forward, and it's a mix of issues. The company's
20 labor history -- the owner of the company whose labor
21 history is a rocky one; a negative one. There's been
22 union-busting, and our council is opposed to nonunion
23 projects coming into the port.

24 But you want me to focus on the environment, and
25 that's what I'm going to do, in essence, from our position.

40

ROCKET REPORTING NETWORK (310) 202-4211

1 I'm reading from the letter that I will give you
2 a copy of it.

3 First and foremost is the lack of the
Page 35

4 comprehensive treatment of the liquid bulk facilities. I'm
5 not going to go into the details. The other speakers have
6 already done it in their presentations. Our council's
7 position is identical to that. There shouldn't be any new
8 deal cut until a brand-new, overall, comprehensive
9 Master Plan for those details -- for the hazardous
10 materials.

11 The kinds of tankers. When this is presented to
12 us by the company, the kinds of tankers -- they were going
13 to allow single-hull tankers to come. We oppose the
14 project on that ground. If you decide to go forward with
15 this -- if the Port goes forward with it, you should only
16 allow double-hull tankers to come in to give us maximum
17 protection against environmental spills. We don't want the
18 Exxon Valdez to be repeated here in this port in our
19 waters.

20 The proposal that was presented to us by
21 Pacific Energy Partners did not require the use of
22 clean-burning or alternative fuel. It means more
23 pollutants in the area. That should not be tolerated.

24 There has to be safe access -- safe entrance,
25 safe exit -- to Pier 400. The pipeline to be used goes

41

ROCKET REPORTING NETWORK (310) 202-4211

1 right along the causeway to Pier 400. A major earthquake
2 fault is present in that area. If that pipe ruptures in an
3 earthquake, we've got problems. People are in danger who
4 work there. They have no safe exit from there. Bad spot
5 to do it from.

6 I noticed the Port's expression of their
7 willingness to look at alternative sites. We would

8 encourage that because that was a major point we made.
9 Look at alternative sites for this project.

10 We're not opposed to port growth, and we're not
11 opposed to that kind of product coming to the port. It
12 just has to be done to safe standards so everybody is
13 protected.

14 The final point of concern is the points of
15 origin of the ship that's coming in. Until
16 Operation Safe Code Commerce is fully implemented in ports
17 around the world, we don't know what's in those ships when
18 they come. You have to protect us from that.

19 I'll give you a copy of the letter that outlines
20 all this and more in detail.

21 We are quite concerned about the negative labor
22 history and that program's out-and-out refusal to commit in
23 advance to having a unionized labor force.

24 Who do I give this to? Do you want my signature
25 on that? Thank you.

42

ROCKET REPORTING NETWORK (310) 202-4211

1 COLONEL TURK: Thank you. Donna? And then followed
2 by Colin Bailey.

3 MS. ETHINGTON: Okay. Donna Ethington. I'm a board
4 member of the PCAC Subcommittee and also the
5 Wilmington Neighborhood Council.

6 I would like to ask the Port to evaluate the
7 potential impacts if this project doesn't go forward.

8 What are the implications if the local refineries
9 do not have access to -- I'm sorry -- I'm tired tonight --
10 they don't have access to the source of the crude? Will no
11 project limit or at some point in time disrupt refinery

12 output?

13 What would be the alternative means of supplying
14 sufficient quantity of crude to the refineries?

15 Would no project divert delivery of crude to
16 facilities other than the Port of L. A. or Long Beach? And
17 if so, would it require additional storage tanks at that
18 terminal?

19 Would no project increase the need to ship crude
20 oil or gasoline to this Southern California area by truck
21 or rail? If so, how many trucks or tank cars would be
22 needed per week to equal the amount that would be supplied
23 by pipeline from this terminal?

24 Without this additional capacity to store crude
25 or refined products, how would it affect future supplies

43

ROCKET REPORTING NETWORK (310) 202-4211

1 and retail prices of gas and diesel?

