

## SUBPART II.B INDIVIDUAL RESPONSES

### COMMENT SET 1: BAY CONSERVATION AND DEVELOPMENT COMMISSION

**From:** Scourtis, Linda@BCDC [<mailto:linda.scourtis@bcdc.ca.gov>]  
**Sent:** Wednesday, November 05, 2014 4:27 PM  
**To:** Carroll, Peter J.  
**Cc:** [CFOcomments@slc.c.gov](mailto:CFOcomments@slc.c.gov)  
**Subject:** Tesoro Avon Lease Consideration Project

Hello, Mr. Carroll

This is Linda Scourtis at BCDC, and I received a Notice of Availability of the subject DEIR.

The CSLC notice was mailed to my attention directly, as is generally the case with MOT Lease Extensions. I am BCDC's oil spill program manager.

1-1

I cannot recall when such a notice included an evaluation of a physical project for which an application already had been submitted to our agency.

Unfortunately, a copy of the notice was not mailed to our regulatory division or to the attention of Jaime Michaels, who, in addition to being the lead analyst for your proposed work at the Avon MOT, is also the staffer who directs CEQA/NEPA documents to the various staff members to review and provide comments. I am only now beginning (as I will be out tomorrow, review would begin Friday the 7th; I also will be out the following Tuesday, and most of next Wednesday and Thursday) my review from the perspective of oil spill prevention and response. However, I don't believe this will be a sufficient review in this case, and with Rafael Montes away on vacation, and Jaime away until next Thursday, November 13, when comments are due on the DEIR, I fear we will be unable to meet the deadline.

Thus, I am requesting an extension, and would like to know your thoughts.

Sufficient time was allowed if the notice had proceeded through our established routing for document review, which we would normally expect for a project-related document.

I hope we can work out a revised schedule for comments, in light of our desire to assist you in moving forward with your MOTEAMS-required project.

Thank you.

Linda Scourtis  
BCDC  
415.352-3644

**From:** Scourtis, Linda@BCDC  
**Sent:** Monday, November 10, 2014 9:46 AM  
**To:** Mongano, Sarah@SLC  
**Subject:** Re: Tesoro Avon Lease Consideration Project  
**Importance:** High

Good morning, Ms. Mongano.

Thank you for your clarifying emails and phone call.

1-2 I have determined that no extension as requested by me via email November 5, 2014 will be needed after all, and formally rescind the request.

Thank you for your prompt responses to my inquiries.

Linda Scourtis  
BCDC  
415.352-3644

## **RESPONSES TO COMMENT SET 1: BAY CONSERVATION AND DEVELOPMENT COMMISSION**

- 1-1 As outlined in comment #1-2, the Bay Conservation and Development Commission (BCDC) formally rescinded its November 5, 2014 request for extension to provide comments in response to the Project. Telephone and email communications between California State Lands Commission and BCDC staffs have resolved concerns about agency noticing; therefore, this comment requires no further response.
- 1-2 Comment acknowledged.

## COMMENT SET 2: DELTA PROTECTION COMMISSION

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
West Sacramento, CA 95691  
Phone (916) 375-4800 / FAX (916) 376-3962  
Home Page: [www.delta.ca.gov](http://www.delta.ca.gov)



November 10, 2014

Contra Costa County Board of Supervisors

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

Sacramento County Board of Supervisors

Re: Tesoro Avon Marine Oil Terminal Draft EIR Comments

Solano County Board of Supervisors

Dear Ms. Mongano:

Yolo County Board of Supervisors

Thank you for providing the Delta Protection Commission (Commission) the opportunity to review the Tesoro Avon Marine Oil Terminal Lease Environmental Impact Report (Avon Terminal EIR), dated September 2014. While the Avon Terminal is outside of the Legal Delta, the Commission is providing comments on this EIR because the project is located near proposed routes for the Great California Delta Trail. The Legislature mandated the Commission adopt a plan and implementation program for the Delta Trail in 2006.

Cities of Contra Costa and Solano Counties

The Avon Terminal EIR discussed the Delta Trail in Impact LUR-4 and found that constructing a trail segment through the Avon Terminal and Golden Eagle Refinery was not feasible due to continued industrial operations. The EIR found that there was no conflict with a potential trail segment in the upland portions of the Avon Terminal that are not subject to the proposed lease.

Cities of Sacramento and Yolo Counties

We appreciate the EIR's discussion of this impact, but are concerned about the lack of public access to the shoreline at Avon Terminal. The Great California Delta Trail Act sought a continuous regional recreational corridor that focused on the Delta's shorelines and preserving and protecting public access and use of public lands. We encourage the State Lands Commission to consider strategies to ensure compatibility between existing and potential land uses, especially with regard to shoreline access.

Cities of San Joaquin County

Thank you for the opportunity to provide input. Please contact Blake Roberts, Associate Environmental Planner, at 916-375-4237 for any questions regarding the comments provided.

Central Delta Reclamation Districts

Sincerely,

  
Erik Vink

Executive Director

North Delta Reclamation Districts

CC: Mary Piepho, Contra Costa County Board of Supervisors  
Brian Bugsch, State Lands Commission

South Delta Reclamation Districts

CA State Transportation Agency

CA Department of Food and Agriculture

CA Natural Resources Agency

CA State Lands Commission

2-1

## RESPONSES TO COMMENT SET 2: DELTA PROTECTION COMMISSION

- 2-1 In 2006, Senate Bill (SB) 1556 mandated that the Delta Protection Commission adopt a plan and implementation program for a continuous recreational corridor trail network through all five Delta counties, linking the San Francisco Bay Trail system to the planned Sacramento River trails in Yolo and Sacramento Counties (Pub. Resources Code, § 5854). The Plan for the Great California Delta Trail (Delta Trail) subsequently adopted by the Delta Protection Commission prioritizes implementation on existing public lands first, and then working with willing private landowners for access. As stated in The Great California Delta Trail Blueprint Report for Contra Costa and Sonoma Counties (Delta Protection Commission 2010), “some land uses, such as heavy industrial, or endangered species habitat, may not be appropriate for trail location.” The inaccessibility of the Project area to the continuation of the Delta Trail is addressed in Environmental Impact Report (EIR) Section 4.9, Land Use and Recreation, under Impact LUR-4. Continued operation of the Tesoro Avon Marine Oil Terminal (Avon Terminal) and Golden Eagle Refinery prohibits public access to the shoreline. The Delta Protection Commission document (2010) states:

*“Privacy, safety, security and liability issues are often affected by the siting of the trail. Given the sensitivity of this issue, alternative alignments that buffer the trail from private land uses should be developed when feasible... There are a number of ways access to property can be achieved for the Delta Trail including use of public right-of-way (ROW); use of public lands or utility corridors; inclusion of trails in development projects; and access to private property. Use of public ROW, corridors containing public streets and sidewalks, can be less expensive and more easily accomplished than other methods discussed here because the land is usually already part of the transportation network.”*

The upland portion of the Avon Terminal is not under the jurisdiction of the California State Lands Commission, and is not part of the proposed lease. Therefore, issues related to land use associated with the planned trail segments are not applicable to this EIR. However, this upland area of the Avon Terminal could potentially support a segment of the Delta Trail. As stated previously, corridors containing streets and sidewalks are acceptable for Delta Trail segments, and it is not required that all portions of the Delta Trail contain shoreline access. Therefore, routing the Delta Trail through the upland portion of the Avon Terminal would be in compliance with SB 1556, which mandates a continuous recreational corridor.

## COMMENT SET 3: BAY AREA AIR QUALITY MANAGEMENT DISTRICT



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

ALAMEDA COUNTY  
Tom Bates  
Margaret Fujioka  
Scott Haggerty  
Nate Miley  
(Chair)

CONTRA COSTA COUNTY  
John Gioia  
David Hudson  
Mary Piepho  
Mark Ross

MARIN COUNTY  
Susan Adams

NAPA COUNTY  
Brad Wagenknecht

SAN FRANCISCO COUNTY  
John Avalos  
Edwin M. Lee  
Eric Mar  
(Secretary)

SAN MATEO COUNTY  
Carole Groom  
(Vice-Chair)  
Carol Klatt

SANTA CLARA COUNTY  
Cindy Chavez  
Ash Kalra  
Liz Kniss  
Jan Pepper

SOLANO COUNTY  
James Sperring

SONOMA COUNTY  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

November 13, 2014

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

Subject: Tesoro Avon Marine Oil Terminal Lease Consideration Project

Dear Ms. Sarah Mongano:

Bay Area Air Quality Management District (Air District) staff has reviewed the California State Lands Commission's (CSLC) Draft Environmental Impact Report (DEIR) prepared for the Tesoro Avon Marine Oil Terminal Lease Consideration Project (Project).

According to the DEIR, the Project involves Tesoro Refining and Marketing Company, LLC (Tesoro) entering into a new 30-year lease of State sovereign land with the CSLC to continue operations at, and maintain the level of refined petroleum product exported through, the existing Avon Terminal located near the Tesoro's associated Golden Eagle Refinery (Refinery). The Project also involves the decommission of Berths 1 and 5, and the construction of Berth 1A.

