

## 7.0 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Section 7.0 addresses socioeconomic and environmental justice issues associated with the proposed Amorco Marine Oil Terminal (Amorco Terminal) Lease Consideration Project (Project), which would involve granting a new 30-year lease for Amorco Terminal operations.

### 7.1 SOCIOECONOMIC EFFECTS

This section presents the socioeconomic analysis for the proposed Project. The regional and local population and existing economic conditions are presented, followed by a discussion of the contribution that the Amorco Terminal makes to the regional and local economies. Impacts on socioeconomics from the proposed Project and alternatives are then presented. The level of impact of Amorco Terminal operations to the local and regional economy is also assessed.

#### 7.1.1 Analysis and Conditions

##### *Population*

Table 7-1 summarizes Contra Costa County demographics from the 2000 and 2010 census. It also shows the demographics for the Project area, which is located in the City of Martinez. The county's population growth rate from 2000 through 2010 was 11 percent. During the same time period, housing increased by 44,338 units or 13 percent. Employment increased by 21 percent from 2000 through 2010.

**Table 7-1: Demographic Characteristics for Contra Costa County and the City of Martinez**

Characteristic	2000	2010	2000 to 2010	
			Change	Percent
<b><i>Total Population</i></b>				
Martinez	35,866	35,824	-42	-0.1
Contra Costa County	948,816	1,049,025	100,209	11
<b><i>Housing Units</i></b>				
Martinez	14,597	14,976	379	3
Contra Costa County	354,577	398,915	44,338	13
<b><i>Employed</i></b>				
Martinez	19,950	20,196	246	1
Contra Costa County	451,357	546,316	94,959	21

Source: U.S. Census 2000 and 2010

## 1 **Employment**

2 As shown in Table 7-2, between 2000 and 2010, employment in Contra Costa County  
 3 grew by 21 percent. Table 7-2 shows employment in Contra Costa County by major  
 4 industry. The construction sector experienced the most job growth, with a 4 percent  
 5 increase in employment between 2000 and 2010. The categories of manufacturing,  
 6 transportation (including communications and utilities), and wholesale and retail trade  
 7 industries decreased in the number of jobs. The decreases ranged from 0.3 to 4.4  
 8 percent.

9 **Table 7-2: Contra Costa County Employment by Industrial Sector**

Industry Sector	2000	2010	2000 to 2010	
			Change	Percent
Agriculture, Forestry, Fisheries, and Mining	2,311	2,699	388	1.7
Construction	34,403	35,919	1,516	4
Manufacturing	38,281	34,917	-3,364	-0.9
Transportation, Communications, and Utilities	45,283	25,187	-20,096	-4.4
Wholesale and Retail Trade	69,052	67,102	-1,950	-0.3
Finance, Insurance, and Real Estate	47,361	48,139	778	0.2
Services (professional, educational, management)	195,863	197,180	1,317	0.07
Public Administration	18,803	20,910	2,107	1.1
Total	451,357	432,053	-19,304	-0.4

Source: U.S. Census 2000 and 2010

## 10 **Amorco Marine Oil Terminal Contribution to the Economy**

11 The Amorco Terminal is located on the Carquinez Strait, approximately 0.25 mile west of  
 12 the Benicia-Martinez Bridge, in the city of Martinez, Contra Costa County (see Figure 2-  
 13 1 in Section 2.0, Project Description). The Amorco Terminal operates on 14.9 acres of  
 14 public land leased from CSLC. Tesoro's associated Amorco Tank Farm, located  
 15 approximately 0.3 mile south of the Amorco Terminal on 35.7 acres of Tesoro-owned  
 16 property, is used to store product. The Amorco Terminal operates as an import-only  
 17 facility for crude oil, although it has the capability to export crude oil or other heavy  
 18 petroleum products (and in the past has been used in this capacity). The facility allows  
 19 waterborne vessels to berth and moor, and supports the required equipment to transfer  
 20 product, namely crude oil, between vessels and onshore storage tanks, otherwise known  
 21 as unloading.

22 Present operations at the Amorco Terminal involve the transfer of crude oil from tanker  
 23 vessels to Tesoro's Amorco Tank Farm, from which the oil is eventually piped to Tesoro's

1 Golden Eagle Refinery (Refinery). Equipment throughout the facility is controlled by both  
2 manual operators and automatic control systems. Marine terminal operations are dictated  
3 by vessel schedule, as well as tide and current; therefore, unloading operations can occur  
4 at any time, day or night. Although actual operation depends on shipping demands, the  
5 Amorco Terminal is capable of operating 365 days per year, 24 hours per day.

6 A minimum of two personnel are required to be on duty during marine transfer operations,  
7 the Amorco Terminal Person-in-Charge and a second crew member, and they typically  
8 work a 12-hour shift. Therefore, a minimum of approximately four employees (two  
9 employees per 12-hour shift) make trips to and from the facility each day. The Refinery  
10 typically receives approximately 150,000 barrels per day of crude oil import from  
11 waterborne and land-based sources. As presented over the last 5 years in Table 2-2 (see  
12 Section 2.0, Project Description), Amorco facilities have handled approximately 30 to 50  
13 percent of the petroleum products received at the Refinery. Anticipated use of the Amorco  
14 Terminal for operations in the immediate future ranges from approximately 37 to 55  
15 percent of the petroleum products received at the Refinery. As such, the Amorco Terminal  
16 provides a key amenity for the Refinery's future operation.