2 And could you please compare the benefits? See
3 if they outweigh the impacts. Thank you.

4 COLONEL TURK: Okay. Colin Bailey and then
5 Kathryn Padbury.

6 MR. BAILEY: Good evening. My name is Colin Bailey.
7 I am speaking on behalf of Communities For a Better
8 Environment. There are thousands of members, many live
9 near the Port of L. A.

10 CBE has several major concerns regarding the
11 scope of the proposed drafts of the environmental impact
12 statement and report, which I'll refer to jointly as the
13 impact statement.

14 First and foremost among our concerns is that
15 construction and operation of the proposed liquid bulk

16 marine terminal facilities, storage tanks, and transport
17 pipelines may have a profound and harmful effect on the
18 environment and health of our residents, including on air
19 quality, water quality, navigation noise, industrial
20 blight, and cancer risk.

21 Because the Pier 400 site is immediately adjacent
22 to a local community of color that bears a disproportionate
23 burden of environmental pollution, environmental justice
24 and cumulative impact must be central to this analysis.
25 The impacts of this project, like any and all future

44

ROCKET REPORTING NETWORK (310) 202-4211

1 projects of the Port, will be assessed and mitigated in
2 full if it is to go forward.

3 As a starting point, the impact statement must
4 consider the impacts of the construction phase of the
5 Pier 400 project. Construction usually and unfortunately
6 involves heavy-duty machinery belching diesel fuel and
7 particulate matter into the air picking up dust. The
8 impact statement must detail dust-mitigation tactics and
9 conduct a thorough study of alternatives to the use of
10 diesel machinery during construction.

11 Next, the impact statement must consider the
12 impacts of operating the Pier 400 project and all the
13 associated activities that follow from this operation.
14 This means the impact statement must take into account the
15 impact of larger and more numerous diesel tankers stopping
16 at Pier 400, increased activity on the port when unloading
17 and pumping crude oil, increased truck and rail and other
18 forms of harbor transport, increased production of
19 refineries, and so on.

20 Additionally, we urge both the Port and the Corps
21 to seriously consider the proximity to Wilmington and
22 Long Beach residents and San Pedro residents to the
23 proposed project site and the potential significant public
24 health impacts associated, which will be generated by both
25 construction and operation, with other proposed --

45

ROCKET REPORTING NETWORK (310) 202-4211

1 THE COURT REPORTER: Excuse me. Close the door,
2 please. Thank you.
3 MR. BAILEY: Specifically with respect to air quality,
4 the impact statement must detail Pacific Energy's estimated
5 particulate and diesel engine as to both construction and
6 operation phases and how the expanded operation will comply
7 with air quality requirements. This synopsis must take
8 into account fugitive dust, diesel, and other particulate
9 matter.
10 In actuality, new standards of recently approved
11 national air quality standards may make future attainment
12 of particulate standards even more important. The impact
13 statement must address the court's attainment status as
14 well as its prospects for attainment under the more
15 stringent requirements. The impact statement must also
16 assess how the operation will comply with all the quality
17 standards.
18 With respect to environmental justice, the impact
19 statement must adequately describe the existing settings,
20 including the community living near the pier or the
21 project. The impact statement must contain a complete
22 description of sensitive receptors living near the pier
23 including children, the elderly, residential units.

24 The impact statement must analyze the existing
25 distribution of pollution in the area to determine if there

46

ROCKET REPORTING NETWORK (310) 202-4211

1 are any disproportionate impacts from environmental hazards
2 for pollution to people of color and low income. Such an
3 analysis is essential for the impact statement to then
4 study whether the project is likely to contribute to such
5 disproportionate impacts.

6 With regard to cumulative impact, we urge that
7 the impact statement take into account the indirect impacts
8 of the people of the entire region's air -- excuse me -- on
9 the project -- on the entire region's air and water
10 quality. This means that the impact statement should
11 contain a survey of all sources of air and water pollution
12 in a six-mile radius of the project. This represents a
13 safe estimate of the area that contributes to the
14 cumulative impact in the Wilmington area.