Air District staff has the following comments on the DEIR:

- Berth 1A will require a new Air District permit for certain sources associated with the Project. Accordingly, the Air District recommends that the DEIR state that Berth 1A will require an Air District permit. 3-1
- The new permit for Berth 1A will require a quantification of the Project's ocean-going vessel (OGV) transit emissions within the Bay (roundtrip from the San Francisco Bar Pilot Station), tugboat emissions, OGV hoteling emissions, OGV loading emissions, and fugitive emissions. Accordingly, we recommend that the DEIR include and quantify these emissions as well. 3-2
- To satisfy the Air District's requirements for new permits, a health risk assessment (HRA) will be conducted for Berth 1A. We recommend that the Final EIR include this HRA (or conduct and include another HRA for this Project) to support its conclusions on potential impacts related to air toxics. 3-3
- The DEIR analyzed operational-related air quality and greenhouse gas (GHG) impacts by comparing the existing emissions (derived from a 10-year baseline period) to anticipated emissions associated with continued operation of the Avon Terminal. Please note that the Air District typically uses a 3 year baseline period for calculating emission reduction credits and emission increases for new source review permits. The Air District recommends analyzing operational-related air quality and GHG impacts against a 3-year baseline period (to be consistent with Air District regulations) rather than a 10-year baseline period, unless the 10-year baseline is more representative of normal operations. If the revised operational emission estimates based on the revised baseline result in potentially significant impacts, mitigation measures should be identified that will be implemented to reduce the air quality and GHG impacts to less than significant levels. 3-4

Ms. Sarah Mongano

November 13, 2014

The DEIR analyzed the temporary construction-related emissions and found that the emissions will exceed the Air District's recommended 1999 thresholds. The DEIR indicated that the Project would implement the Air District's Basic Control Measures to mitigate construction emissions. However, implementation of the Basic Control Measures will only reduce dust-related emissions and not exhaust emissions from heavy duty construction equipment. Therefore, the Air District recommends the Project be required to implement the following measures to ensure that construction emissions remain below the significance level:

3-5

- All off-road equipment shall have: 1) engines that meet or exceed either US EPA or ARB Tier 2 off-road emission standards; and 2) engines are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy, if one is available for the equipment being used.
- Idling time of diesel powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage shall be provided for construction workers at all access point.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.
- Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

Air District staff is available to assist CSLC staff in addressing these comments. If you have any questions, please contact Jackie Winkel, Environmental Planner, at (415) 749-4933.

Sincerely,



Jean Roggenkamp  
Deputy Air Pollution Control Officer

cc:    BAAQMD Director John Gioia  
          BAAQMD Director David Hudson  
          BAAQMD Director Mary Piepho  
          BAAQMD Director Mark Ross

## **RESPONSES TO COMMENT SET 3: BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

- 3-1 The following supplemental text has been added to Environmental Impact Report (EIR) Section 4.4.3.1, Baseline Condition Annual Operating Emissions, to address the Bay Area Air Quality Management District (BAAQMD) requirement for Tesoro Refining and Marketing Company, LLC (Tesoro) to obtain a new permit for Berth 1A of its Avon Marine Oil Terminal (Avon Terminal) following the completion of upgrades in compliance with the California State Lands Commission's (CSLC's) Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS):

As a new source of emissions, Berth 1A will require a new BAAQMD operating permit.

- 3-2 It is acknowledged that the new operating permit for Berth 1A will require a quantification of the Project's tugboat emissions: ocean-going vessel (OGV) transit, hoteling, and loading emissions; and fugitive emissions. Quantification of the proposed Project's tugboat emissions, as well as OGV transit, hoteling, and loading emissions, is provided in Section 4.4, Air Quality, of the EIR.

Fugitive emissions are also addressed in EIR Section 4.4.3.1, Baseline Condition Annual Operating Emissions. The EIR states that fugitive emissions would decrease over the proposed Avon Terminal 30-year lease period. The fugitive emissions are a very small portion of the air quality impacts from continued operation of the Avon Terminal, and are assumed to have a negligible air impact; therefore, they were not considered in the baseline or life-of-lease analyses.

The Golden Gate Bridge is currently the starting point for evaluating transit emissions in the San Francisco Bay because this is the point at which Avon Terminal vessel traffic enters the BAAQMD's jurisdiction. The CSLC determined that this was a more appropriate location for evaluating the impacts in the BAAQMD jurisdiction than the recommended San Francisco Bar Pilots Station, which is located at Pier 9 in San Francisco and is further inside the BAAQMD boundary.

- 3-3 Because Berth 1A will require a new operating permit, hazardous and toxic air modeling will be performed as part of the BAAQMD permitting process. Supplemental text has been added to Impact AQ-3 in Section 4.4, Air Quality, as follows:

Since the Avon Terminal and its operations have been permitted through the BAAQMD, the requirements for potential exposure for sensitive receptors

~~have already been were satisfied for the existing operations. Berth 1A will require a new BAAQMD operating permit. During the permitting process, required necessary hazardous and toxic air modeling to evaluate impacts potential risks to sensitive receptors, as well as necessary contingency measures, will need to be completed to the satisfaction of the BAAQMD are part of the BAAQMD permitting process. Risks will have to be found insignificant or be mitigated to insignificant levels prior to issuance of the permit; therefore, the impact of ongoing Project operations is, therefore, less than significant.~~

- 3-4 See Master Response MR-1.
- 3-5 Contrary to the commenter's statement, and as stated in Section 4.4.3.3 of the EIR, the 1999 BAAQMD California Environmental Quality Act (CEQA) Guidelines do not establish quantitative significance thresholds for construction emissions (BAAQMD 1999). Therefore, renovation-related emissions were not found to be in excess of such guidelines and the EIR did not conclude that construction-related emissions would exceed said guidelines. The BAAMQD CEQA Guidelines indicate that recommended Basic Control Measures should be used to minimize construction and renovation impacts during MOTECS compliance-related activities. The determination of significance is based upon the implementation of these control measures. As stated in Section 4.4.5.1 of the EIR, The BAAQMD CEQA Guidelines Basic Control Measures for PM<sub>10</sub> emissions (BAAQMD 1999) would be implemented during renovation activities, where applicable, which would further reduce the less-than-significant impact.

The commenter's recommended control measures are intended "to ensure that construction emissions remain below the significance level." Although there are no quantitative thresholds of significance for construction emissions, the Project proponent has made a commitment to incorporate the BAAQMD's Basic Control Measures to the extent practicable. Because the majority of the construction and renovation work at the Avon Terminal will be conducted from barges and will take place on the water, it may not be possible to always implement all recommended control measures, which were intended to reduce construction emissions from land-based construction equipment.

## COMMENT SET 4: CHERNE CONTRACTING CORPORATION



Performance  
Driven  
Construction

CHERNE CONTRACTING CORPORATION

Dan Ordos  
Vice President

Dan.ordos@cherne.com  
Direct Dial # 952-944-4301  
Fax # 952-944-4399

October 14, 2014

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

Re: Tesoro Avon MOT Draft EIR Comments

Dear Sarah:

4-1

As a member of the contracting community, Cherne Contracting has completed several successful projects at the Tesoro Golden Eagle Refinery since 2000, and have helped develop the Tesoro Avon Terminal Project during the last year. We view the development of this important project as a significant improvement to the infrastructure required for Tesoro to operate this refinery long into the future.

In partnership with Tesoro and the Contra Costa Building Trades, we will enhance the current infrastructure and add the designed safety systems in full compliance with the conditions of the permit. The team responsible for completing the construction will utilize local skilled construction workers, material suppliers, and subcontractors over the 17-month construction period. Our focus will continue to be on construction safety, environmental compliance, and minimizing impacts during the execution phase of construction, which will occur during normal refining operations.

4-2

Cherne Contracting supports the Tesoro Avon Terminal Project and Tesoro Refining, a responsible corporate citizen in the community.

Sincerely,  
CHERNE CONTRACTING CORPORATION

Dan Ordos  
Vice President

*Mailing Address:* 4650 Business Center Drive, Fairfield, CA 94534

## **RESPONSES TO COMMENT SET 4: CHERNE CONTRACTING CORPORATION**

- 4-1 Comment acknowledged.
- 4-2 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.

## **COMMENT SET 5: TESORO GOLDEN EAGLE COMMUNITY ADVISORY PANEL**

### **Tesoro Golden Eagle Community Advisory Panel**

October 15, 2014

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

Dear Ms. Mongano:

5-1

We are writing to you on behalf of the Tesoro Golden Eagle Community Advisory Panel (CAP) to advise you that our CAP, by unanimous vote at its September 2014 meeting, fully supports the proposed Avon Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) Project (Avon MOTEMS Project) as the alternative evaluated in the Project Environmental Impact Report (EIR).

5-2

Established in 1993 and in operation for more than 20 years, CAP members meet monthly with management representatives of Tesoro Golden Eagle Refinery to discuss matters of interest and concern, and to receive updates on refinery operations. The CAP is an independent, self-governing body whose members include local residents, small business owners, community organizations, emergency responders, and others from the communities surrounding the refinery. The CAP places a priority on matters dealing with health and safety and the environment, such as the proposed Avon MOTEMS Project.

5-3

In addition to receiving periodic presentations at CAP meetings, a subcommittee from the CAP was established and subsequently met with refinery representatives, including the project manager, environmental and community relations staff, and project consultants to review in detail the proposed Avon MOTEMS Project, preparatory to considering a recommendation whether to support the project.

The subcommittee reviewed documents, including extractions from the EIR, and was able to ask questions regarding potential impacts and mitigations related to the project. The subcommittee was briefed on the various alternatives included in the EIR (Company Proposed, Reduced Flow, and No Project). Based on this information, the CAP strongly urges the California State Lands Commission (SLC) to certify the EIR and to approve the company proposed Avon MOTEMS Project as it meets and/or exceeds the MOTEMS requirements, including the following items that were identified by the subcommittee as having the greatest significance from its perspective:

- Seismic upgrades to the existing Avon Marine Terminal structure, and replacement of parts as needed, including pipe way and walk way; building a new berth (Berth 1A) and control room; installation of new fast shut-off valves that will close within 30 seconds upon activation; building a new elevated roadway to the dock.

5-3  
con't

### **Tesoro Golden Eagle Community Advisory Panel**

- Additionally, the Avon MOTEMS Project does not change the rate at which Tesoro Golden Eagle can load ships, change dock throughput, or impact the slate of crudes run at the facility.