### 17 **7.1.2 Regulatory Setting**

18 There are no regulatory requirements that apply to socioeconomics.

### 19 **7.1.3 Impact Significance Criteria**

20 Impacts were considered to be significant if the proposed Project or any alternatives  
21 would:

- 22 • result in a substantial decrease in the employment and economic base of the City  
23 of Martinez, Contra Costa County, or Amorco Terminal;
- 24 • induce substantial growth or concentration of population, or displace a large  
25 number of people; or
- 26 • have a potential to impact the local or regional economy due to spills of petroleum  
27 products.

### 28 **7.1.4 Impact Analysis and Mitigation**

#### 29 ***Proposed Project***

30 The Project would enable continued operation of the facility at its existing service level  
31 and, therefore, would result in no changes in the employment or economic activity level.  
32 Consequently, the Project would have no impact to either the local or countywide  
33 economy.

1 Given the Project's absence of a job increase or new development that displaces any  
2 local residents, the Project would have no growth effects to the local or Contra Costa  
3 County economy. The only potentially significant economic effects that might be  
4 associated with the Project would be potential indirect adverse economic effects that  
5 might result from petroleum product spill effects to local physical resources. The indirect  
6 economic effects are analyzed below.

#### 7 Effects of Future Petroleum Product Spills

8 Extensive analysis and discussion of the potential resource impacts from the effect of an  
9 accidental release of petroleum products at or near the Amorco Terminal are presented  
10 elsewhere in this Environmental Impact Report (EIR). The Project's spill risk is analyzed  
11 in Section 4.1, Operational Safety/Risk of Accidents. The location and severity of any  
12 such accidental spill would determine the nature, location, and severity of any related  
13 environmental effects, and the analysis has accordingly modeled a variety of future spill  
14 scenarios. The resource-specific potential impacts are discussed in detail under their  
15 appropriate resource sections.

16 While there is no guarantee against accidental upset conditions, appropriate preventative  
17 measures combined with the faculty to provide swift responses in the event of a release  
18 can minimize the potential impacts, depending on the size of the spill. Operational safety  
19 measures are also discussed in Section 4.1, Operational Safety/Risk of Accidents, of this  
20 document. Adherence to the requirements of the Oil Spill Response Plan and other  
21 operational safety measures as required by local, State, and federal regulations would  
22 reduce the potential impact to the greatest extent practical. However, there remains a  
23 significant and unavoidable adverse environmental impact associated with the possibility  
24 of a large spill (i.e., more than 50 barrels of petroleum product) somewhere within the San  
25 Francisco Bay. Given the unknown specifics of any such accident, the nature and location  
26 of any such event's physical impacts are indeterminate. However, in any case, the  
27 duration of almost any major accident is nonetheless relatively short term.

28 The economic activity for the local and regional economy associated with any of the  
29 resource areas that might be potentially affected depends on the size of the spill. Future  
30 spill impacts would be temporary. For example, the recreation and commercial fishing  
31 activity within the Amorco Terminal vicinity or greater region that would be potentially  
32 impacted by a Project-related spill event would be relatively limited. Furthermore, the  
33 recreation and commercial fishing activity could relocate to other recreational or fishery  
34 locations for the relatively short duration of the spill event. As discussed in more detail in  
35 Section 4.8, Land Use and Recreation, local recreation is minimal and hence generates  
36 negligible revenues and employment for the local or County economy. Similarly, Section  
37 6.0, Commercial and Sport Fisheries, also details the extent of commercial and sport  
38 fishing activity in the Amorco Terminal vicinity. While these activities generate greater  
39 employment and revenues, their magnitude is very small, especially compared to the  
40 employment and revenues of the other industry sectors (such as Services, Manufacturing,

1 and Trade) which play a far greater economic role in the local and Contra Costa County  
2 economy.

3 As a result, given the relatively minor role of the indirect economic effects associated with  
4 any of the potentially affected resource areas, and that most of the Project-related effects  
5 are projected to be less than significant, the resulting overall socioeconomic impact is  
6 projected to be less than significant.

### 7 **No Project Alternative**

8 Under the No Project Alternative, Tesoro's Amorco Terminal lease would not be renewed  
9 and the existing Amorco Terminal would be subsequently decommissioned with its  
10 components abandoned in place, removed, or a combination thereof. Under the No  
11 Project Alternative, crude oil would continue to be imported and exported through  
12 Tesoro's Avon Marine Oil Terminal; however, the daily throughput capacity for the  
13 Refinery would be reduced, at least temporarily, as a result of shutting down the Amorco  
14 Terminal import operations.