15 This survey will allow the impact statement to
16 contain an assessment of how the additional pollution
17 created by the project would contribute to the community
18 impact already experienced by residents in and around
19 Wilmington.

20 Lastly, the Port should consider all mitigation
21 for air quality and water quality hazards, including a
22 no-project option. Wilmington and the port sit in a
23 nonattainment zone for particulate matter. The impact
24 statement's discussion of mitigation measures should
25 include a thorough review of alternatives to achieve a

47

1 no-net gain or preferably a net reduction in pollution in
2 the port and Wilmington area. The goal must be to achieve
3 cleaner air each and every year until attainment is
4 reached. Thank you.

5 COLONEL TURK: Kathryn? Augustin will be next.

6 MS. PADBURY: Good evening. My name is
7 Kathryn Padbury, and I represent Santa Monica BayKeeper.

8 Thank you for the opportunity to comment on the
9 scope of the proposed Pier 400 marine crude oil terminal.

10 BayKeeper is a nonprofit organization dedicated
11 to the preservation and restoration of Santa Monica Bay,
12 San Pedro Bay, and adjacent coastal waters.

13 The BayKeeper has approximately 2000 members,
14 most of whom reside in Los Angeles County. The BayKeeper's
15 mission includes monitoring and protection of the region's
16 waters, including local watersheds, sanctuaries, rivers,
17 coastal estuaries, wetlands, and bays from illegal dumping,
18 hazardous dumps, toxic sources, and other pollution,
19 including polluted runoff.

20 When water-quality violations or habitat
21 destruction threaten the regions' waters, the BayKeeper
22 persists in compliance efforts of remediation. In
23 addition, our executive director sits as one of two
24 environmental representatives on Los Angeles and Long Beach
25 Harbor.

48

1 As you are well aware, the proposed project will
2 consist of a pipeline and storage tank constructed on the
3 least tern site at Pier 400. It is estimated that

4 13 percent of California's least terns live at Pier 400.
5 This is an extremely important area, and
6 Santa Monica BayKeeper seeks examination of alternatives to
7 construction so close to this site. We understand that the
8 nesting season is well-documented and that construction may
9 be timed so as to avoid the season. We are concerned that
10 year-round operation of the marine crude oil terminal will
11 have disastrous implications to this population of the
12 state- and federally-listed endangered species.

13 Storm runoff is the single largest contributor to
14 water pollution in Los Angeles. The Port operates under a
15 municipal storm-water permit as well as the general permit
16 for specific operations. Each tenant of the port, the
17 majority of which have high potential for contaminated
18 discharges, must develop its own storm-water-prevention
19 plan and conduct their own monitoring.

20 BayKeeper is aware of widespread noncompliance
21 with the industrial storm-water permit or individual
22 permits within the port. Different contaminants are a
23 problem, including blast slack (phonetic), toxic paint
24 chips, oil, and other constituents of concern.

25 Currently the Port is faced with the cost of

49

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1 cleanup at the facility for storm-water discharges that
2 have occurred. Contaminated sediments are also a huge
3 problem.

4 Santa Monica BayKeeper seeks the examination of
5 storm-water technology that will eliminate all polluted
6 runoff from this proposed project. The draft environmental
7 impact statement should consider alternatives that would

8 require the proposed project to capture and completely
9 treat any runoff which will occur during and after
10 construction.

11 This proposed marine crude oil terminal should be
12 the model for future and current ports.

13 Thank you for considering our comments, and we
14 look forward to the EIR. Thank you.

15 COLONEL TURK: Thank you. Augustin? And Ray will be
16 next.

17 MR. EICHWALD: Yes. My name is Augustin Eichwald.
18 I'm with Communities For a Better Environment.

19 I have a number of things that should be
20 considered in the scope of this report. I'd like to start
21 off with the analysis of -- first of all, actually, air
22 quality is mentioned as a significant impact in the report.
23 I'd like the actual health-costs impact to be studied.
24 What is the impact in terms of health and the cost of which
25 the people of this area are going to absorb when offset

50

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1 from the potential economic needs?