Your certification of the EIR and approval of the Avon MOTEMS Project is extremely important in Tesoro's efforts to obtain the long-term lease needed for the continued operation of its wharf and shipping operations. Certification and approval will allow the refinery to continue to fuel the California and Bay Area economies in a safe and environmentally responsible manner, which is consistent with Tesoro's ownership and operational history.

As CAP members, residents, local small businesses, community-based organizations, we support Tesoro's proposed Avon MOTEMS Project as the environmentally superior alternative as it has been designed to protect both the proximate environment and the nearby communities.

Moreover, this project will allow Tesoro to continue its active engagement with and support for local communities by providing between 125 to 150 construction jobs during the peak period, as well as a significant support staff of engineers, health and safety personnel, procurement, project control and other positions. Further, the wharf modules will be built locally, and locally sourced cement will be incorporated as part of the elevated roadway. Additional employment associated with the project includes the transport of materials to the work site, and the multiple support service purchases for the large construction crew.

Simply put, Tesoro will undertake a project that will make the dock safer and have a significant positive impact on the local economy.

We strongly urge the SLC to certify the EIR and approve Tesoro Golden Eagle Refinery's Avon MOTEMS Project.

If you have any questions about, please contact Tom Stewart, CAP Facilitator, at 925-229-0440 or email him at [informpr@sbcglobal.net](mailto:informpr@sbcglobal.net).

Sincerely and on behalf of the Tesoro Golden Eagle Refinery Community Advisory Panel,

Pattie Behmlander      Darrell Foote      Anne Marie Taylor      Keith Woodman  
Tesoro CAP Avon MOTEMS Committee

Cc:    Bay Conservation and Development Commission  
         San Francisco Regional Water Quality Control Board  
         U.S. Army Corps of Engineers  
         Steven Hansen, Refinery Manager, Tesoro Golden Eagle

**Additional oral comments by Darrell Foote of the Tesoro Golden Eagle Community Advisory Panel at the Public Hearing on the Draft EIR for the Tesoroa Avon Marine Oil Terminal Lease Consideration Project, October 20, 2014, Second Session.**

5-4

Good afternoon. My name is Darrell Foote. I'm a member of the Tesoro Community Advisory Panel. We meet every – once a month and go over all the operations of the refinery. And the citizens that live around it in Clyde and Concord and Martinez get an idea of what's going on.

So when the Avon Wharf MOTEMS project came up, we formed a special committee to go over it and draft a letter, which was then approved by the CAP and has been submitted. And I wanted to add a few personal comments of my own to that. As a student of the regional occupation program in Walnut Creek and then later at DVC, the machine shop program there, I have found that a vibrant industrial presence in this county has benefited not only me, but many of my fellow young men and women. And I would like to add my support to what I feel can help lead that continuing in the future.

So that's my personal support and also the unanimous support of the Community Advisory Panel for Tesoro. Thank you.

**RESPONSES TO COMMENT SET 5: TESORO GOLDEN EAGLE COMMUNITY ADVISORY PANEL**

- 5-1 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.
- 5-2 Comment acknowledged.
- 5-3 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.
- 5-4 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.

**COMMENT SET 6: BRINDERSON, L.P.**



**Brinderson, L.P.**  
3330 Harbor Boulevard  
Costa Mesa, CA 92626  
Tel: 714.466.7100  
Fax: 714.466.7320  
[www.brinderson.com](http://www.brinderson.com)

Division of Environmental Planning and Management  
California State Lands Commission  
Attn: Sara Mongano, Project Manager  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

**Re: Tesoro Avon MOT Draft EIR Comments  
Tesoro Avon Marine Oil Terminal Lease Consideration Project (the  
"Project")**

Dear Ms. Mongano:

6-1

Please let this letter serve as Brinderson, L.P.'s support of the Draft Environmental Impact Report (Draft EIR) for the above-referenced Project.

Sincerely,

Brinderson, L.P.

A handwritten signature in black ink that appears to read "Jay W. Drury".

Sr. VP Refining, Terminals and Pipelines

**Additional oral comments by Julie Kinder of Brinderson, L.P. at the Public Hearing on the Draft EIR for the Tesoro Avon Marine Oil Terminal Lease Consideration Project, October 20, 2014, Second Session.**

6-2

Good afternoon. I'm Julie Kinder. I work with Brinderson, L.P., and I wanted to read a brief letter that was provided by our corporate office, which is in southern California, written by Gary Wilson. He's the Senior VP of Refining, Terminals, and Pipelines.

"Dear Ms. Mongano: Please let this letter serve as Brinderson, L.P.'s support of the Draft Environmental Impact Report, the Draft EIR, for the above-referenced project, the Tesoro Avon Marine Oil Terminal lease consideration project."

6-3

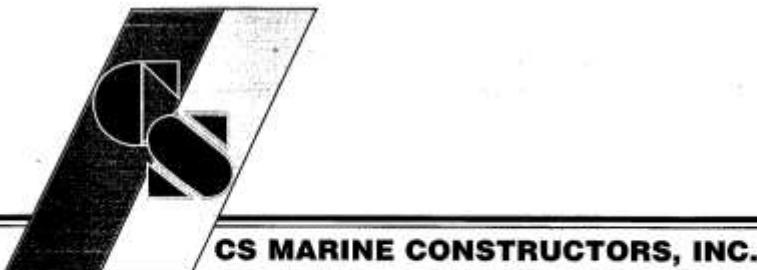
I was selected to come and speak on behalf of Brinderson. I am a chemical engineer. I've worked with Brinderson and in the industry for another company for almost 30 years.

Having reviewed the Draft EIR, I can support the evidence that it is a very comprehensive, professionally prepared report. Certainly, the project will serve to provide the refinery and the community with a safer – even safer operation. And so we do support the project, and we appreciate the ability to participate with Tesoro in the industry and in the community. And thank you for the opportunity to comment.

**RESPONSES TO COMMENT SET 6: BRINDERSON, L.P.**

- 6-1 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.
- 6-2 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.
- 6-3 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.

## **COMMENT SET 7: CS MARINE CONSTRUCTORS, INC.**



October 30, 2014

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

Dear Ms. Mongano:

- 7-1 We fully support the proposed Tesoro Avon MOTEMS Project as evaluated and recommended in the Project Environmental Impact Report (EIR).
- 7-2 We reviewed the EIR documents and attended the Scoping Meeting in Martinez on October 20, 2015. Based on this information, we strongly urge the California State Lands Commission to certify the EIR and to approve the company proposed Avon MOTEMS Project. The EIR appears to show that the project meets or exceeds the MOTEMS requirements.
- 7-2 We conclude that the important aspects of the project are the seismic upgrades to the existing Avon structure, and replacement of the pipe way and walk way; building a new berth and control room; installation of new fast shut-off valves that will close within 30 seconds upon activation; and building a new elevated roadway to the dock.
- 7-3 We urge the SLC to certify the EIR and approve Tesoro Golden Eagle Refinery's Avon MOTEMS Project.

Sincerely,

Jan Stockton  
Business Manager / Corporate Secretary

Cc: Bay Conservation and Development Commission  
San Francisco Regional Water Quality Control Board  
U.S. Army Corps of Engineers  
Steven Hansen, Refinery Manager, Tesoro Golden Eagle

---

425 15th St. • Mare Island Berth 19 • Vallejo, CA 94592  
707-562-4100 • Fax 707-562-4106 • [www.csmarine.com](http://www.csmarine.com)

**RESPONSES TO COMMENT SET 7: CS MARINE CONSTRUCTORS, INC.**

- 7-1 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.
- 7-2 Comment acknowledged.
- 7-3 The commenter's support for the proposed Project is noted and will be provided to the decision makers prior to a decision on the Project.

## COMMENT SET 8: MARTINEZ ENVIRONMENTAL GROUP

To: California State Lands Commission  
Attn: Sarah Mongano  
Re: Tesoro Avon Marine Oil Terminal Lease Consideration Project  
Subject: Tesoro Avon MOT Draft EIR Comments  
CSLC #: EIR 761  
Date: November 13, 2014  
From: James Neu  
Martinez Environmental Group  
3334 Ricks Ave  
Martinez, Ca. 94553  
[Jneusies2@gmail.com](mailto:Jneusies2@gmail.com)

Ms. Mongano,

Thank you for the opportunity to respond to the Tesoro Avon Marine Oil Terminal Lease Consideration Project. Below you will find my/our concerns and comments and I/we look forward to your response. Please address any questions and comments marked with an \*. Thank you for your time in this matter.

- 8-1      Executive Summary: Proposed Project: The DEIR states this will be predominantly an export facility but will be able to accommodate imports as well in the future. The export facility is for "premium fuel oil", gas oil, diesel, cutter stock from the refinery to ocean going vessels (OGV). This facility will be a 24hr/ 7days a week, 365 days/year operation that will accommodate anywhere up to 70-120 vessels per year as many as two per week. This equates to 10 million barrels per year to a maximum of 15 million barrels per year with the refinery having a maximum facility capability of 45 million barrels per year.  
\* The DEIR does not address the specifics of "premium fuel oil" and what type of feed stocks could be imported at a future date. Considering the refinery has a capacity of 45 million barrels, future impacts of increased imports and exports would be assumed and not addressed in the DEIR.
- 8-2      Environmental Impacts and Mitigations: Table ES-1: OS1-OS9:  
\* With this extensive list of environmental impacts and mitigation measures for the proposed project as it pertains to oil spills, the DEIR does not address clean up cost funding and responsibilities and what parties that liability would fall upon; Tesoro Refinery, vessel carrier, or handlers?
- 8-3      4.0 Environmental; Impact Analysis:  
\* Air Quality: The DEIR states "fugitive dust would be minimal" but does not address construction mitigation procedures to capture debris and dust while working over water. These mitigations are required by the Bay Conservation and Development Commission (BCDC) and must be addressed.
- 8-4      \* Green House Gas Emissions (GHG): The DEIR states "GHG emissions would decrease due to fewer vessel calls" but later states vessel calls could increase in the future with increased future operations. This subject was not addressed in detail in the DEIR.  
Greenhouse Gas emissions increase with an OGV "hoteling" according to the DEIR.
- 8-5      \* Why does the scope of the project not include shore power implementation to mitigate the idling of OGV at the new terminal?
- 8-6      \* Geology: "The terminal lies just outside the Alquist- Prioco fault zone" and according to the USGS maps, the Concord /Green Valley earthquake fault lies just east of the proposed project.

