


		CITY OF LOS ANGELES California	
		Foothill Trails District Neighborhood Council	
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February 26, 2009

Dear Karen Coca,

It is the Foothill Trails District Neighborhood Council’s understanding after conversations with you and City Planning that, as an internal City project, the Lopez Canyon Truck Driving Academy is exempt from being a normal Planning-supervised Project. In addition, as we have received no response from the City or City Council Members after 5 months of requesting documents under the Public Records Act, it appears this is the case and the public is not involved as it would be normally through public notice and hearings.

Having the Bureau of Sanitation act on its own behalf to determine Environmental Impacts stretches viability for an unbiased standard Environmental Determination.

We are here-in submitting our concerns regarding the “Environmental Factors Potentially Affected” as addressed in the Draft Mitigated Negative Declaration submitted by Khalil Gharis, Division Manager for the Bureau of Sanitation on January 15, 2009. It can be fairly concluded there will be significant environmental impacts.

I. Aesthetics

II. Agriculture Resources

III. Air Quality

A. The City of Los Angeles relies upon a Health Risk Assessment that was prepared in January of 2003 to estimate the residential and occupational carcinogenic risk, the chronic non-carcinogenic hazard index, and the acute non-carcinogenic hazard index. Due to the need in considering the cumulative environmental impacts, the estimates contained within the report should be analyzed when considering the additional employee vehicles and school trucks that will be driven in the area. In addition, the Mitigated Negative Declaration (MND) does not consider the carcinogenic and health effects when driving off-site, which is estimated to constitute 70% of the total driving. With such a large proportion of driving off-site, the air quality in off-site locations will naturally decrease.

- B. The MND notes the conversion to Liquefied Natural Gas (LNG) by the end of the first full year of operation. While the use of LNG will undoubtedly reduce the emission of NO_x, such a conversion does not mitigate the diesel emissions during the initial year. Considered with the fact that the school's predicted emissions of NO_x for 2009 will be 46.95 pounds per day, which is just below the South Coast Air Quality Management District (SCAQMD) threshold of 55, the MND is unwarranted in suggesting that the "result in a cumulatively considerable net increase of any criteria pollutant" has a "Less Than Significant Impact" without any supporting evidence.
- C. It is emphasized that the nearest sensitive receptor is more than 2,143 feet from the school site. However, the MND does not reference the distance between the receptor and the routes to be taken when driving on residential streets and the freeway. Nor does the MND specify any other receptors that may be relevant when the trucks are driven on the freeways and streets. Such analysis should be considered, given the estimate that 70% of the driving will be off-site.

IV. Biological Resources

- A. The noise from the school's operation is discussed with relation to humans later in the MND. However, there is no mention of the impact this noise may have on wildlife. Furthermore, although air quality is discussed in other parts of the MND, the effects of air quality on biological resources are never mentioned. Such considerations merit a discussion, especially since the Angeles National Forest shares a boundary with the closed landfill. Due to the close proximity, it is unrealistic to conclude that there is absolutely "No Impact" on the biological resources. It is noteworthy to mention that the Angeles National Forest provides habitat to more than 180 species that are identified as sensitive, of concern, or at risk, one of which is the endangered mountain yellow-legged frog. Center For Biological Diversity,

www.biologicaldiversity.org/programs/public_lands/forests/southern_california_for_ests/pdfs/Intro-4-S-CA-National-Forests.pdf (last visited, Feb. 14, 2009).

As a matter of record, a Mountain Lion family (mom and 3 cubs) was spotted recently, early February 2009, on Spring Trail in Kagel Canyon and their normal range is 100 square miles. This does show an adjacent existence to the project site, unlike reported in the Draft MND.

V. Cultural Resources

VI. Geology and Soils

- A. Article 12 of the Lease Agreement states that the tenant shall "pay all charges associated with the installation and provision of utilities services at the site." While the MND states that the Training Academy site currently has no utility hookups, it does not preclude the possibility that such installation will take place. The MND states that the Training Academy will provide any "potential septic, water, and electrical services." This would have a significant effect as the Landfill cover conceivably, cannot support a septic system.