2 I'd also like to reiterate the concern that
3 Mr. Noel Park mentioned regarding the urban forest that's
4 at the port, which provides recreation, which provides a
5 respite from the blight, leading to the third point, which
6 I'd like to bring up -- is the blight that would be created
7 by these huge ships coming in.

8 I'd like to you to consider what it's like for
9 the community members of Wilmington who live fence-line to
10 an oil refinery that refines a hundred thousand barrels of
11 crude oil every day or has the capacity to do so. When

12 they look out of their window and they see this massive
13 refinery -- for the people conducting this study to study
14 what it's like; the psychological impact that it has; the
15 aesthetic impact that it has.

16 I'd like for them to also study the blight
17 related to other impacts related from the port. For
18 instance, a portion of Wilmington is referred to as a
19 ghost town by the local residence; ghost town because it's
20 been so highly impacted by blight that no one dares to
21 enter the area; where community residents look out of their
22 window in the house, and across the street, they see rusted
23 container terminals stacked five stories high. I'd like
24 you to study that in the scope.

25 I want to talk about the risk of explosion

51

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1 associated with this. I know it's been mentioned before.
2 We've had explosions in Wilmington before. Approximately
3 every two or three years or so, there's an explosion. In
4 '99 there was an explosion at Conoco Phillips. There was
5 also an explosion in 2001 at the old Tosco -- which is
6 actually connected to the one in Wilmington -- the refinery
7 in Wilmington. So explore the explosion.

8 I'd also like for this environmental impact
9 report to study cancer risk. According to the AQMD, the
10 Local Air Quality Management District for this basin, the
11 cancer risk in Wilmington was in excess of 1500 per million
12 which was the greatest risk in all of the basin -- 1500 per
13 million -- in terms of air quality. So I'd like you to
14 actually show what the impact of this terminal will have on
15 the cancer risks.

16 I'd also like to talk about -- I'd like you to
17 address further -- you mentioned the cumulative impact. We
18 noted that cumulative impact was on the list. Just to take
19 into account dimensions, further study of the 450,000 -- or
20 excuse me -- the 250,000 thousand barrels a day that are
21 refined around the Wilmington area; the 40,000 truck trips
22 that -- diesel truck trips that spew diesel particulate
23 into the local air and really look into all the different
24 sources.

25 Thank you.

52

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1 COLONEL TURK: Thank you. Okay. Ray? Then
2 Joseph Serrato.

3 MR. FAMILATHE: Good evening. My name is
4 Ray Familathe for those of you who can't say my last name.

5 I am a harbor -- 46-year-harbor-area worker. I
6 currently live in Harbor City. My family, next year, will
7 be one hundred years living in the San Pedro Bay area.
8 Very proud that of that.

9 Unfortunately, the Pacific Energy and its owner
10 gives me a very bad taste in my mouth as far as negative
11 effects of Mr. Philip Anschutz on this local community here
12 in the Port of Los Angeles. He's had previous business
13 dealings here that were less than desirable on the effects
14 to local workers and the community.

15 The negative effects to the environment -- I
16 won't go into them because so many speakers have touched on
17 what I was going to say. But the big concern I have on
18 this proposed facility on its location at Pier 400 is that
19 there's been no threat assessment. There was a mention

20 tonight about terrorism and security. This is the entrance
21 to the third largest port in the world. Without a threat
22 assessment -- our government comes on the news, and the
23 media is broadcasting right now how serious threats are
24 from now until who knows when. With crude oil being one of
25 the products and other petroleum petrochemical products --

53

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1 we don't know what those products will be. Is this going
2 to be a target for terrorism?

3 With the U.S. economy taking such a tremendous
4 burden with the effects of shipping coming through the west
5 coast, particularly the Port of Los Angeles, when the port
6 is congested or the port gets shut down, there's tremendous
7 negative effects on the U.S. economy and without this
8 threat assessment -- so that the local community can
9 understand exactly.