- 8-6      This fact was woefully not addressed as a hazard of this terminal's location as it relates to a seiche affecting anchored OGV.  
con't     \* Cultural Resources: "pile driving in water" This project requires timing of elements in construction to take 19 months to complete with a start in 2015 and completion in 2016. Pile driving can only be done for a 12 week window (Aug. 1- Nov.30) in fall because of affect on fisheries according to the BCDC. This was not addressed in the DEIR.
- 8-7      \* Noise Effects: "closest receptors are approximately 1.4 miles away" Human receptors were addressed but biological receptors and the effect noises would have on the bird mating season was not specifically addressed in the DEIR.
- 8-8      4.1.1.3 Bay Area and Avon Oil Spill Response Capability:  
8-9      Tesero contracts with Marine Spill Response Corporation (MSRC) to serve as primary Oil Spill Response Organization (OSRO). The Tesero response team has a staff of 25 and the key areas of training are boat handling and surface boom deployment, according to the DEIR. Tesero keeps larger boats in the Martinez Marina which currently has accessibility issues with silting at lower tides. Tesero is required to submit a worst case discharge (WCD) report of a 10,443 barrel spill. The USCG requires marine terminals to respond to small spills (50 barrels or less) and furnish reports.  
The State Oil Spill Recovery Fund is immensely underfunded for a marine oil spill disaster. Most local response equipment is for surface recovery. Heavier tar sand oil sinks and is very difficult if not impossible to retrieve from the water.  
\* What steps and equipment is in place to handle a disaster of this type of heavy crude?  
\* How much training has gone in to a spill fo this type of crude product and where can the reports of this local training be publicly found?
- 8-10     \* Considering the Martinez Marina has accessibility issues with excessive silt build up, dredged the entrance to the launch ramp in 2013, and still has marine vessel accessibility issues at lower tides, what will happen if there is a spill and Tesero cannot get their boats out of the marina? The DEIR does not address an alternate oil spill response organization, their capacity, their estimated time to respond to a spill in this area, and their staffing capabilities.
- 8-11     \* The DEIR only addresses surface spill mitigation and response and does not address subsurface spills of heavier tar sand bitumen laden oil spills that sink and are very difficult to clean up. The DEIR needs to furnish a detailed plan for this type of oil product clean up.  
\* The DEIR also does not address funding fees for rescue and rehabilitation of sea birds, sea otters, and other marine animals or the establishment of funding sources for refineries with oil marine terminals.
- 8-12     4.1.4.1 Proposed Project Operation: The DEIR states there is a 10% chance within this 30 year lease of a 1000 barrel oil spill release based on one spill every 300 years.  
\* This is erroneous data considering the number of vessel calling proposed in the DEIR, the amount of product transferred in each calling and future projections of crude feed stock increases to the Bay Area for the next 5-25 years. This percent of spill needs to be recalculated and re addressed.
- 8-13     4.1 Oil Spill Trajectories: Shore Terminal LLC, Marine Terminal Lease Renewal EIR presented results of an oil spill trajectory modeling a 5800 barrel crude oil spill from Plains Product Terminal, approximately .5 miles west of the Avon Terminal. After 3 days, surface oiling could reach Pittsburg area to the east and west to the Carquinez Bridge (2004 model).  
\* This model only addressed a surface oil spill and needs to address the specific effects of a subsurface heavy oil spill.  
CSLC (2004) oil spill trajectory conducted by Clean Seas in 1998 for a 10,000 barrel crude oil spill near the Benicia- Martinez Bridge, 1.75 miles west of Avon Terminal found after 3 days surface oiling could reach Antioch to the east and San Francisco and Oakland to the west.

- 8-15  
con't
- \* This model only addressed a surface oil spill and needs to address the specific effects of a subsurface heavy oil spill.  
 Tesero (2012) conducted an oil spill trajectory modeling for a 22,000 barrel crude oil release at the Amoreco Terminal, 2 miles west of the Avon Terminal. Modeling shows surface oil after 3 days spreading west and south to San Mateo and west to the Pacific Ocean and east to Grizzly Island.
- \* This model only addressed a surface oil spill and needs to address the specific affects of a subsurface heavy oil spill.
- 8-16
- 4.1.1.3 Additional Response Assets – Type of Product Released  
 Highly volatile products such as gasoline are not boomed and left to disperse through evaporation. Crude oil and diesel are boomed and the DEIR has extensive discussion of surface booming procedures.  
 \*The DEIR does not address a subsurface oil spill collection and needs to specifically address this type of spill.  
 Release Extent and Impacts:  
 \*A 20,000 barrel spill trajectory is modeled in the DEIR but not the effects of a subsurface spill of this size.
- 8-17
- Outer Coast Impacts: "conditioning is somewhat different from inside the bay" with "booms more difficult to work because of wave action", may not be necessary to contain surface spill unless it threatens the coastline" is how a spill is described in the DEIR regarding outer coast oil spills.  
 \*This section refers to a surface spill only and does not specifically address a sub surface oil spill of heavy tar sand oil.  
 \* Table 4.1-5 MSRC Benicia/ Martinez Spill Response Equipment Table lists all equipment available for a spill response but lists nothing for a tar sand heavy bitumen type oil spill that would sink and foul the bay and bay bottom.
- 8-18
- 4.1.-43 Use of Amoreco Terminal as Alternate: This implies the Avon Terminal will not be able to accommodate vessels calling at its terminal. "There would be more congestion at Amoreco Terminal due to increased number of vessels calling at Avon.  
 \*This contradicts the earlier statement in the DEIR of the number of vessels calling at Avon, projects a larger number, and contradicts the 300 year oil spill theory. This needs clarification in the DEIR.
- 8-19
- 4.1-45 Truck and Rail Transportation: According to the California State Fire Marshall, hazardous liquid pipeline risk assessment indicated that the fatality rate for bulk transportation by rail was 40 times higher than pipeline. In the same study, truck bulk transportation was 300 times higher than pipeline. The frequency of unintentional releases was 4 times higher for mix of rail and truck transportation than for similar volumes transported by pipeline. The number of injuries was 30 times higher for a mix of rail and truck transportation than for similar volumes transported by pipeline. The frequency for small releases was higher for truck and rail and large releases were higher for pipeline.  
 \* These statistics in the DEIR imply a future increase of alternate means of transport of crude oil and oil products with this project.
- 8-20
- 4.2 Biological Resources: The terminal provides refuge for fish and birds particularly a nesting pair of osprey on Berth 5. These are long lived species protected under the Federal Migratory Bird Treaty Act (MBTA).

- 8-20 con't ↑ \* The reconstruction of Berth 5 would mean a permanent loss of nesting habitat for the osprey and would be a significant impact on this species despite the mitigation measures outlined in the DEIR. Alternate options must be taken on this mitigation.
- 8-21 Impact Bio3: There would be an increase of deposition resulting from the re suspension of sediments by calling vessels and their tugs. Avon Terminal expects two vessel callings per week with 120 per year. The DEIR states, “sediment levels could potentially be increased at the Avon Terminal for 6 hrs. Per week through out the year, tidal currents at the wharf are considerable”. \*The increase of turbidity levels of re suspension of sediments from calling vessel propeller, movement, and assist from tug boats will increase the sediment into the downstream Martinez Marina.
- 8-22 Birds: Oil spills impact is greatest on diving birds and this was evident after the 2007 Cosco Busan spill of heavy bunker oil that sunk.  
\*The DEIR does not address the treating of waterfowl from a subsurface oil spill of heavy bitumen crude.
- 8-23 Fish: According to the DEIR, “fish that swim lower in water are less likely to come in direct contact with oil spills”.  
\*The DEIR fails to address however, the effect on fish with a heavy crude oil spill that sinks to the bottom.
- 8-24 4.3 Oil Spill Analysis: Trajectory and extent of oil spill depends on time of year and the amount and type of product spilled.  
\* The DEIR fails to address a spill of heavy bitumen tar sand oil.
- 8-25 Table 4.2-2: Illustrates biological impacts of 100,000 gallon oil spill from a Martinez Terminal. Heavy Fuel Oil has the most impact on waterfowl (94), songbirds, (89), wading birds (575), and shorebirds (2693). Crude oil has an impact of waterfowl (71), seabirds (67), wading birds (317, and shorebirds 91485). The rationale for mitigation is that “bird rescue, containment, and clean up after oil spill is an important component for minimizing impacts to biological resources. It is important to have plans, procedures, and necessary contractual arrangements in place to enable a rapid response.  
\*Other than Table 4.2-2, the DEIR never mentions a heavy crude oil spill effect on spill trajectories, response capabilities, release extents and impacts, outer coast impacts, biological spill effects on fish or birds, or the establishment of funding to offset and cover the costs of oil spill and prevention for California Waterways.
- 8-26 Residual Effects: The DEIR states, “even with specific procedures to protect sensitive biological resources in the project vicinity, impact of a major oil spill would remain significant and unavoidable.  
\* The Tesoro Project should be upheld until this project can prove mitigation efforts to where a spill would be avoidable.
- 8-27 4.4 Air Quality: Vessel Engines: The Tesoro Refinery expects 70- 120 vessels per year calls to the terminal.  
\*There is no mention in the DEIR of vessel idling and GHG –volatile organic compounds (VOC) emissions and whether shore power will be provided in the scope of this project to ships currently or will the future dock 1A and 5 construction provide shore power capabilities for the OGV? This would eliminate GHG emissions and the need for hoteling at the terminal.  
\* If shore power is not provided in the scope of work for the new dock construction, this should be mandated as part of the project.
- 8-28 ↓ 4.5 Greenhouse Gas Emissions and Climate Change: Impact GHG-4: There will be a significant increase in GHG emissions from the transfer of operations to other Bay Area Terminals or land

