

December 6, 2005

VIA ELECTRONIC FILING

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, D.C. 20426

**Re: Communities for a Better Environment Comments on Draft EIS/EIR
for FERC Docket No. CP04-58-000 et.al., Long Beach LNG Import
Terminal Project**

Dear Ms. Salas:

Communities for a Better Environment (“CBE”) submits the following comments on the Draft Environmental Impact Statement/Environmental Impact Report (“DEIS/DEIR”) for the Long Beach LNG Import Terminal Project. CBE is a California non-profit environmental health and justice organization with offices in Oakland and Huntington Park. CBE is a membership organization with approximately 20,000 members throughout the state of California, including thousands of people who live, work, breath, own property, and recreate in the South Coast Air Basin. CBE's organizational goals include protecting and enhancing the environment and public health by reducing air pollution in California's urban areas, including the South Coast Air Basin, which includes most of the greater Los Angeles metropolitan area including Long Beach. CBE has been active in air quality issues in California for over twenty-five years.

CBE is submitting preliminary comments at this time. CBE hereby requests timely notice about all further hearings and proceedings regarding this project. The DEIS/DEIR has numerous deficiencies, which are highlighted in the following brief comments. One particular area of concern to CBE, common to virtually all the topics in the DEIS/DEIR, is the complete absence of any focus on the project’s likely disproportionate impacts on nearby environmental justice communities. The proposed project site is adjacent to largely low income Latino communities but the DEIS/DEIR ignores the heightened vulnerability to adverse environmental impacts that these communities will be exposed to by this project in combination with other existing facilities.

Without addressing specific disproportionate impacts to affected environmental justice communities, the DEIS/DEIR acknowledges that the proposed Long Beach LNG Import Terminal project will have the following significant impacts: air quality, transportation, reliability and safety. Significance thresholds for all criteria pollutants except sulfur oxides would be exceeded during construction. Significance thresholds for nitrogen

oxides, reactive organic compounds, particulate matter, and sulfur oxides would also be exceeded due to the project's operational emissions. None of these adverse air quality impacts would be mitigated. The DEIS/DEIR fails even to provide the required conformity analysis for the air basin in relation to the State Implementation Plan ("SIP") and Air Quality Management Plan ("AQMP") and, instead, impermissibly defers these investigations until after the public's opportunities to review this information have expired. The DEIS/DEIR does not investigate nor propose feasible mitigation measures to offset the project's extensive adverse air quality impacts such as requiring that vehicles and equipment at Long Beach's large port complex be converted from highly-polluting diesel fuel to other sources.

With respect to adverse transportation impacts during construction, the DEIS/DEIR asserts that these would be mitigated by a combination of a one hour shift in work schedules and reassessments of traffic conditions which are deferred into the future.

Significant impacts related to reliability and safety are claimed to be mitigated based on reliance on vague safety plans, the details of which are again deferred into the future after public review and input regarding the adequacy and accuracy of environmental findings have been concluded. Moreover, the magnitude of the significance of impacts related to reliability and safety are grossly understated, particularly concerning the increased risks that adjacent environmental justice communities will incur. For example, independent experts from the California Public Utilities Commission and others have established that the DEIS/DEIR presents a threefold underestimation of the area of impact from an explosive fire. Similar wildly optimistic estimates concerning the risks of harbor collisions, trucks and pipelines associated with the proposed LNG Import Terminal substitute for objective analysis in the DEIS/DEIR. In addition, the increased vulnerability to terrorist attacks, which could shut down the busy Long Beach shipping port and affect downtown Long Beach itself, are cursorily dismissed in a couple of pages, with a precise risk of seven chances in a million per year calculated even though the DEIS/DEIR admits it lacks historical experience on which to assess these risks. As the *Los Angeles Times* recently editorialized, the DEIS/DEIR needs to "[g]ive us more answers about safety and reconcile the various studies on explosions or explain why they're so different." (*Los Angeles Times*, November 28, 2005, Part B, Page 10)

The DEIS/DEIR's investigations of other potential environmental impacts is also flawed in that it makes the inadequately documents the frankly incredible assertions that there will be no other significant impacts. While it acknowledges unfavorable geologic and soil conditions, genuine risks related to seismicity and hazardous substances are given short shrift with undefined engineered solutions deferred to be developed later. Potential impacts on water and biologic resources are brushed aside based on an apparent unwritten conclusion that they are already impacted, rather than a through analysis and identification of mitigation measures. Amazingly, the sections in the DEIS/DEIR concerning land use, visual resources, noise, and socio-economics fail to even acknowledge or address the character of accentuated impacts on nearby environmental justice communities. Indeed, the existence of these communities is not even

acknowledged. The document dutifully presents project alternatives, but evaluates these alternatives solely based on fore-ordained compliance with how Mitsubishi and ConocoPhillips want to proceed.

The DEIS/DEIR for the Long Beach LNG Import Terminal Project fails to satisfy the requirements for objective and thorough evaluation of environmental impacts specified by both NEPA and CEQA. The sheer bulk of this document does not substitute for nor constitute adequate environmental analysis regarding significant impacts which likely will be much more extensive than those disclosed. The deficiencies of this DEIS/DEIR warrant substantial revamping of this environmental document, including specification of details of purported mitigation measures to allow public review coterminous with recirculation.

Thank you for your consideration in this matter. If you have any questions or comments, please do not hesitate to contact me at 510.302.0430 extension 18.

Sincerely,

Shana Lazerow
Staff Attorney
Communities for a Better Environment