10 And as a worker, I work on Pier 400. There could
11 be a thousand people there; maybe maximum. I don't know.
12 The Port needs to give us specific numbers on the minimum
13 workers and people that will be occupying Pier 400 to the
14 maximum.

15 I know that when I go to work, there's one road
16 in and one road out. If there was an environmental
17 disaster, a hazardous spill, an act of terrorism, how am I
18 going to get a safe place? Will someone be able to come in
19 and rescue me if the one road in is blocked because of, you
20 know, a hazardous spill? Will I have to swim home by
21 crossing the bay to Cabrillo Beach to save my life? I
22 don't know.

23 Philip Anschutz is predictable. He comes into

24 communities like Los Angeles, and he gives his standard
25 donations to the Boys & Girls Club. And you'll see him

54

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1 with a picture in the local newspaper, and then his hired
2 guns, like the guy in the back of the room, will get up
3 here and tell us beautiful things about why we should
4 embrace this project.

5 I can only tell you, I was one of 300 workers
6 that was put on the street by Philip Anschutz at the local
7 interload container transfer facility on
8 Sepulveda Boulevard.

9 Mr. Philip Anschutz owns
10 Southern Pacific Railroad. The lease was handled by the
11 Port of Los Angeles. Once again, when I see the Port doing
12 business with someone like Philip Anschutz -- the
13 Port of Los Angeles watches as Philip Anschutz got rid of
14 me and 300 other workers and went to right-to-work states
15 throughout America and brought 300 people in to replace
16 local workers; people that were community members like
17 myself, a native San Pedran. People came from outside this
18 community; took our jobs. Will Mr. Philip Anschutz do this
19 again? Is he here once again to line his pockets?

20 The billionaire that he is, who knows what type
21 of political contributions he's giving throughout this city
22 right now. This disturbs me. Just mentioning his name
23 gives a dirty taste in my mouth to the 300 people I saw
24 that lost their homes, lost their livelihoods. And now I
25 see Mr. Philip Anschutz coming back into our community, and

55

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1 I don't see that the Port is giving us enough answers on
2 environmental aspects of Pier 400 and the workers there and
3 the local community.

4 And the residents of the harbor area in
5 general -- what will the negative effects be when this man
6 decides to pick up and leave again? Will he bring workers
7 from out of state?

8 These are questions we all have to ask ourselves
9 once again, and I hope that you'll start to think about
10 these things and the business practices of this man and
11 this company.

12 Thank you.

13 COLONEL TURK: Richard Slawson and then Norman Tuck.

14 MR. SLAWSON: Good evening. My name is
15 Richard Slawson. I'm the executive secretary of the
16 Los Angeles and Orange County Building and Construction
17 Trades Council. Our office address is in Los Angeles,
18 1626 Beverly Boulevard.

19 I, myself, I live in Torrance. I live within
20 three-quarters of a mile of the Mobil Refinery. The
21 Dow Chemical plant on the west is -- the Edison power
22 plant -- probably a mile and a half from my home as well.

23 So having lived in Southern California since
24 1952, 51 years, I've lived in and around facilities such as
25 the oil transfer facility proposed here tonight. Working

56

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1 in the construction industry, we've built most of the
2 facilities that are existing in the area now: The
3 refineries, chemical plants. We provide jobs. We've also
4 built the schools and hospitals that provide services for

5 the people that live throughout the community as well.

6 We are very interested in this project, and I'm
7 happy to say that we have had a good relationship with
8 Pacific Energy. They came to us. They committed early on
9 that this would be an entirely union-constructed project.
10 That probably is not going to be part of the environmental
11 impact report, but it does mean very enormous environmental
12 and economic impact on construction workers who live and
13 are raising their families throughout this area of
14 Los Angeles as well as the other areas of Los Angeles and
15 Orange Counties.

16 We would like to see many things included in the
17 environmental impact report: The effect of the use of
18 larger new technology oil tank vessels on air quality and
19 also using larger vessels and the effect on the number of
20 ships that will be entering into the port of Los Angeles
21 from using those larger facilities -- larger vessels.