- 8-28  
con't
- based alternatives such as rail car or truck as a future possibility to export 20% of product. Expansion of existing rail capability with unit trains capable of delivering 80,000 barrels per train and expansion of existing rail capacity of one unit train per day equals 26.8 million barrels of product per year.
- \* This project claims future reduction in OGV import calling but lists possible future increase in exporting of product. Without an increase in crude imports, there cannot be an increase in product exports. The DEIR contradicts itself on this issue and is vague on the use of the types of import transportation.
- 8-29
- 4.6-2 Geology: Project lies just west of the Concord- Green Valley Earthquake Fault
- 4.6.1.2 Site Specific Geology: 30° – 45° is the depth of estuarine deposited soils consisting of very soft to stiff clay and silt mixtures with very loose tidal and silty sands. Bedrock lies 80' below lower low water level near the Avon Terminal to a depth of 120'
- \*This area is susceptible to liquefaction due to the soil makeup. The DEIR does not address whether pile driving is required to reach bedrock or just to the point of refusal.
  - \*The DEIR states there is a 25% chance of a 7.0 earthquake on the Concord- Green Valley Fault every 200 years and that the threat of an earthquake is insignificant. However, there has not been an earthquake recorded on this fault in over 200 years.
  - \*This reasoning would mean there is a very significant risk for an earthquake on this fault negating the DEIR.
- 8-30
- Figure 4.6-4: Cal Trans Seismic Hazard Map for California and the USGS Probability Seismic Maps both show peak acceleration with strong ground shaking in the area of the project is likely.
- \*The factors and risks to this project from an earthquake on the Concord- Green Valley Fault are not addressed in the DEIR.
- 8-31
- 4.6.1.5: A seiche is a long rolling wave of periodic oscillation or sloshing of water in an enclosed basin such as the Carquinez Strait that can produce large changes in water levels. OGV tied to a terminal during a seiche would be greatly affected by this change in water level.
- \* The DEIR provides a limited mitigation measure within the new construction of the terminal or elsewhere to counteract this change in water level with an OGV at the terminal or address how the effect of such action would affect the terminal. The quick release docking apparatus mentioned would be insufficient to mitigate this event.
- 8-32
- 4.6.1.5: Tsunamis and Seiches:
- \* MOTEMS requires that each marine oil terminal has a seiche and tsunami plan that details what actions will be to safeguard the facility but the DEIR does not include the details of those plans. This should have been included for the public's review.
- 8-33
- 4.6.4.1: Proposed Project: Impact Geology, Sediments and Seismicity (Impact GSS-1) – “exposes people or structures to surface faulting and ground rupture, resulting in substantial damage or risk of injury or loss of life is less than significant”.
- \* This project lies within 1 mile of the Concord/ Green Valley Fault which has a history of earthquake of every 200 years and it has been greater than 200 years since the last seismic event. How can a determination of less than significant be attributed to this impact?
- 8-34
- Impact GSS-4- “...exposes people or structures to risk of loss, injury, or death as a result of tsunami or earthquake (less than significant)”.
- According to 4.6.1.2 of the DEIR, the Concord/ Green Valley Fault has the capability of a 7.0 earthquake, the project is within 1 mile of the fault, the fault has a propensity of activeness every 200 years and it has been 200 years since the last seismic event, and could be susceptible to a seiche in this area with a high probability of an ocean going vessel hoteling at the terminal with excessive changes in water level.

- 8-34 ↑ \*Given this data from the DEIR, how can this high probability have a less than significant impact?
- 8-35 Impact GSS-5-“ causes structural damage to Avon terminal due to an increase in loading conditions, vessel size, or number of vessels calling (less than significant)”. Vessel loading, vessel calling, and vessel size was mentioned in the DEIR to possibly increase in the future which would increase the risk factor.  
\*There is no mention in the DEIR if the new oil terminal piles are driven into bedrock (80°-120°) to prevent liquefaction and settling of the terminal or just to the point of refusal. MOTEMS have set a baseline for marine terminal construction but project construction specifics are not available in the DEIR.
- 8-36 Impact GSS-9- “...potential to cause damage or failure to pipelines as a result of a seismic event (less than significant).  
\*The project does not include existing pipeline replacement or anchorage to prevent rupture during a seismic event. The DEIR states the shoreline between the oil terminal and refinery is composed of soils prone to liquefaction during a seismic event. The DEIR states pipeline isolators, foundation, anchorages are not included in a mitigation plan to prevent pipeline rupture during a seismic event.  
\*This should be reviewed and included in the scope of work of the project and detailed in the DEIR.
- 8-37 4.8.2.1 Roadway Transportation System: Waterfront Road was closed at Hastings Slough in 1990. At the same time, Port Chicago Highway was closed at Clyde and at West Pittsburg. The area north of Tesoro Refinery and east of the proposed project has been closed for refinery security reasons. However, this area is inaccessible to the continuation of the San Francisco Bay Trail and Delta Trail System that would allow circum travel of the bay shoreline.  
\* This project and the refinery eliminate access to the Delta and San Francisco Bay Trail System. This contradicts Senate Bill 1556 mandating a continuous recreational corridor between Martinez and Bay Point. The DEIR does not address this issue and does not provide a remedy to this public inaccessibility or address a mitigation plan as an alternative.
- 8-38 4.9 Land Use Recreation: Impact LUR-2- “significant and unavoidable residual impacts on sensitive shoreline lands or water and non water recreation due to an accidental release of oil at terminal”. Avon Terminal primarily operates an export facility transferring petroleum products and infrequently importing refinery feed stock. Light product spills evaporate in 24-48 hours and heavy crude oil may disappear over a period of days and heavy fractions lasting from several weeks to several months floating on the surface.  
\* The DEIR does not address heavy crude oil spills where the product submerges and cannot be cleaned up.
- 8-39 Impact LUR-3-“causes residual impacts on sensitive shoreline lands and /or water and non water recreation due to an accidental release of oil from vessels in transit (significant and unavoidable)”. Even with the implementation of mitigation to minimize potential for a spill, spills are possible and the consequences of a spill could result in significant and adverse impacts to land use and recreation.  
\*The DEIR does not address this.

- 8-40 This proposed lease is one of many new refinery related projects that must be placed on hold until the full extent of their cumulative impacts is known. There are five different fossil fuel projects proposed for the Bay Area and three projects in other regions (two in Bakersfield and one in Santa Maria with ties to the Bay Area via pipeline and rail) that may supply the local refineries with much dirtier crude oil.
- 8-41 The BAAQMD must first more fully investigate the effects and implications of lower quality crude oil being refined in the Bay Area before these projects are approved. This agency has not evaluated cumulative regional impacts of all the dirty crude oil refinery and infrastructure projects up for approval. If these projects continue forward ahead of the proposed refinery regulation, the projects would secure dirty oil rendering the new regulation worthless before it is adopted.
- 8-42 Specific outcomes associated with degradation of crude oil quality of concern include greater risks of chemical spills, oil spills, fires, explosions, increased emissions of heavy metals, toxic hydrocarbons and other pollutants, increased production of toxic petroleum coke, increased odors and other health and safety hazards proposed by new crude oil sources.
- 8-43 Not one jurisdiction or air and water quality monitoring agency either private or governmental has done a study or evaluated in any way how much pollution will increase with the influx of extremely dirty crude by the sum of all these project's approval.
- 8-44 A spill at the Tesoro Oil Marine Terminal would have an effect on the local environment from Oakland to Richmond and from Vallejo to Oakley to the Sacramento Delta. Many of these communities receive their drinking water from this body of water that this Lease Consideration is located.  
\*What recompense to the local communities will there be if these already strained water supplies are contaminated by a spill of crude oil?
- 8-45 \*What financial protections do individuals and communities have from an oil spill that fouls a water shoreline and ecosystem such as the Carquinez Strait where an in and out movement is twice daily?
- 8-46 \*What water monitoring is currently done on a regular basis in this area and where are these monitors located in relation to the marine oil terminals in the Carquinez Strait for Rodeo to Pittsburg? If there currently is no water quality monitoring in the area, will it be required with this new Lease Agreement?
- 8-47 This analysis is not only essential, but this project and the others should be on hold until the refinery emissions tracking regulation is in place. Air and water quality monitoring is grossly inadequate considering the four immediate refineries, the number of marine terminals and many railroad spurs and main lines that are in the immediate area of the Tesoro Marine Oil Terminal.
- 8-48 *If we urge this governing body to not approve and extend the Tesoro Avon Marine Oil Terminal Lease Consideration based on the concerns listed above.*

Jim Neu  
Martinez Environmental Group

**Additional oral comments by Jim Neu of the Martinez Environmental Group at the Public Hearing on the Draft EIR for the Tesoro Avon Marine Oil Terminal Lease Consideration Project, October 20, 2014, First Session.**

8-49

Hello. Thank you for allowing me to speak on this project. I've generally reviewed the DEIR and have several concerns regarding the DEIR.