15 It is likely that under the No Project Alternative, Tesoro would pursue transitioning the  
16 Avon Marine Oil Terminal to absorb import operations from the Amorco Terminal, thereby  
17 increasing the throughput at the Avon Marine Oil Terminal to the Refinery to meet regional  
18 refining demands. Tesoro's Avon Marine Oil Terminal is capable of operating as both an  
19 import and export facility, and similar to the proposed Project, is currently subject to CEQA  
20 evaluation for a new 30-year lease of sovereign land to continue its operations. In  
21 addition, Tesoro may consider alternative means of traditional crude oil transportation  
22 such as a pipeline and/or rail transportation. Pipeline delivery may require construction of  
23 new pipelines and/or the purchase of existing pipeline capacity from other local petroleum  
24 refinery competitors.

25 The cessation of operations at the existing Amorco Terminal site would reduce the  
26 potential for accidental spills and upset conditions to occur at the Project site. However,  
27 with increased operations at other terminals, the potential impacts would likely remain  
28 relatively similar to those of existing conditions. Other terminals have similar regulatory  
29 compliance requirements as the proposed Project, which would maintain potential  
30 impacts to less-than-significant levels.

31 While closure of the Amorco Terminal might have the beneficial effect of reducing the  
32 risks of accidental spill impacts occurring locally, closure of the Amorco Terminal  
33 operations would eliminate the employment and revenue benefits that it generates for the  
34 local economy. However, the analysis presumes that most of any "displaced" petroleum  
35 product transfers would be relocated to another marine terminal in the region.  
36 Consequently, the identified risk reduction benefits are expected to be minimal, and the  
37 Amorco Terminal's lost employment and revenues benefits would be similarly transferred

1 to another marine terminal facility. In any case, the resulting socioeconomic impact is  
2 projected to be less than significant.

### 3 **Restricted Lease Taking Amorco Out of Service for Oil Transport Alternative**

4 Under this alternative, Tesoro's Amorco Terminal lease would be renewed with  
5 modification to restrict its allowed use such that the existing Terminal would be left in  
6 place, taken out of service and placed into caretaker status for any petroleum product  
7 transfer, and not decommissioned or demolished. No environmental impacts would be  
8 associated with these activities. Because the structure of the Amorco Terminal would  
9 remain in place, Tesoro would retain the option to apply to bring it back into service for oil  
10 transport at some time in the future, should the need arise. Any future change in use of  
11 the Amorco Terminal would require a lease action and potential separate CEQA review  
12 by the CSLC.

13 This alternative would have the same type of socioeconomic effects as those identified  
14 for the proposed Project, although the magnitude of the effects would be correspondingly  
15 diminished. While the lesser risk of accidental spill impacts would be beneficial, limits on  
16 future Amorco Terminal operations would reduce employment and revenue benefits that  
17 the Amorco Terminal generates for the local economy. However, the analysis presumes  
18 that most of any "displaced" product transfers would be relocated to a nearby alternative  
19 facility. In any case, the resulting socioeconomic impact is projected to be less than  
20 significant.

### 21 **7.1.5 Cumulative Projects Analysis**

22 As discussed above, the only socioeconomic impacts associated with the Project are the  
23 indirect effects associated with the potential petroleum product spill impacts to local  
24 physical resources. Consequently, only the related cumulative impacts associated with  
25 potential spills would have the potential to result in cumulative socioeconomic impacts.  
26 The past, current, and foreseeable projects are identified in Section 3.0, Alternatives and  
27 Cumulative Projects.

28 According to Section 4.1, Operational Safety/Risk of Accidents, the cumulative impact of  
29 these other projects in conjunction with the Project would represent a significant and  
30 unavoidable adverse effect of the Project.

31 However, the adverse impact is an unavoidable aspect of the Amorco Terminal and  
32 Onshore Oil Terminal facilities' function by which it generates its positive direct economic  
33 impacts (i.e., generating the Amorco Terminal revenues and employment) as well as the  
34 indirect benefits of helping to meet the regional fuel and energy demand. Furthermore,  
35 demand for the oil product is independent of the Project and is expected to remain  
36 irrespective of whether the Project is approved. If the Project is not approved, the Amorco  
37 Terminal transfer activities would likely be relocated elsewhere in the region and would

1 entail a comparable degree of major spill risk. As a result, approval or closure of the  
2 Amorco Terminal would not be expected to appreciably change the overall total likelihood  
3 or magnitude of any major spill and any resulting economic impacts. Consequently, the  
4 Project would have a less-than-significant cumulative contribution to any potential  
5 adverse socioeconomic cumulative impacts that might be associated with Amorco  
6 Terminal operations.

## 7 **7.2 ENVIRONMENTAL JUSTICE**

8 This section discusses the distributional patterns of high-minority and low-income  
9 populations on a regional basis and characterizes the distribution of such populations  
10 adjacent to the Project. This discussion focuses on whether the Project has the potential  
11 to affect area(s) of high-minority population(s) and low-income communities, thus creating  
12 an inconsistency with the intent of the California State Lands Commission (CSLC)  
13 Environmental Justice policy. An inconsistency with the CSLC Environmental Justice  
14 policy would occur if the Project would:

- 15 • Have a potential to disproportionately impact minority and/or low-income  
16 populations at levels exceeding the corresponding medians for Contra Costa  
17 County, where the Project is located; and/or
- 18 • Result in a substantial disproportionate decrease in the employment and economic  
19 base of minority and/or low-income populations residing in Contra Costa County  
20 and/or immediately surrounding cities.