VII. Hazards and Hazardous Materials

- A. It is hard to believe that eight trucks with tanks full of diesel present absolutely "No Impact" in relation to a significant hazard to the public or environment. While the lease prevents the storage of hazardous substances on-site, the lease further notes that the fueling of trucks shall

be performed either “off-site or by mobile fuelers.” Lease Agreement Article 4.2. Even if the proposed project does not transport diesel itself, diesel will potentially be transported by private companies to the school. It is estimated that the total mileage for the eight trucks over the course of two weeks will be 12,160 miles (291,840 miles a year). Considering the extensive mileage, it is likely that re-fueling on-site will be quite frequent, thereby exposing the public and environment to hazards.

- B. Taking the information presented in section A above, it is also interesting that the school presents “No Impact” with regard to exposing “people or structures to significant risk of loss, injury, or death involving wildland fires.” According to the Building and Safety Property Activity Report, there are 5 safety assessment inspections ordered on October 14 and 17 2008, after the recent fires involving the landfill, which are listed as still “under investigation”. These investigations alone warrant further study. With the frequent transportation of fuel and the close proximity to Angeles National Forest, it seems there is a possibility that wildland fires will result if there is an accident.

VIII. Hydrology and Water Quality

- A. With heavy rain showers that we frequently experience and in light of the recent fires that have denuded the site, even small leaks and spills of petroleum-based products from the vehicles will run off and conceivably affect the water quality of local wells in Kagel Canyon and the San Fernando Groundwater Basin, which supplies 15% of Los Angeles City water.

IX. Land Use and Planning

- A. Upon closure of the Lopez Canyon Landfill in 1996 the zoning was designated as Open Space. According to Council File# 07-1660 (6/15/07), “The City of Los Angeles has an opportunity to make good on its commitment to the Northeast San Fernando Valley community to mitigate the impact of the landfill and other environmentally hazardous land uses by using Lopez Canyon as a location that can serve the recreational and open space needs of residents.” This is consistent with the Post-Closure plan as told to the residents and they have relied on government assurances that the surrounding neighborhoods would be free from the adverse impacts that they had to deal with from the landfill, such as noise and pollution. By approving one project after another for indefinite periods of time, this is reversing the promise to provide a clean, quiet park 30 years from closing the landfill.
- B. Due to the fact that the planned project is in conflict with a zoning ordinance, which is for the “purpose of avoiding or mitigating an environmental effect,” it is amazing that the MND states there is “No Impact”

X. Mineral Resources

XI. Noise

- A. The MND discusses the LCEC noise effect. Thereafter, the MND discusses the project’s noise effect separately. However, the report fails to discuss the cumulative effect the project will create considering LCEC and the school simultaneously. It is already noted that the daily operations at LCEC produce noise levels up to 95 dBA. However, there is nothing to sufficiently support the “Less Than Significant Impact” the school will have when it *adds* eight trucks equipped with back-up alarms that are in use starting at 8 A.M. With the Bureau of Sanitation getting nuisance complaints from the residents because of the noise from the

mulching project and ongoing Post Closure activities there will be more cumulative effects with the addition of the proposed truck driving school.

Furthermore, the City's Municipal Code includes noise level restrictions that must be met at different types of property. It was unclear from the MND what the noise levels were at residential properties, but usually noise ordinances restrict noise levels to less than 60 dBA. If there is an existing violation of the noise ordinance from LCEC's operations, the threshold is lower for what constitutes a significant cumulative impact (see *Los Angeles Unified* and *Kings County* cases).

- B. As part of its "Mitigation Measures," the truck operation will not commence before 8 A.M. However, this mitigation measure fails to directly address the actual noise levels.
- C. The MND does not discuss the noise effects while driving through residential areas. With the use of eight 40-foot trucks roaming the residential streets between the hours of 9 a.m. to 3 p.m., people will naturally be exposed to obvious groundborne vibration and noise levels. Such vibration and noise level analysis should be considered with the understanding that the school's daily mileage of the eight trucks will be 1,216 miles (291,840 miles per year).
- D. In a letter addressed to Chris Harris from Don Behrens in 2003, the possible effects of noise generated at the LCEC were discussed. According to the letter, "installing sound barriers in close proximity to high noise generation stationary machinery and equipment can result in significant site noise reduction." The letter noted that installing a 12-foot high berm around LCEC would decrease the LCEC noise level in residential areas by 10 dBA, thereby making such noises an "inaudible" 40.3 dBA. However, according to the MND, noise from the LCEC is now "heard at residential sites throughout Kagel Canyon." Consequently, the mitigation measure of installing a 12-foot high berm at the driving school is likely to have a minimal effect. When examining the cumulative effect from LCEC's already noticeable noise with the addition of the school's trucks, which are equipped with alarms, it appears that the school's noise may have an increased impact that exceeds "less than significant."
However, the MND states there will be No Impact"