Because there is so much to review, and I do plan on submitting written comments and concerns, and I'd like to be as specific as possible, I'm requesting a 45-day extension for the review period. Thank you.

**Additional oral comments by Tom Griffith of the Martinez Environmental Group at the Public Hearing on the Draft EIR for the Tesoro Avon Marine Oil Terminal Lease Consideration Project, October 20, 2014, First Session.**

8-50

Hi. My name is Tom Griffith. I'm with the Martinez Environmental Group.

This is an important project for me. I really want to understand what's going on and be able to comment fully on it. We just received, I think it was, last week this, I don't know, somewhere around 600 pages of EIR to review. So, you know, we are laypeople, and it's a lot to ask of laypeople trying to protect our environment against corporations that have lots of money to spend.

Six hundred pages divided by 45 days to review, means that we would have to read to deeply understand 13.3 pages every day for 45 days. And that is a lot.

So, you know, we have to do this on our own time and at some disadvantage in terms of numbers of people and numbers of hours required to understand what all the scientific jargon means, and whether any given statement is a reasonable argument.

Our communities in the refinery corridor, have been and continue to be, besieged by multiple projects and CEQA reviews that affect all of our communities. We just finished working on the Chevron project and arguments against Pittsburg's WesPac facility and Benicia's Valero project – these are still ongoing – the Phillips 66 project that includes two EIRs for the two-part refinery just dropped, and the Shell EIR is nearly ready. So we ask you to provide us with an extension to further review the applicable documents.

**Additional oral comments by Aimee Durfee of the Martinez Environmental Group at the Public Hearing on the Draft EIR for the Tesoro Avon Marine Oil Terminal Lease Consideration Project, October 20, 2014, First Session.**

Good afternoon. My name is Aimee Durfee. I'm also with the Martinez Environmental Group. And, yeah, I have a full-time job that doesn't involve this, and I live here in Martinez. As has been said, this EIR is 600 pages long. I'm not an expert on this. We

have no access to the site. We're working – as residents here, working with pretty limited information.

8-51      But why do we care about this? Because we live here, because oil spills are a potential reality, and what we are starting to understand is that all the refineries in this corridor are transforming, and they're starting to accept different types of crude that is more dangerous. They are starting to use different types of crudes that have exploded, and that fall to the bottom of the ocean when they go into the water if they're tar sands.

8-52      So we're cognizant that this issue affects us. It is much larger than us. But that's why we want to be involved is because this is a complicated situation. It's not just about this marine terminal. This is an entirely interconnected system here in the five towns that are in the – on the Carquinez Strait on both sides of the strait.

So we're asking for more time to have the ability to truly review this Draft EIR, and to be able to take a look at how it affects our community, because we do live here.

**Additional oral comments by Jim Neu of the Martinez Environmental Group at the Public Hearing on the Draft EIR for the Tesoro Avon Marine Oil Terminal Lease Consideration Project, October 20, 2014, Second Session.**

Jim Neu with Martinez Environmental Group. Thank you for letting me speak again.

8-53      Earlier, I spoke, and I forgot to bring up one thing. And that was we met – April 2<sup>nd</sup> there was a Notice of Preparation of a Draft Environmental Impact Report and notice of public scoping meeting in this room. And part of that discussion we talked about notifying the public of these meetings. And there was no notification in the local paper or of the Contra Costa Times that we could find regarding this hearing. So I just wanted to let you know that. Thank you.

## **RESPONSES TO COMMENT SET 8: MARTINEZ ENVIRONMENTAL GROUP**

- 8-1 See Master Response MR-4.
- 8-2 The Federal Oil Pollution Act (OPA) was enacted, in part, to ensure that shippers and oil companies pay the cleanup costs for spills that do occur. OPA also established a \$1 billion Oil Spill Liability Trust Fund that is funded by a tax on crude oil received at refineries. Under the OPA, vessels, marine facilities, and pipelines that have the potential to release oil into navigable waters are required to demonstrate that they have sufficient response equipment under contract to respond to and clean up a worst-case spill (33 Code of Federal Regulations [C.F.R.] § 154.1028, 40 C.F.R. § 112.20, 49 C.F.R. § 194.115). In addition to the OPA, State regulations (Cal. Code Regs., tit. 14, § 791.6, subd. (b)) require that, before operating in California, operators or owners of vessels or the oil contained therein and operators or owners of marine facilities obtain a Certificate of Financial Responsibility (COFR). To obtain a COFR, the applicant must demonstrate to the State in some manner, such as an insurance policy or letter of credit, that they have the financial resources to respond to and clean up a worst-case spill. The State reviews the application and issues the COFR when adequate financial assurance is demonstrated. Operations cannot occur until a COFR is obtained. See Sections 2.4.16, Emergency Response, and 4.1.1.3, Bay Area and Avon Oil Spill Response Capability, in the Environmental Impact Report (EIR).
- 8-3 Dust suppression would be accomplished by wetting and covering areas of earth disturbance. As described in EIR Section 4.4, Air Quality, most earthen material moved as part of the offshore Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)-compliance renovation activities would be highly saturated from the bay floor, virtually eliminating all fugitive dust associated with earth disturbance. Mitigation Measures (MMs) and best management practices for the control of soil and sediment disturbance are detailed in EIR Section 4.3, Water Quality, Impacts WQ-12 and WQ-14. Currently, the Bay Conservation and Development Commission does not require any specific MMs associated with fugitive dust. The Bay Area Air Quality Management District (BAAQMD) regulates sources of air pollution, including fugitive dust. See Section 4.4, Air Quality, for more details.
- 8-4 The greenhouse gas (GHG) analysis is based upon the baseline vessel call numbers, as discussed in Master Response MR-1, as well as the projected post-Project activity. For stationary sources with BAAQMD permit emissions limitations, the BAAQMD 2012 California Environmental Quality Act (CEQA) Guidelines state:

*When stationary sources will be subject to BAAQMD regulations, the regulation emission limits should be used as emission factors.*

However, the application of this guideline to ocean-going vessel (OGV) emissions estimation in the post-Project period is incorrect, as OGV are not stationary sources with BAAQMD emissions limitations.

In the absence of permit limits, the BAAQMD 2012 CEQA Guidelines do not make specific recommendations as to how to estimate future mobile emission sources, such as those emissions resulting from OGV activities at the Avon Terminal. Therefore, a rational approach has been implemented whereby a range of 70 to 120 anticipated annual vessel calls was estimated based upon review of past records, and in the absence of any modifications to Refinery operations or marketing conditions that might cause significant changes. The maximum of this range was conservatively chosen and used for the determination of significance in the post-Project period; it is not expected that the number of vessel calls would surpass the maximum of 120 per year. The commenter does not state the context in which the EIR mentioned increased future vessel traffic; therefore, the California State Lands Commission (CSLC) cannot provide an explanation as to the discrepancy.

- 8-5 Electrification of the berth (shore power) has been examined for incorporation into the proposed Project to reduce at-berth vessel emissions. The Project would be serviced by a variety of vessels, with the Project proponent having no control over whether vessels retrofitted for shore power called at the facility. For this reason, shore power has been determined to be impractical for the Project. Other land-side treatment options have been proposed to treat at-berth vessel emissions. To date these treatment systems are neither commercially available nor certified by the California Air Resources Board.
- 8-6 The commenter's concern is acknowledged. Notwithstanding the Avon Terminal's proximity to the Concord/Green Valley Fault, as discussed under Impact GSS-4 in EIR Section 4.6, Geology, Sediments, and Seismicity, and in Section 4.6.1.5, Tsunamis and Seiches, tsunamis and seiches are rare in the Project vicinity. Additionally, there is little to no potential for the Project area to become inundated due to catastrophic tidal flooding, as projected wave height and tsunami run-up is projected to be small in the interior portions of the San Francisco Bay and into the Carquinez Strait (Borrero et al. 2006). Furthermore, the Avon Terminal has a MOTEMS-required tsunami plan that addresses potential far-field and near-field tsunami events, notifications and communications, a tsunami warning system, tsunami response actions, tidal levels, currents and seiche conditions, loss of utilities, tsunami plan accessibility

and training, and post-event inspection.

- 8-7 The work window for pile driving in water was not addressed in EIR Section 4.7, Cultural Resources, because the cultural resources section discusses potential disturbance to previously unrecorded or recorded historical, archaeological, or paleontological resources, and human remains. The commenter's statement refers to the pile driving that could potentially affect fisheries, which is addressed in EIR Section 4.2, Biological Resources.

As stated in Section 2.5.3, Renovation Schedule, of the EIR, all pile driving, which would occur in Area C, Area D, and Berth 1A, must be completed within the in-water work window of August 1 through November 30, 2015.

Additionally, MM Biology (BIO)-11a, In-water Work Restrictions, in EIR Section 4.2, Biological Resources, states that Tesoro shall implement the following in-water work restrictions:

- To the extent feasible, in-water work shall be performed between 30 minutes after sunrise and 30 minutes before sunset.
- Pile driving with an impact hammer and in-water deconstruction activity shall only occur during the work window specified by the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) for avoidance of potential impacts to fish species in this region of the San Francisco Bay Estuary, from August 1 to November 30. The work window proposed may be adjusted based on the U.S. Fish and Wildlife Service's (USFWS) programmatic consultation on the delta smelt and coordination with the CDFW, NMFS, and USFWS.

Additionally, MM BIO-18a, Sound-attenuation Measures, states that “[p]ile driving with an impact hammer shall only occur during the work window specified by the National Marine Fisheries Service (NMFS) for avoidance of potential impacts to fish species in this region of the San Francisco Bay Estuary, from August 1 to November 30. The work window proposed may be adjusted based on the U.S. Fish and Wildlife Service's programmatic consultation on the delta smelt and through consultation with the CDFW. Conducting work within the work window would minimize the possibility that work activities may impact fish species as listed fish species are less likely to use the action area as a migratory corridor during this period....”