### 21 **7.2.1 Background**

#### 22 ***Federal***

23 On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions  
24 to Address Environmental Justice in Minority Populations and Low-Income Populations”  
25 designed to focus attention on environmental and human health conditions in areas of  
26 high minority populations and low-income communities, and promote non-discrimination  
27 in programs and projects substantially affecting human health and the environment. The  
28 order requires the U.S. Environmental Protection Agency (USEPA) and all other federal  
29 agencies (and state agencies receiving federal funds) to develop strategies to address  
30 this issue. The agencies are required to identify and address any disproportionately high  
31 and adverse human health or environmental effects of their programs, policies, and  
32 activities on minority and/or low-income populations.

33 In 1997, the USEPA’s Office of Environmental Justice released the *Environmental Justice*  
34 *Implementation Plan*, supplementing the USEPA environmental justice strategy and  
35 providing a framework for developing specific plans and guidance for implementing  
36 Executive Order 12898. Federal agencies received a framework for the assessment of  
37 environmental justice in the USEPA’s *Guidance for Incorporating Environmental Justice*

1 *Concerns in EPA's NEPA Compliance Analysis* in 1998. This approach emphasizes the  
2 importance of selecting an analytical process appropriate to the unique circumstances of  
3 the potentially affected community.

4 **State**

5 While many state agencies have used the USEPA's Environmental Justice  
6 Implementation Plan as a basis for the development of their own environmental justice  
7 strategies and policies, the majority of California State agencies do not have guidance for  
8 incorporation of the environmental justice impact assessment into California  
9 Environmental Quality Act (CEQA) analysis. The California Air Resources Board (CARB)  
10 has, for example, examined this issue and has received advice from legal counsel, by a  
11 memorandum entitled "CEQA and Environmental Justice," which states, in part, "For the  
12 reasons set forth below, we will conclude that CEQA can readily be adapted to the task  
13 of analyzing cumulative impacts/environmental justice whenever a public agency  
14 (including CARB, the air pollution control districts, and general purpose land use  
15 agencies) undertakes or permits a project or activity that may have a significant adverse  
16 impact on the physical environment. All public agencies in California are currently obliged  
17 to comply with CEQA, and no further legislation would be needed to include an  
18 environmental justice analysis in the CEQA documents prepared for the discretionary  
19 actions public agencies undertake."

20 Under Assembly Bill (AB) 1553, signed into law in October 2001, the State Governor's  
21 Office of Planning and Research (OPR) is required to adopt guidelines for addressing  
22 environmental justice issues in local agencies' general plans. Currently, the OPR is in the  
23 process of updating the General Plan Guidelines to incorporate the requirements of AB  
24 1553.

25 The CSLC developed and adopted an Environmental Justice policy to ensure equity and  
26 fairness in its own processes and procedures. CSLC adopted an amended Environmental  
27 Justice policy on October 1, 2002, to ensure that, "Environmental Justice is an essential  
28 consideration in the Commission's processes, decisions and programs and that all people  
29 who live in California have a meaningful way to participate in these activities." The policy  
30 stresses equitable treatment of all members of the public and commits to consider  
31 environmental justice in its processes, decision-making, and regulatory affairs. The policy  
32 is implemented, in part, through identification of, and communication with, relevant  
33 populations that could be adversely and disproportionately affected by CSLC projects or  
34 programs, and by ensuring that a range of reasonable alternatives is identified that would  
35 minimize or eliminate environmental issues affecting such populations. This discussion is  
36 provided in this document consistent with and in furtherance of CSLC's Environmental  
37 Justice policy.



## 1 **Local**

2 Regional and local environmental justice assessments have been performed by agencies  
3 within the study area, such as the Bay Area Metropolitan Transportation Commission's  
4 (MTC) *2001 Regional Transportation Plan Equity Analysis and Environmental Justice*  
5 *Report*. Methods applied in this EIR analysis are consistent with those used in the MTC  
6 report.

### 7 **7.2.2 Setting**

8 This section analyzes the distributional patterns of high-minority and low-income  
9 populations within the Project's affected region and characterizes the distribution of such  
10 populations within the census block areas adjacent to the Project site.

### 11 ***Project Study Area***

12 The Project study area used for the environmental justice analysis includes a 1-mile  
13 radius from the Amorco Terminal. This is considered a conservative boundary for the  
14 environmental justice analysis and any potential significant impacts of air quality, noise,  
15 or hazardous materials to local residents from Project activities. Although the Amorco  
16 Terminal is located on State tidelands under the jurisdiction of the California State Lands  
17 Commission, the hazard footprint extends within the area of influence of the city of  
18 Martinez and within land under the jurisdiction of Contra Costa County, which were  
19 defined as the Communities of Comparison for this analysis.