22 Also we would like to see the effect discussed on
23 the use of pipelines versus trucks in and out of the harbor
24 area. And the new pipelines will be transporting petroleum
25 products from this facility, if it's built to the local

57

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1 refineri es.

2 Also the effect on air quality and traffic use of
3 those pipelines versus the truck trips.

4 We would like to see included the economic
5 effects on the greater Los Angeles area of building the
6 project. Expanding crude oil terminals to meet expected
7 capacity, which will be expanding over the years, will
8 surely have a tremendous economic impact if the project is

9 built versus it not being built. We'd like to see that
10 studied and discussed.

11 We'd like to see the positive or negative effects
12 on the jobs and the economic-multiplier effect by
13 constructing and operating the project.

14 We would also like to see the effect on future
15 transportation needs by having the facility to continue to
16 supply needed crude oil products to the basin; supply fuels
17 for not only our automobiles but buses, trucks, air
18 transportation, and what have you.

19 We would also like to see the economic effects of
20 no project on future petroleum products used in the
21 Los Angeles area. Will that positively or negatively
22 affect the overall economy throughout this region?

23 And, finally, we would like to see that the
24 project and its operation will meet all CEQA, EPA, AQMD
25 regulations. Having looked at quite a few other

58

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1 environmental impact reports over the years, I'm sure that
2 that's expected as part of the environmental impact report.
3 As the building trades, we'd like to make sure that it is
4 noted that we requested that.

5 We basically support the project. We think
6 there's a continued need for petroleum products in the
7 area. We drove down here tonight. I think everybody
8 that's here either drove or carpooled with someone else,
9 and that signifies to me that the elimination of crude oil
10 projects is far off in the future.

11 We hope that the process will continue on
12 schedule and on line, and we hope to be building this

13 project in the near future.

14 Thank you very much.

15 COLONEL TURK: Okay. Norman Tuck? Dave Aman
16 (phonetic)?

17 MR. ARIAN: Ari an. A-r-i-a-n.

18 COLONEL TURK: Well, he's next. Norman is first.

19 MR. TUCK: Good evening to you. My name is
20 Norman Tuck, labor relations representative for the
21 Longshore union here and also, beginning my third term,
22 Coast of San Pedro Neighborhood Council.

23 I would ask Ken, is it possible to turn your tape
24 back on and maybe put up the picture of the -- the picture
25 from above of the facility area? Is that possible so I

59

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1 can -- so my presentation can be a little more clear?

2 Well, if it's going to cause a problem, I can
3 wing it. The overhead plan of the site -- there's an
4 aerial picture of the Pier 400. Thank you for your
5 patience out there. I'll go ahead and start until we get
6 this warmed up.

7 We appreciate the information that may come to us
8 through this environmental impact report. And being a very
9 long-term resident of San Pedro, I would also like to
10 include in this -- in looking at this picture about a ship
11 impact report or the possibilities of such.

12 I was standing on my front porch with my three
13 children and my wife the night that the San Simeon
14 (phonetic) blew up out in the harbor in San Pedro. And
15 when we look at this aerial view and we look at the
16 direction of where the beam of this ship is, it points in a

17 direct line; meaning, the beam of the ship is that
18 longitudinal portside of the ship that we see there. It's
19 pointing right at Cabrillo Beach in San Pedro. So those of
20 us that remember the San Simeon and that explosion and what
21 it did to the community have those residual things in our
22 mind.

23 I took some time last week to read to what I had
24 found to be, I guess, the last written information from
25 Pacific Energy, and it was part of a presentation made to

60

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1 the Central Council and some other stuff. And at that
2 time, it continued to commit to the fact that it was very,
3 very incomplete in its direction of what it really wanted
4 to do. And unless something else is produced to myself and
5 the community, we would find it as still somewhat of an
6 incomplete issue on what exactly Pacific Energy is going to
7 do.