- 8-8 Effects of noise on nesting birds are addressed in Impact BIO-13 in Section 4.2, Biological Resources, of the EIR, which finds that noise from MOTEMS renovation may impact nesting birds by causing disruption of normal breeding patterns. Implementation of MM BIO-13a, Pre-renovation Nesting Bird Surveys,

will ensure that a biological monitor conducts a pre-construction survey to identify bird nests and sets an appropriately sized work-exclusion buffer around active nests so that disruptions to breeding patterns are minimized and avoided.

- 8-9 See Master Response MR-4.
- 8-10 See Master Response MR-4.
- 8-11 As stated in Section 4.1.1.3, Bay Area and Avon Oil Spill Response Capability, of the EIR, presently, Tesoro keeps its larger response boats at the Martinez Marina. As part of the MOTEMS renovation, these response boats would be relocated to the Avon Terminal, thus affording a more rapid response in the event of a spill. In addition to Marine Spill Response Corporation, which is the primary Oil Spill Response Organization (OSRO) contractor in Tesoro's Oil Spill Response Plan for offshore, onshore, and shallow-water response services, Tesoro has contracted with Bay Area Ship Services to assist with initial oil spill response services. As an OSRO, Bay Area Ship Services must meet the requirements of the CDFW's Office of Spill Prevention and Response and U.S. Coast Guard's OSRO classification program, including capacity, response time, and staffing capabilities.
- 8-12 See Master Response MR-4.
- 8-13 In the event of an oil spill from the Avon Terminal, following the initial response and containment of the spill, a Natural Resource Damage Assessment will be developed by State and federal trustee agencies. The trustee agencies will work cooperatively with local governments, local organizations, and the responsible party to assess ecological injuries caused by the spill. The trustee agencies quantify the injuries to wildlife and habitat, determine the amount of restoration necessary to restore the resources and compensate for injuries and loss, and develop a restoration plan. Should Tesoro be responsible for the spill, upon development of a restoration plan, the trustees would make a claim for funds from Tesoro to implement restoration projects designed to both restore and compensate for the injured resources.

As described in MM BIO-8c, Natural Resource Damage Assessment (NRDA) Team, in EIR Section 4.2, Biological Resources, Tesoro would coordinate with the NRDA team and would be responsible for cleanup, restoration, and compensation of damages to resources.

- 8-14 See Master Response MR-2.
- 8-15 See Master Response MR-4.

- 8-16 See Master Response MR-4.
- 8-17 See Master Response MR-4.
- 8-18 Under the No Project alternative, Tesoro's lease for the Avon Terminal would not be renewed and the Avon Terminal would be decommissioned. Under this alternative, Tesoro may pursue transitioning to the Tesoro Amorco Marine Oil Terminal (Amorco Terminal) to absorb all export operations from the Avon Terminal, thereby increasing throughput at the Amorco Terminal. Impact OS-10 in EIR Section 4.1, Operational Safety/Risk of Accidents, states that vessel transit risks would be similar; however, if the Avon Terminal were decommissioned, it could potentially cause more congestion at the Amorco Terminal due to the increased number of vessel callings. The commenter states that this contradicts another statement in the EIR regarding the number of vessels calling at the Avon Terminal and contradicts the 300-year spill theory. The CSLC believes that the commenter misunderstood this statement, because the increased congestion at the Amorco Terminal would only occur under the No Project alternative if the Avon Terminal were to be shut down and all vessel traffic re-routed to the Amorco Terminal. The potential for increased congestion at the Amorco Terminal would not occur as part of the proposed Project; therefore, it does not imply that the Avon Terminal would not be able to accommodate the number of vessels calling. The scenario under the No Project alternative whereby the ship traffic at the Avon Terminal is shifted to the Amorco Terminal does not contradict the earlier statement in the EIR regarding the number of vessels calling at the Avon Terminal because the shift to the Amorco Terminal is a potential alternative and not the proposed Project; additionally, because the statement is based on the Avon Terminal, the statement is not relevant to the Amorco Terminal.
- 8-19 The statistics in EIR Section 4.1, Operational Safety/Risk of Accidents, were intended to compare the safety of shipping petroleum products by pipeline, rail, or truck, and were provided as part of the impact discussion for the No Project alternative. Under the No Project alternative, Tesoro's lease for the Avon Terminal would not be renewed and the Avon Terminal would be decommissioned. As discussed in Section 3.3.1, No Project, of the EIR, Tesoro would have to pursue other means of export to continue to meet existing regional demands and the current throughput from the Avon Terminal. Options that Tesoro might pursue include land-based alternatives such as pipeline, rail, or truck transportation, or some combination of these alternatives. These options are not part of the proposed Project; therefore, the statistics do not imply a future increase of alternate means of transport of crude oil and oil products as part of the Project.

- 8-20 The commenter states that the reconstruction of Berth 5 would cause a permanent loss of nesting habitat for the pair of osprey currently nesting there. Although osprey show a high degree of nest fidelity, meaning that pairs return to nest in the same location year after year, osprey will adopt a nearby nest if their original nest is removed. Implementation of MM BIO-13b, Osprey Nest Protection, will require Tesoro to consult with the CDFW to remove the nest from Berth 5 and replace it with a nest structure of comparable or better quality in a nearby location not subject to Project disturbance. The Osprey Nest Deterrence and Relocation Plan (LSA Associates, Inc. 2015) for the Project has been added as Appendix G in the EIR.
- 8-21 Comment acknowledged. The occasional and temporary increased levels of turbidity caused by Project activities are expected to be less than those created by natural processes, resulting in a minor to negligible environmental impact. The impacts from increased turbidity and sedimentation on downstream receptors are expected to be less than significant. Additionally, the Martinez Marina performs regular maintenance dredging, which inhibits the accumulation of bottom sediments. The EIR evaluates the Project's impact on water quality as result of sediment disturbance in Section 4.3, Water Quality, Impacts WQ-1 and WQ-2.
- 8-22 Impacts to biological resources from an oil spill at the Avon Terminal are discussed in Impact BIO-8 in Section 4.2, Biological Resources. Effects on waterfowl from a crude oil spill are estimated in Table 4.2-2: Biological Impacts of a 100,000-gallon Spill from a Martinez Terminal. As concluded in the text, heavy fuel oil or crude oil spills have large impacts on birds. As described in MM BIO-8a, Bird Rescue Personnel and Rehabilitators, procedures are required to be in place to bring bird and rescue personnel and rehabilitators to the site. Also see Master Response MR-4.
- 8-23 Impacts to biological resources from an oil spill at the Avon Terminal are discussed in Impact BIO-8 in EIR Section 4.2, Biological Resources. Effects on fish from a crude oil spill are estimated in Table 4.2-2: Biological Impacts of a 100,000-gallon Spill from a Martinez Terminal. Although considered less likely to come into direct contact with surface oil, fish that swim lower in the water column would be expected to be exposed to direct impacts from a crude oil spill, and would be expected to suffer adverse impacts from degraded habitat, degraded water quality, and contamination of food sources. Also see Master Response MR-4.
- 8-24 See Master Response MR-4.

- 8-25 See Master Response MR-4 regarding the impacts that could occur from a crude oil spill, and see response to comment #8-2 regarding the establishment of funding to cover the costs of an oil spill.
- 8-26 The commenter's opposition for the Project is acknowledged. Although the CSLC has imposed MMs to reduce impacts, the EIR clearly identifies that some impacts that are considered significant and unavoidable will remain after application of all feasible mitigation. Pursuant to section 15043 of the State CEQA Guidelines, the CSLC may approve a project even though it would cause a significant effect on the environment if the CSLC makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effect, and specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.
- 8-27 GHGs and volatile organic compound emissions from vessel idling are considered in the impact analysis as part of the hoteling emissions. See response to comment #8-5 regarding the reasons shore power is not incorporated into the scope of work for the new Berth 1A construction.
- 8-28 Impact GHG-4 in EIR Section 4.5, Greenhouse Gas Emissions and Climate Change, discusses the No Project alternative, whereby it is reasonable to assume that should the existing Avon Terminal discontinue current operations, Tesoro might pursue transitioning export and import operations to the Tesoro Amorco Terminal, thereby increasing the throughput at the Amorco Terminal. Currently, the Amorco Terminal operates as an import-only facility, and thus, would only be capable of absorbing the increased throughput if the Amorco Terminal were to be substantially upgraded and expanded to accommodate export operations, as well as meet the current combined throughput capacities for both terminals. Under this alternative, it is feasible to suggest that in addition to transitioning the exported products from the Golden Eagle Refinery to existing terminal operations in the Bay Area, land-based infrastructure to handle product export by railcar, pipeline, or truck is a possibility; however, it would not entirely replace the export products from the Avon Terminal, as approximately 70 to 80 percent of the products are currently shipped overseas.

Present operations at the Avon Terminal involve the transfer of products between tanker vessels and storage tanks at the Golden Eagle Refinery—typically approximately 90 percent export operations and 10 percent import operations. The Amorco Terminal, whose operations are not part of the proposed Project, also imports to the Golden Eagle Refinery. Should there be market increases of imported product to the Amorco Terminal, it is reasonable

to assume there may also be market increases of exports from the Avon Terminal, as both terminals serve the Refinery. Under these assumptions, it is possible for there to be a market increase in the export of product without an increase of import of product at the Avon Terminal facility. For details regarding the Project's vessel traffic baseline, including the baseline number of exports and imports at the Avon Terminal, see Master Response MR-1.