20 Racial and income data were collected for all census blocks that were found to intersect  
21 with the potential impact radius for the shoreside location of the Amorco Terminal and the  
22 onshore Amorco Tank Farm. According to the USEPA's "Final Guidance for Incorporation  
23 of Environmental Justice Concerns in USEPA's National Environmental Policy Act  
24 (NEPA) Compliance Analyses" (April 1998), a minority or low-income community is  
25 disproportionately affected when the community would bear an uneven level of health  
26 and environmental effects compared to the general population. Further, the State CEQA  
27 Guidelines recommend that the "community of comparison" selected should be the  
28 smallest governmental unit that encompasses the impact footprint for each resource.  
29 Therefore, the "community of comparison" for the Project site was determined as the city  
30 within whose jurisdiction each site was located. Racial and income demographic  
31 information was also obtained for all of the "communities of comparison" identified for the  
32 Project.

### 33 ***Study Area Demographics***

34 Portions of two census-block groups were determined to be within the previously defined  
35 1-mile radius of the Amorco Terminal, and demographic data from the two block groups  
36 were used as the study area for this analysis. The area of effect from potential hazards  
37 occurring at the Amorco Terminal is located in two census tracts: 3160 and 3200.01.

1 Minority Populations

2 The U.S. Department of Commerce, Census Bureau (Census Bureau) census year 2010  
 3 study area population was 3,091, 36.4 percent of which is considered to be of a minority  
 4 race (see Table 7-3). The largest percentage minority group within the study area was  
 5 the “some other race alone” category, which included 391 persons or approximately 12.6  
 6 percent of the total study area population. The “some other race” category includes all  
 7 other census responses not included in the “White,” “Black or African American,”  
 8 “American Indian and Alaska Native,” “Asian,” and “Native Hawaiian and Other Pacific  
 9 Islander” race categories (Census Bureau 2003). To ensure that study area minority  
 10 populations are adequately and fully identified, census data were gathered for Hispanic  
 11 origin. Hispanic is considered an origin, not a race, by the Census Bureau. An origin can  
 12 be viewed as the heritage, nationality group, lineage, or country of birth of the person or  
 13 the person’s parents or ancestors before their arrival in the United States (Census Bureau  
 14 2003). People who identify their origin as Spanish, Hispanic, or Latino may be of any race.  
 15 Therefore, those who are counted as Hispanic are also counted under one or more race  
 16 categories.

17 Census respondent write-in entries, such as Hispanic/Latino are believed to constitute  
 18 the majority of the “some other race” category within the Project study area (see Table 7-  
 19 4). In comparison, the city of Martinez and Contra Costa County had total minority group  
 20 population ratios of 22.9 and 41.4 percent, respectively.

21 **Table 7-3: 2010 Race Characteristics**

Race	Project Study Area	City of Martinez	Contra Costa County
White	1,965	27,603	614,512
Black or African American	344	1,303	97,161
American Indian and Alaska Native	34	255	6,122
Asian	118	2,876	151,469
Native Hawaiian and Other Pacific Islander	20	121	4,845
Some other race alone	391	1,425	112,691
Two or more races	219	2,241	62,225
Minority Subtotal (percent of total)	1,126 (36.4%)	8,221 (22.9%)	434,513 (41.4%)
<b>Total</b>	<b>3,091</b>	<b>35,824</b>	<b>1,049,025</b>

Source: Census Bureau 2010

1

**Table 7-4: Hispanic Origin 2010**

	<b>Hispanic in Origin</b>	<b>Total Population</b>	<b>Percent Hispanic</b>
Project Study Area	876	3,091	28.3
City of Martinez	5,258	35,824	14.7
Contra Costa County	255,560	1,049,025	24.4

Source: Census Bureau 2010

2 Low-Income Populations

3 The Council on Environmental Quality's (CEQ) environmental justice guidance does not  
4 clearly set the demarcations at the census poverty thresholds, but states that,  
5 "Low-income populations in an affected area should be identified with the annual  
6 statistical poverty thresholds from the Bureau of the Census' Current Population Reports,  
7 Series P-60 on Income and Poverty."

8 Poverty level thresholds vary according to a household's size and composition. The most  
9 current poverty thresholds (2002) are \$18,849 for a two-parent household with two  
10 children. The poverty thresholds provide one national measurement of income that is not  
11 adjusted for regional costs of living. The Census Bureau's poverty statistical data also  
12 report population data income ratios from 50 percent to 200 percent of the poverty  
13 threshold (Census Bureau 2000d). For many federal and State programs serving low-  
14 income households, eligibility levels are significantly higher than the poverty level.

15 As shown in Table 7-5, 746 persons within the study area were determined in 2011 to be  
16 below the poverty level (Census Bureau 2011). This represents approximately 18.4  
17 percent of the population within the study area. The city of Martinez and Contra Costa  
18 County had percentages of 9.9 percent and 7.5 percent, respectively, of their population  
19 determined to be below the poverty level.