8 I'd like to point out for those of us in the
9 audience and the folks up in front, I patrol these docks
10 consistently every week. And what is really in reality is
11 where we see the left-hand side of this picture here, which
12 is the starboard side of the ship, and the line that comes
13 down on what is berthing is currently filled up by blacktop
14 and containers all the way up to the line that we see them.
15 Okay. So APM (phonetic) and Motor Maersk (phonetic) has
16 take over this whole area of land.

17 It was raised in Ken's presentation that of
18 something -- what are our alternatives? Well, the next
19 speaker will talk about an alternative, and if I had all
20 night, I could talk about lots of other alternatives also.

21 I have one question. And when I talk about
22 ingress and egress -- going into -- which is currently
23 Pier 300's section in the port of Los Angeles and Pier 400.
24 Pier 300 is currently being used by American President
25 Lines and some other shippers that come in and out of there

61

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1 and such. And I live on the hill in San Pedro, and I can
2 see very clearly the amount of ship movements in and out of
3 the facility here, and it's almost like a bus station.

4 And I absolutely view it -- having been a
5 longshoreman for 35 years -- and I tied up ships. I used
6 to tie up ships for a living. I have immense information
7 as to what goes on in that area. And because of the
8 ingress and egress, the potential for ships coming in and
9 out of that area, which is the busiest area now in all of
10 this country -- just those two facilities. We are third
11 largest in the world.

12 But APM and APL (phonetic) going into that
13 facility -- what is happening now with Maersk ships --
14 they're 1100-plus feet long. They choose not to use any
15 tugs to bring their ships in and out of that area. Once in
16 a while, the skipper of a ship may insist that they have
17 one tug.

18 Now, can you imagine an 1100 foot vessel that's
19 150, 160 feet wide -- usually they're 40, 45 meters wide --
20 with no tugs and the potential when the wind blows westerly
21 of an impact of a vessel of being -- to an incoming vessel?

22 We talk about the least tern. As I said, I
23 patrol this area here, and what is currently being was the
24 last habitat. About four weeks ago, I listened to some

25 probably ten to fifteen thousand least terns -- midnight --

62

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1 just screeching away, laying their eggs, and so on and so
2 forth. That is now being taken from them. Okay. It's not
3 all blacktop tarmac.

4 Talk about earthquakes and liquefaction.
5 Army Corps of Engineers, you could teach me lots and lots
6 about liquefaction and the potential as we saw in Kobe,
7 Japan -- what happened to the facilities and berths there.

8 So we have a tremendous amount of things, and
9 speakers before me have been very eloquent and very clear
10 on their passions of either Anschutz, the environment.

11 I mean, we've fought with the powers that be --
12 Maritime Association and others -- about the impact of the
13 environment and what it does to the longshore workforce. I
14 hope that when I retire in two years, I'll get at least 20
15 good years of life given the fact that I've done everything
16 from unload whole shiploads of asbestos, load the DDT
17 during the Vietnam War, and on and on and on and what I
18 still suck up today.

19 So there's tremendous care that needs to be done.
20 We really need to think this thing out. And if indeed the
21 powers to be choose to have this island be used, I would
22 think that we may want to consider around the backside
23 there, which would be the easterly side -- that the ships
24 would come in around there, and then they would be in line
25 with the current pipeline.

63

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1 I thank you for your time. I heard the buzzer,
2 so I'll take off.

3 COLONEL TURK: Okay. Dave Arian and then
4 John Carpenter.

5 MR. ARIAN: David Arian. Thank you for the
6 opportunity to speak.

7 I'm presently the president of Local 13 of the
8 Longshoremen. We have a membership of about 5500 and 38
9 casuals, so close to 10,000 workers, in the port of L.A.
10 and Long Beach.

11 And, you know, I've listened to most of the
12 comments here, and I wish to strike a balance between the
13 economic interests and the living conditions in terms of
14 the environmental conditions.

15 I've been around the world, and I've seen where
16 there's low economic standards. It doesn't matter what
17 the environment is if people can't eat. So you always have
18 to have a balance.

