

COMMENT SET 2: TESORO REFINING AND MARKETING COMPANY LLC (TESORO)



TESORO

Tesoro Refining & Marketing Company LLC
Golden Eagle Refinery
150 Solano Way
Martinez, CA 94553-1487
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December 19, 2013

USPS CERTIFIED MAIL: 7012 1010 0002 1361 2371

Sarah Mongano, Senior Environmental Scientist
California State Lands Commission
Division of Environmental Planning and Management
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

SUBJECT: Tesoro Amorcó DEIR Comments

2-1

Tesoro Golden Eagle Refinery (Tesoro) staff have reviewed the Draft Environmental Impact Report (DEIR) covering the "Tesoro Amorcó Marine Oil Terminal Lease Consideration Project" dated October 31, 2013.

During this review our staff contacted representatives from California State Lands Commission (CSLC) and TRC Solutions to discuss minor errors and regulatory authorities for certain proposed mitigation measures. From these discussions Tesoro believes there are no substantive factual errors in the DEIR. Two minor errors are as follows:

2-2

1. On page ES-15 the term "Increased Crude Supplies from Non-Marine Sources Alternative" is used on lines 3, 13, and 15. Consistent with the rest of the DEIR, this term should be "Restricted Lease Taking Amorcó Terminal Out of Service for Oil Transport".
2. On page 1-10 footnote 3 ("3") should be changed to read, "This marine oil terminal is currently known as the Plains Products Terminals, LLC.

2-3

With regard to regulatory authorities for proposed mitigation measures MM-OS-1a (Mooring Line Quick Release Devices), MM-OS-1b (Tension Monitoring Systems) and MM-OS-1c (Allision Avoidance Systems), Tesoro is concerned that these measures exceed requirements of the State's Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS). Accordingly, Tesoro requests that CSLC staff propose additions or modifications to MOTEMS that would provide language specifying these measures. These proposals could then be appropriately

Read File (ED No. 4886)

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adopted under prevailing statutes that govern new or modified building codes and be commonly referenced by marine oil terminal owners/operators.

We continue to appreciate the cooperation extended to Tesoro by staffs of CSLC and TRC Solutions that contributed to the timely preparation of this DEIR.

Sincerely,



Christina H. McDowell
Lead Engineer, Air Permitting

CHM/kds

RESPONSES TO COMMENT SET 2: TESORO

- 2-1 The California State Lands Commission (CSLC) staff acknowledges the commenter's concurrence with the factual accuracy of the Environmental Impact Report (EIR).
- 2-2 Text in the Final EIR has been revised as suggested. These revisions do not fundamentally change the Project description or associated environmental analysis as presented in the EIR.
- 2-3 The purpose of the Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) (Cal. Code Regs., tit. 24, § 3101F et seq.) is:

“to establish minimum engineering, inspection, and maintenance criteria for Marine Oil Terminals (MOTs) in order to prevent oil spills and protect public health, safety, and the environment. This code does not, in general, address operational requirements.” (Cal. Code Regs., tit. 24, § 3101F.2.)

MOTEMS establishes minimum standards for marine oil terminals (MOTs) to meet. MOTEMS is a part of the California Building Code and applies to all MOTs in California, both on and off lands leased from the State. MOTEMS regulates engineering standards for the equipment that is installed at MOTs; it does not, in general, regulate operational requirements such as ensuring that the equipment is always in use, properly maintained, or that personnel using it have had adequate training.

In contrast, the purpose of mitigation measures under CEQA is to mitigate significant impacts from a specific project. As the CEQA Lead Agency, the CSLC is required to identify potential impacts to the environment, propose feasible mitigation measures to reduce significant impacts, and, if the project is approved, to adopt a Mitigation Monitoring Program (MMP) for reporting or monitoring to ensure that the mitigation measures are implemented. This Lead Agency responsibility originates in Public Resources Code section 21081.6, subdivision (a) (Findings), and the State CEQA Guidelines sections 15091, subdivision (d) (Findings) and 15097 (Mitigation Monitoring or Reporting). Therefore, it is not appropriate for CSLC to propose additions or modifications to MOTEMS in lieu of mitigation measures. Doing so would not meet the requirements of CEQA to propose specific mitigation measures to reduce significant impacts identified in this EIR for the proposed Project. Although both MOTEMS and the MMP for the proposed Project address the goal of oil spill prevention, they fulfill fundamentally different purposes.