20

**Table 7-5: Study Area Population Poverty Status in 2011**

	<b>Population Estimated Below Poverty Level in 2011</b>	<b>Total Population in 2011</b>	<b>Estimated Percent of Population Below Poverty Level in 2007-2011</b>
Project Study Area	746	4,051	18.4
City of Martinez	2,687	35,824	7.5 (+/-1.9)
Contra Costa County	103,853	1,049,025	9.9 (+/-0.4)

Source: Census Bureau 2011

## 1 7.2.3 Policy Analysis and Conditions

### 2 **Methodology**

3 As identified in other sections of this EIR, the Project has the potential to result in  
4 significant adverse physical effects on the environment. These effects would represent  
5 conflicts with the CSLC Environmental Justice policy if they disproportionately affect  
6 minority or low-income populations or decrease these communities' employment and/or  
7 economic base.

8 A two-step process has been conducted to assess the Project's consistency with the  
9 CSLC Environmental Justice policy. First, areas within the study area containing minority  
10 or low-income populations that may be disproportionately affected ("community of  
11 concern") were identified using MTC and CEQ guidance. The second step of the process  
12 evaluated the Project's significant, unmitigated adverse resource effects to determine  
13 whether these effects would have a disproportionate environmental impact on any of the  
14 identified minority and/or low-income population. Impacts for each resource are generally  
15 discussed in this analysis, and specific information on impacts should be drawn from the  
16 appropriate EIR section. The analysis also evaluates whether the Project would have any  
17 impacts on local employment or the communities' local economies.

18 For any identified significant unmitigated adverse effect, more detailed and site-specific  
19 review of the residential population within the "communities of concern" will be performed.  
20 Census block areas typically may encompass relatively large residential areas that may  
21 extend beyond the area where the resource impacts might be located; additional site-  
22 specific demographic review may be required to identify and evaluate the actual  
23 population located within the "potential impact radius" that would be affected. The site-  
24 specific analysis would also potentially be used to evaluate the nature and severity of the  
25 specific resource impacts and determine (if possible) appropriate mitigation measures.

### 26 **"Communities of Concern" Definitions**

#### 27 Minority Populations

28 According to the CEQ guidelines for environmental justice analysis:

29 *Minority populations should be identified where either (a) the minority population*  
30 *of the affected area exceeds 50 percent or (b) the minority population percentage*  
31 *of the affected area is meaningfully greater than the majority population*  
32 *percentage in the general population or other appropriate unit of geographic*  
33 *analysis. A minority population also exists if there is more than one minority group*  
34 *present and the minority percentage, as calculated by aggregating all minority*  
35 *persons, meets one of the above-stated thresholds (CEQ 1997).*

1 MTC's 2001 Regional Transportation Plan Equity Analysis and Environmental Justice  
2 Report identified areas within the MTC planning area that had high proportions of minority  
3 and low-income populations. According to MTC criteria, areas with high percentages of  
4 minority populations (Minority Zones) were those having minority populations of 70  
5 percent or more.

6 As a conservative assumption, the environmental justice analysis uses the CEQ minority  
7 population definition to identify "communities of concern" within the Project study area.

#### 8 Low-income Populations

9 The CEQ's environmental justice guidance does not clearly set the demarcations at the  
10 census poverty thresholds, but states that, "Low-income populations in an affected area  
11 should be identified with the annual statistical poverty thresholds from the Bureau of the  
12 Census' Current Population Reports, Series P-60 on Income and Poverty."

13 The MTC 2001 Regional Transportation Plan Equity Analysis and Environmental Justice  
14 Report provides one of the most substantial recent environmental justice analyses and is  
15 used by several other Bay Area agencies as a model. In its definition of low-income  
16 communities, the report states (MTC 2001):

17 *Low-income is defined as the household income that is at or below the United*  
18 *States Department of Health and Human Services Poverty Guidelines. For the*  
19 *purposes of this exercise [i.e., 2001 Regional Transportation Plan Equity Analysis]*  
20 *the definition of low-income to households was established as households at or*  
21 *below 200 percent of poverty. This level was used to reflect the relatively high cost*  
22 *of living in the Bay Area. Zones, where the low-income population was 30 percent*  
23 *of the total population or greater, were included in the Equity Analysis.*

24 As a conservative assumption, the environmental justice analysis uses the MTC low-  
25 income population definition to identify "communities of concern" within the Project study  
26 area.

#### 27 Areas with Meaningfully Greater Minority or Low-Income Populations

28 For those communities that do not meet either of above "community of concern"  
29 definitions, their minority and low-income percentages were compared to those of the  
30 communities of comparison to determine whether the remaining study area census block  
31 groups have meaningfully greater minority or low-income populations. A census tract's  
32 minority or low-income population differences were considered "meaningfully greater" if  
33 its population of low-income or minority residents sufficiently altered the character of the  
34 community to enable it to be clearly distinguished from that of its community of  
35 comparison.

1 **7.2.4 Relationship to Alternatives**

2 **Communities of Concern Identified Within the Project Study Area**

3 The above identified “communities of concern” criteria were applied to the census block  
4 groups identified within the study area. In addition, the census block groups were  
5 compared to demographic data for the community of comparison to determine whether  
6 that specific block groups had a “meaningfully greater” percentage of minority or low-  
7 income population.