19 When you look at the development and the port,
20 it's a significant part of feeding the American people,
21 particularly in the South Bay and this region. I support
22 the question of the development of the port along the safe
23 lines and looking for various alternatives.

24 Many of the other people spoke -- some of the
25 people in our union have spoke about Philip Anschutz. I

64

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1 was the international president when our workers were run
2 out of the rail facility. People with -- looked like
3 AK-47's pointed at their heads. It was a very negative
4 situation for us.

5 When I went to meet with Philip Anschutz in
6 San Francisco, I was treated with disrespect that had never
7 been seen on their part of the concern for our workers. So
8 I have that as part of my feelings about this particular
9 individual, but more so the project, and that's what we're
10 focusing on.

11 And I think there's an alternative to this
12 project that should be studied in terms of other land
13 masses that are available, particularly the LAXT (phonetic)
14 facility and some of the closer to the -- you know, if we
15 look at that facility and the old Customs building in that
16 general area as an alternative to this site.

17 A number of reasons why its location -- the
18 access to the facility is not just one road. There's many
19 roads in and out for the safety of our workers and the
20 workers on the facility.

21 But also the question -- when we look at this
22 facility, we presently have a workforce there that's a
23 unionized work force. And like I say, we're not opposed to
24 this construction, but we think it should be placed
25 somewhere else. We think the LAXT facility is an

65

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1 alternative. For the Army Corps of Engineers, we'd like it
2 studied. We'd like to see a comparison on these different
3 environmental questions.

4 And then, you know, presently we understand that
5 there's negotiations going on by the Port which will most
6 likely close down this facility. But there also are
7 proposals that have been made by other companies to utilize
8 the facility similarly; utilizing the 38 and 137 (phonetic)

9 similarly. And, again, the LAXT facility and most people
10 that run it have made proposals to the Port of Los Angeles.

11 I'd like the Army Corps of Engineers to look at
12 those proposals and make some comparisons so this isn't
13 just done on the basis of one company that seems very
14 influential, and it may not be the best site for what's
15 being proposed. So I would hope in your consideration you
16 would look at this and see what the ramifications would be
17 at this other site.

18 And that's the main thrust of what I'm concerned
19 with. Thank you.

20 COLONEL TURK: Last one I have is John Carpenter.

21 MR. CARPENTER: Good evening. I'm a resident of
22 Harbor City. I've lived in Harbor City for about four
23 years now.

24 I've just got a question on these papers that we
25 were presented for this hearing. I see this project

66

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1 applicant is "PPS Holding Company, 5900 Cherry Avenue in
2 Long Beach."

3 Then I look through it here, and I see, "Sponsor
4 Name, Pacific Energy Group, LLC, 5900 Cherry Avenue."

5 And my question to this whole thing is -- in a
6 very similar manner to another hearing that I was at
7 recently, there seems to be a disconnect in who is being
8 presented as an applicant. Then, when I look on the
9 Special Notice of the U.S. Army Corps of Engineers, it
10 says, "Pacific Energy Crude Oil Marine Terminal." That's
11 the title that's on the front page on the very front of
12 that, and it just goes on and on.

13 And my point of this is who is going to be
14 responsible if there's an accident? Because already I've
15 got basically three names here, and you people can't seem
16 to decide who's going to be running this.

17 And then the other thing is, when I look on the
18 pictures, these illustrations, I see that this source is
19 "Pacific Energy Group, LLC, 2003." Now, is this a separate
20 corporation, or exactly who is this?

21 So I just leave you with those thoughts, and I'll
22 write a formal submittal on this, but I just have questions
23 on this because nothing is straight on this. I see
24 basically four or five different names here, and it seems
25 to be one person applying for it.

67

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1 Thank you.

2 COLONEL TURK: Thank you. That concludes our session.
3 That also concludes our meeting. Thank you much for
4 attending.

5 (Meeting concluded at 8:37 p.m.)

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68

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