XII. Population and Housing

XIII. Public Services

XIV. Recreation

XV. Transportation/Traffic

- A. The MND states that the project will have "No Impact" in relation to causing "an increase in traffic which is substantial in relation to the exiting traffic load." It is difficult to understand how the addition of thirty-two vehicles (twenty-four students plus eight employees) and eight trucks, which will be driven a total of 12,160 miles every two weeks (291,840 miles per year), has no impact. In addition, a shuttle is required to transport the students from their vehicles to the school, and it is likely that mobile fuelers will frequent the school to provide diesel.
- B. As part of its mitigation incorporation, the MND states that requiring the project to enroll a minimum of six students from the community will "reduce regular vehicle traffic." Even if six students reside in the area, there will still be an increase in traffic due to the other twenty-six commuters and eight trucks. Besides, this attempt to mitigate does not address the bulk of the mileage, which is attributable to the trucks.

- C. The 8, 40-foot tractor-trailers will be driving on local rural 2-lane roads as per the lease and MND and will SIGNIFICANTLY impact the nearby children in schools, playing in their neighborhoods, pedestrians hiking to trails and on the streets, pets and equestrians. These routes have not been identified and need to be.

XVI. Utilities and Service Systems

- A. Article 12 of the Lease Agreement states that the tenant shall "pay all charges associated with the installation and provision of utility services at the site." Considering this provision, it is possible that there may be a significant environmental effect if and when the school decides to install utility services. While the MND states that the Training Academy site currently has no utility hookups, it does not preclude the possibility that such installation will take place. The MND states that the Training Academy will provide any "potential septic, water, and electrical services."

Septic tanks pose a notable environmental concern due to the excess liquid that drains into the leach field. This liquid that is filled with impurities is eventually taken up through the root system of plants or added to the groundwater. Septic tanks also release mucus-producing anaerobic gut bacteria to the leach field. This mucus "slime" will slowly clog the soil pores surrounding the drain pipe, thereby creating potential drainage problems. In addition, phosphate discharge from the septic tank can trigger prolific plant growth including algal blooms, which can also include blooms of potentially toxic cyanobacteria. Furthermore, mosquitoes, flies, and other insects breed in waste water pools, thereby magnifying the number of disease carriers.

When considering this septic tank issue, it would seem that there would be more than "No Impact" with regard to significant environmental effects that are the result of the "construction of new water or wastewater treatment facilities."

XVII. Mandatory Findings of Significance

- A. Due to the comments listed above, as well as the MND's findings of "Less Than Significant with Mitigation Incorporation" (1) and "Less Than Significant Impact" (12) in certain areas, it is contradictory that in it's "Mandatory Findings of Significance," there poses "No Impact" to human beings or the environment.

Page 3 of the Draft MND refers to "Evaluation of Environmental Impacts" which includes:

- 1) " 'No Impact' is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone)."
- 2) "All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct"...
- 6) "Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances)."

The Foothill Trails District Neighborhood Council strongly feels that a full Environmental Impact Report needs to be created by an independent source for this project based on the apparent environmental impacts that have not been adequately addressed before the Truck Driving Academy begins operation. The cumulative effects were glossed over throughout the entire MND and cumulative effects have a unyielding potential for present and future environmental impacts. Nowhere in the MND was there mention of the environmental effects on the future park space or how the City will ensure that the Truck Driving Academy will close in time to create this park. Global warming effects and mitigation were not discussed.

Due to the lack of public notice and meetings as is normally the case when the Planning Department processes a project we also request an extension of at least 30 days for responses to the Draft MND.

Sincerely,

Bart Paul
President Foothill Trails District Neighborhood Council

cc.

Ed Reyes, Council District 1
Wendy Greuel, Council District 2
Dennis Zine, Council District 3
Tom La Bonge, Council District 4
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Jose Huizar, Council District 14
Janice Hahn, Council District 15
California Integrated Waste Management Board
LEA Wayne Tsuda
Regional Water Quality Control Board
City of Los Angeles Department of Building and Safety
California State Assemblyman Cameron Smyth
Deputies Christine Ward and Jerrod
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