8 Under the State CEQA Guidelines for minority populations, Census Tracts 3160 and  
9 3200.0 (with 41 percent minorities) do not qualify as “communities of concern.” Based on  
10 the MTC low-income definitions, Census Tracts 3160 and 3200.01 (with 18.4 percent of  
11 the population below the poverty level) do not qualify as a “community of concern.”

12 **Environmental Justice Impacts to a Surrounding Community of Concern**

13 Proposed Project

14 Census Tracts 3160 and 3200.01, which encompass the Project site, do not qualify as  
15 communities of concern and therefore an environmental justice analysis is not warranted  
16 to determine if the Project would disproportionately affect this local residential population.

17 Another important factor relevant to environmental justice is that the proposed future  
18 Project operations would be unchanged from its current activities and land uses at the  
19 site and the surrounding vicinity. Consequently, since no changes in the Project’s current  
20 air quality, noise, or recreation effects are expected to occur, the proposed new lease  
21 would therefore have no impact on these resources. As a result, no inconsistency with  
22 the CSLC Environmental Justice policy would be expected to result from the effects of  
23 Project-related activities to the area’s air quality or noise conditions.

24 Based on the environmental analysis conducted for this EIR, several potential significant  
25 impacts were identified within the other resource areas that require mitigation to ensure  
26 that their effects would be less than significant. The principal potential environmental  
27 impacts to the local residential populations in the Project vicinity consist of hazardous  
28 material or waste releases (discussed in Section 4.3, Water Quality), or the various  
29 resource impacts that could be associated with an accidental release of petroleum  
30 product at or near the Amorco Terminal (see Section 4.1, Operational Safety/Risk of  
31 Accidents).

32 Water quality and waste handling regulations, as well as the Amorco Terminal’s  
33 stormwater pollution prevention plan, would ensure that the potential impacts from any  
34 hazardous materials or waste within the study area through improper handling or storage,  
35 accidental upset conditions, or stormwater runoff would be reduced to a less-than-  
36 significant level. Consequently, there would be no inconsistency with the CSLC

1 Environmental Justice policy that would result from the effects of Project-related  
2 operations to water quality.

3 Extensive analysis and discussion of the potential temporary resource impacts from the  
4 unlikely effect of an accidental release of petroleum product at or near the Amorco  
5 Terminal are discussed elsewhere in this EIR. The Project's spill risk is analyzed in  
6 Section 4.1, Operational Safety/Risk of Accidents. The location and severity of any such  
7 accidental spill would determine the nature, location, and severity of any related  
8 environmental effects; the analysis has accordingly modeled a wide variety of future spill  
9 scenarios. The resource-specific potential impacts are discussed in detail under their  
10 appropriate resource sections.

11 While there is no guarantee against accidental upset conditions, appropriate preventative  
12 measures combined with the faculty to provide swift responses in the event of a release  
13 can minimize the potential impacts. Operational safety mitigation measures are also  
14 discussed separately in Section 4.1, Operational Safety/Risk of Accidents. Adherence to  
15 the requirements of the Oil Spill Response Plan along with other operational safety  
16 measures as required by local, State, and federal regulations would reduce the potential  
17 impact to the greatest extent practicable.

18 However, there would remain a significant and unavoidable adverse environmental  
19 impact associated with the possibility of a large spill (i.e., more than 50 barrels of  
20 petroleum product) somewhere within San Francisco Bay. Given the unknown specifics  
21 of any such accident, the nature and location of any such event's physical impacts are  
22 unknown. However, the duration of most accidents would be relatively short term. The  
23 economic activity for the local and regional economy associated with any of the resource  
24 areas that might be potentially affected depends on the size of the spill. Future spill  
25 impacts would be temporary. Furthermore, the geographical area that would be affected  
26 by any future spill would vary considerably given the nature, location, and timing of the  
27 spill. Therefore, resulting impacts, although largely limited to coastal areas, would not  
28 disproportionately affect low-income or minority communities. Consequently, there is no  
29 inconsistency with the CSLC Environmental Justice policy resulting from the effects of  
30 Project-related operations.

31 The Amorco Terminal has been operational since 1923. As a result, the continued  
32 operation of the facility would ensure the Project's current employment and local  
33 economic activity levels are maintained. The facilities' current operations have a positive  
34 economic impact to the surrounding local communities, due to the Project's employment  
35 and revenue benefits to the local economy. Consequently, given the absence of any local  
36 employment or economic activity decreases, no inconsistency with the CSLC  
37 Environmental Justice policy would be expected to result from the Project's economic  
38 effects.