- 8-29 As stated in EIR Section 4.6, Geology, Sediments, and Seismicity, the CSLC recognizes that the existing Avon Terminal is seismically deficient due to the probability of damage and failure resulting from soil liquefaction in the event of a significant earthquake. The Project involves MOTEMS-compliant seismic renovations designed to mitigate liquefaction and settlement resulting from seismic activity. Piles would be driven until design tip elevations (e.g., elevations for compression, tension, lateral, scour, liquefaction, or a combination of these loads) are met. These elevations express the "intent" of the design and help the field engineer to resolve constructability and quality issues. The embedment depth of the piles would vary greatly based on actual field conditions encountered during construction and depending on location along the approachway or vessel loading/unloading area; however, it is expected that pile embedment would be between approximately 60 feet and 100 feet. In general, pile tip elevations would likely be between 55 feet and 110 feet below mean lower low water.

The Avon Terminal lies outside of the Alquist-Priolo earthquake fault zone; therefore, surface faulting and ground rupture from known active faults, including the Concord/Green Valley Fault, is not anticipated. The CSLC recognizes the Concord/Green Valley Fault, which is located within 1 mile of the Project site, is estimated to be able to produce a moment magnitude 6.9 earthquake approximately every 200 years. The State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15064) dictate that a change that is speculative or unlikely to occur is not reasonably foreseeable for purposes of a CEQA impact analysis. Given the relatively low probability of a significant earthquake occurring during the Project's limited timeframe, the impact is considered less than significant.

- 8-30 The U.S. Geological Survey Seismic Hazards Map (Figure 4.6-3 in EIR Section 4.6, Geology, Sediments, and Seismicity) shows that for California, the peak ground acceleration (PGA) has 1 chance in 475 of being exceeded each year, which is approximately equal to a 10 percent probability of being exceeded in 50 years. For the Avon Terminal vicinity, the expected PGA is approximately 46 percent of the Earth's gravitational force (g), or 0.46 g. The California Department of Transportation (1996) Seismic Hazard Map for California (Figure 4.6-4 in EIR Section 4.6, Geology, Sediments, and Seismicity) shows contours

of peak acceleration. These contours reflect the effects of the Maximum Credible Events for the various contributing faults, and apply to ground motions for rock or stiff soil. A peak acceleration contour of 0.5 g is found in the Avon Terminal vicinity.

As stated in the Final EIR, both of these sources provide data that imply that strong ground shaking is likely should a major earthquake occur on a nearby active fault. However, the new Berth 1A has been designed and would be built utilizing MOTEMS-compliant, site-specific Probabilistic Seismic Hazard Analysis; the resulting design PGA for Level 2 (10 percent in 50 years or 475-year return period) is 0.85 g. As previously mentioned, State CEQA Guidelines section 15064 dictates that a change that is speculative or unlikely to occur is not reasonably foreseeable for purposes of a CEQA impact analysis. Given the relatively low probability of a significant earthquake occurring during the Project's limited timeframe, the impact is considered less than significant.

- 8-31 The anticipated impact in water-level changes from a seiche is less than significant; this was determined based on previous studies, including Borrero et al. (2006). The design of the Avon Terminal takes into account tidal variations and windblown waves, which are larger than the fluctuations resulting from the study's anticipated seiche impacts. Also see response to comment #8-6.
- 8-32 The Avon Terminal has the MOTEMS-required tsunami and seiche plan, which details all of the required actions to safeguard the facility. The general plan details are based on the level of potential for a tsunami or seiche using available information from the Pacific Tsunami Warning Center and other local, State, and federal agencies. The actions range from additional monitoring of information sources in the event of a "Watch"-level event to shutdown and evacuation in the case of a "Warning"-level event. For a "Tsunami Warning"-level event, all cargo operations would cease, loading arms would be disconnected, and the shore isolation valves would be closed. All non-essential personnel would evacuate the Avon Terminal and the vessels would be readied for possible deployment.
- 8-33 See response to comment #8-29.
- 8-34 The Concord/Green Valley Fault is a lateral slip fault where the displacement would be confined to a predominantly horizontal plane, as opposed to a thrust-style fault where vertical displacement would occur. This, combined with the relatively small episodic displacements observed in the geologic record, would result in little displacement capable of creating a seiche. Also see responses to comments #8-29 and #8-31.

- 8-35 See response to comment #8-29. The piles do not necessarily need to be driven into bedrock to resist liquefaction and settlement, but only need to be placed within appropriate non-liquefiable load-bearing soils, as determined by the engineering design and field conditions encountered.
- 8-36 As discussed in Section 2.0, Project Description, of the EIR, the Project would involve renovation of piping/pipelines and pipeway structures at Berth 1A and along the approachway. Per MOTEMS, all new and existing piping/pipelines would conform to the provisions of American Petroleum Institute Standard 2610 and American Society of Mechanical Engineers Code B31.3 or Code B31.4. All new piping would also have welded connections over water and be installed above deck to allow for ease of inspection and maintenance. Tesoro would continue to periodically test and maintain all piping/pipelines in accordance with Article 5.5, Marine Terminal Oil Pipelines (Cal. Code Regs., tit. 2, §§ 2560–2571). MOTEMS require integrity review of pipelines at marine oil terminals to avoid failures due to seismic displacement, improper engineering design, corrosion, and joint failure. Due to MOTEMS seismic design and operational requirements, the chance of pipeline damage from a seismic event is considered less than significant. See response to comment #8-29 regarding liquefaction during a seismic event.
- 8-37 The inaccessibility of the Project area to the continuation of the Great California Delta Trail (Delta Trail) is addressed in EIR Section 4.9, Land Use and Recreation, under Impact LUR-4. Continued operation of the Avon Terminal and Golden Eagle Refinery prohibits public access to the shoreline. However, the upland portion of the Avon Terminal is not under the jurisdiction of the CSLC and is not part of the proposed lease, and it could potentially support a segment of the Delta Trail. Therefore, issues related to land use associated with the planned trail segments are not applicable to this EIR. Also see the response to comment #2-1.
- 8-38 See Master Response MR-4.
- 8-39 As stated in EIR Section 4.9, Land Use and Recreation, Impact LUR-3, oil that spreads to beaches, sand dunes, tide pools, shoreline reserves, harbors, marinas, and other recreational boating and fishing facilities would limit access to these areas due to containment equipment and cleanup activities. Spills that reach the more remote portions of the shoreline may not necessarily decrease the availability of recreational uses because use may be minimal, but would result in impacts on biological resources and water quality (refer to EIR Section 4.2, Biological Resources, and Section 4.3, Water Quality, for details). Portions of the coastline would also be visually affected by spills, as discussed in

Section 4.11, Visual Resources, Light and Glare. The potential impacts of spills on recreation activities have been classified as significant and unavoidable in the EIR because recreation would be precluded from occurring in areas where spill cleanup activities are occurring.

- 8-40 Comment acknowledged. See Master Response MR-4.
- 8-41 Comment acknowledged. See Master Response MR-4.
- 8-42 Comment acknowledged. See Master Response MR-4.
- 8-43 Comment acknowledged. See Master Response MR-4.
- 8-44 Oil from a spill is unlikely to reach most water-provider intakes; however, there is still a possibility that such an event could occur. The CSLC acknowledges that an oil spill could affect water supply to the region, especially during periods of drought. As described in EIR Section 4.3, Water Quality, Tesoro is required to obtain a Certificate of Financial Responsibility from the CDFW's Office of Spill Protection and Response to demonstrate that it has adequate financial resources to pay cleanup and damage costs arising from an oil spill. EIR Section 4.3, Water Quality, Impacts WQ-9 and WQ-10, and Section 4.1, Operational Safety/Risk of Accidents, Impacts OS-1 and OS-4 evaluate the Project's potential impact on water quality as result of an oil spill.
- 8-45 Refer to response to comment #8-44.
- 8-46 Water quality monitoring is addressed in EIR Section 4.3.1.2, Offshore Project Area, and the location of the water quality monitoring stations are depicted on Figure 4.3-2: Water Quality Data Locations. The Golden Eagle Refinery, which includes the Avon Terminal, is subject to site-specific Waste Discharge Requirements under a National Pollutant Discharge Elimination System (NPDES) individual permit (NPDES permit, CA0004961, Order number R2-2010-0084). The NPDES permit requires routine monitoring and sampling of effluent water from all discharge points. Stormwater from the Avon Terminal is discharged at location 001, with compliance measured at monitoring location EFF-001. The Refinery submits monthly and annual monitoring reports. See EIR Section 4.3, Water Quality, for further details on Golden Eagle Refinery's NPDES permit requirements and monitoring locations. The Refinery also participates in a Self-Monitoring and Reporting Program and prepares Semi-annual and Annual Groundwater Monitoring Reports. Additionally, as described in Section 4.3, Water Quality, the San Francisco Estuary Institute Regional Monitoring Program for Water Quality in the San Francisco Estuary monitors water and sediment quality at 25 sites located throughout the San Francisco Bay, and the Golden Eagle Refinery participates in this program.

- 8-47 Comment acknowledged. Potential impacts of the Project that might not be significant when considered alone, but that might contribute to a significant impact when viewed in conjunction with other neighboring projects have been analyzed in EIR Section 4.3, Water Quality, and Section 4.4, Air Quality.
- 8-48 Comment acknowledged.
- 8-49 See Master Response MR-6.
- 8-50 See Master Response MR-6.
- 8-51 Comment acknowledged. See Master Response MR-4.
- 8-52 Comment acknowledged. See Master Response MR-6.
- 8-53 An announcement regarding the public hearings that were held on October 20, 2014, was published in the Contra Costa Times on October 15, 2014. The CSLC also mailed a Notice of Availability and Notice of Public Hearings in a letter dated September 26, 2014, which included the October 20 date for the public hearings. In addition to the required agency notifications, the mailing included approximately 100 local and regional organizations that may have an interest in the Project, as well as the closest residences to the Project, which are located almost 2 miles away.