1 No Project Alternative

2 Under the No Project Alternative, a new lease for the Amorco Terminal would not be  
3 granted and the existing wharf would be either decommissioned, abandoned, removed,  
4 or a combination thereof. In addition, the upland tank farm would continue to operate but  
5 product would no longer be delivered or shipped by marine vessel. Because it can be  
6 expected that demand for the products currently handled at the Amorco facility would  
7 continue with or without the proposed Project, the No Project Alternative may therefore  
8 result in an increase of truck and/or rail transport to the Refinery. The limited truck and  
9 rail capacity at the Refinery could not accommodate the entire displaced product and  
10 would likely lead to diversion of some product shipments to other marine oil terminals,  
11 including Tesoro's Avon Marine Oil Terminal and/or more distant from the final  
12 destination.

13 The cessation of operations at the existing Amorco Terminal would reduce the potential  
14 for accidental spills and upset conditions to occur at the Project site. However, with  
15 increased operations at other terminals, the potential impacts would likely remain  
16 relatively similar to those of existing conditions. Other terminals have similar regulatory  
17 compliance requirements as the proposed Project, which would reduce potential impacts  
18 to less-than-significant levels.

19 While closure of the Amorco Terminal might have the beneficial effect of reducing the  
20 risks of accidental spill impacts occurring locally, closure of the Amorco Terminal would  
21 eliminate the employment and revenue benefits that the Amorco Terminal generates for  
22 the local economy. However, the analysis presumes that most of any "displaced" product  
23 transfers would be relocated to a nearby alternative facility. Consequently, the identified  
24 risk reduction benefits are expected to be minimal, and the Amorco Terminal's lost  
25 employment and revenue benefits would be similarly transferred to the other facility. In  
26 any case, no inconsistency with the CSLC Environmental Justice policy would be  
27 expected to result under the No Project Alternative.

28 Restricted Lease Taking Amorco Out of Service for Oil Transport Alternative

29 This alternative would have the same type of environmental justice effects as those  
30 identified for the proposed Project, although the magnitude of the effects would be  
31 correspondingly diminished. While the lesser risk of accidental spill impacts would be  
32 beneficial, limits on future Amorco Terminal operations would reduce employment and  
33 revenues benefits the Amorco Terminal generates for the local economy. However, the  
34 analysis presumes that most of any "displaced" product transfers would be relocated to a  
35 nearby alternative facility. Consequently, the identified risk reduction benefits are  
36 expected to be minimal and the Amorco Terminal's lost employment and revenues  
37 benefits would be similarly transferred to the other facility. In any case, no inconsistency  
38 with the CSLC Environmental Justice policy would be expected to result under the  
39 Restricted Lease Taking Amorco Out of Service for Oil Transport Alternative.



## 1 7.2.5 Cumulative Projects Policy Analysis

2 As discussed above, the only environmental justice impacts associated with the Project  
3 are the indirect effects associated with the potential petroleum product spill impacts to  
4 local physical resources. Consequently, only the cumulative impacts associated with  
5 potential spills would have the potential to result in cumulative environmental justice  
6 impacts. The past, current, and foreseeable projects are identified in Section 3.0,  
7 Alternatives and Cumulative Projects.

8 According to Section 4.1, Operational Safety/Risk of Accidents, the cumulative impact of  
9 other projects in conjunction with the Project would represent a significant and  
10 unavoidable adverse environmental impact associated with the possibility of a large spill  
11 (i.e., more than 50 barrels of petroleum product) somewhere within San Francisco Bay from  
12 the Project and the other reasonably foreseeable future projects. Given the unknown  
13 specifics of any such accident, the nature and location of any such event's physical impacts  
14 are unknown. However, in any case, the duration of most major accidents is nonetheless  
15 expected to be relatively short term. The economic activity for the local and regional economy  
16 associated with any of the resource areas that might be potentially affected is relatively minor,  
17 and any future spill impacts would be temporary. Furthermore, the geographical area that  
18 would be affected by any future spill would vary considerably given the nature, location, and  
19 timing of the spill. Therefore, resulting impacts, although largely limited to coastal areas,  
20 would not disproportionately affect low-income or minority communities but could affect a  
21 wide variety of coastal communities within the region. Consequently, there is no  
22 inconsistency with the CSLC Environmental Justice policy resulting from the cumulative  
23 effects of the Project's future operations.

24 This adverse impact is an unavoidable aspect of the Amorco Terminal's function by which  
25 it generates its positive direct economic impacts (i.e., generating the Amorco Terminal  
26 revenues and employment) and the indirect benefits of helping to meet the regional fuel  
27 and energy demand. Furthermore, demand for oil products is independent of the Project  
28 and is expected to remain irrespective of whether the Project is approved. If the Project  
29 is not approved, the Amorco Terminal transfer activities would likely be relocated  
30 elsewhere in the region and would entail a comparable degree of major spill risk. As a  
31 result, approval or closure of the Amorco Terminal would not appreciably change the  
32 overall total likelihood or magnitude of any major spill and any resulting adverse impacts.  
33 Consequently, the Project would have a less-than-significant cumulative contribution to  
34 any potential adverse economic cumulative impacts that might be associated with a major  
35 spill occurrence. As a result, approval of the Project would be consistent with the CSLC  
36 Environmental Justice policy since no disproportionate employment or economic impacts  
37 to communities of concern would be expected from the project's less-than-significant  
38 cumulative impacts.

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