

## COMMENT SET 11: LARRY CATHEY

From: Larry Cathey, 260 Peppercorn Ct., Vallejo, CA 94591

Date: October 17, 2014

To: **Ms. Sarah Mongano**, Project Manager, Division of Environmental Planning and Management,  
California State Lands Commission, 100 How Avenue, Suite 100-South, Sacramento, CA. 95825

Subject: Tesoro Avon MOT Draft EIR Comments.

Ms. Mongano,

I would like to go on record as being "In Favor" of the subject project for the following reasons.

- The work as required by the MOTEMS and as described by the Owner of the facility is an update to the facility. It does not increase the capacity of the facility or of the Refinery which it serves.
- Updates and modernization accomplished under the permits and scrutiny of CSLC and in compliance with CEQA (and a myriad of local, state and federal agencies) cannot, in my mind, be a detriment to the area or the environment unless these agencies and procedures are in fact a facade for an unbelievably elaborate jobs scheme. (No I don't believe that to be the case!)
- Common sense and reasoning would point out that the reliability and safety of the Updated Facility would, in and of itself, be a benefit to all concerned.
- The Potential Significant Impacts as listed on page 2 of the Notice of Public Hearings are, without exception, controllable and possible to mitigate. In fact some are short lived at best and the final product will ultimately improve on the current status of literally all of the long term impacts.

In Short, I as a resident of the immediate area, with concern for the safety and survivability of the local environment and a working knowledge of the issues at hand, am in favor of this project going forward.

I will be at the Martinez Public Hearings and look forward to hearing the comments and discussion presented in that forum.

Thank You for this opportunity.

Larry J. Cathey

11-1

## RESPONSES TO COMMENT SET 11: LARRY CATHEY

- 11-1 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.

**COMMENT SET 12: ROBERT B. WALSON**

11-12-14;04:45PM;anvil-bldg-c

819185741885

;3806718691

# 1/ 8

November 10, 2014

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

Attention: Sarah Mongano, Project Manager

Subject: Tesoro Avon MOT Draft EIR Comments

12-1

This letter is to voice my support of the Tesoro Martinez Refinery's Avon Dock Upgrade Project to improve the dock and its associated facilities so that it meets current Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) seismic design standards and requirements.

It's my understanding that the project will include state-of-the-art facilities that will allow the facility to meet MOTEMS and provide faster emergency shutdown and control and give emergency vehicles greater accessibility to the dock. In addition, since the project will demolish an old existing berth, it will improve the Suisun Bay by reducing fill.

If this project does not proceed, Tesoro may not be allowed to operate the dock. Therefore, I believe it is important for this project to proceed. If Tesoro cannot operate the dock and its loading and unloading facilities that would negatively affect our local economy. Tesoro Martinez Refinery provides long-term employment opportunities and economic benefits that are important to supporting our local communities.

I encourage you to support Tesoro's Avon MOTEMS Project through completion. It is important to the refinery, our communities, and our local families.

Sincerely,



Name: ROBERT B. WALSON

Address: 4018 MEDEL RD.  
 SINGLE SPRINGS, CA 95602

**RESPONSES TO COMMENT SET 12: ROBERT B. WALSON**

- 12-1 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.

**COMMENT SET 13: ERIC GIN**

11-12-14;04:45PM;anvil-bldg-c

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;3606718691

# 2/ 6

November 10, 2014

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

Attention: Sarah Mongano, Project Manager

Subject: Tesoro Avon MOT Draft EIR Comments

13-1

This letter is to voice my support of the Tesoro Martinez Refinery's Avon Dock Upgrade Project to improve the dock and its associated facilities so that it meets current Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) seismic design standards and requirements.

It's my understanding that the project will include state-of-the-art facilities that will allow the facility to meet MOTEMS and provide faster emergency shutdown and control and give emergency vehicles greater accessibility to the dock. In addition, since the project will demolish an old existing berth, it will improve the Suisun Bay by reducing fill.

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Sincerely,



Name:

Eric Gin

Address:

128 Sequoyah View Dr.  
Oakland, CA 94605

**RESPONSES TO COMMENT SET 13: ERIC GIN**

- 13-1 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.

**COMMENT SET 14: MICHAEL SHORT**

11-12-14;04:45PM;anvil-bldg-c

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# 3/ 6

November 10, 2014

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

Attention: Sarah Mongano, Project Manager

Subject: Tesoro Avon MOT Draft EIR Comments

14-1

This letter is to voice my support of the Tesoro Martinez Refinery's Avon Duck Upgrade Project to improve the dock and its associated facilities so that it meets current Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) seismic design standards and requirements.

It's my understanding that the project will include state-of-the-art facilities that will allow the facility to meet MOTEMS and provide faster emergency shutdown and control and give emergency vehicles greater accessibility to the dock. In addition, since the project will demolish an old existing berth, it will improve the Suisun Bay by reducing fill.

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Sincerely,



Name: Michael Short

Address: 1231 Willow Ave., Apt H1  
 Hercules, CA 94547

**RESPONSES TO COMMENT SET 14: MICHAEL SHORT**

- 14-1 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.

**COMMENT SET 15: ROBERT E. WALLACE**

11-12-14;04:45PM;anvil-bldg-c

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# 4/ 6

November 10, 2014

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

Attention: Sarah Mongano, Project Manager

Subject: Tesoro Avon MOT Draft EIR Comments

15-1

This letter is to voice my support of the Tesoro Martinez Refinery's Avon Dock Upgrade Project to improve the dock and its associated facilities so that it meets current Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) seismic design standards and requirements.

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Sincerely,



Name: ROBERT E WALLACE

Address:

616 EAKER WAY  
ANTIOCH, CA 94509

**RESPONSES TO COMMENT SET 15: ROBERT E. WALLACE**

- 15-1 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.

**COMMENT SET 16: JEFF S. WONG**

11-12-14;04:45PM;anvil-bldg-c

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# 5/ 8

November 10, 2014

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

Attention: Sarah Mongano, Project Manager

Subject: Tesoro Avon MOT Draft EIR Comments

16-1

This letter is to voice my support of the Tesoro Martinez Refinery's Avon Dock Upgrade Project to improve the dock and its associated facilities so that it meets current Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) seismic design standards and requirements.

It's my understanding that the project will include state-of-the-art facilities that will allow the facility to meet MOTEMS and provide faster emergency shutdown and control and give emergency vehicles greater accessibility to the dock. In addition, since the project will demolish an old existing berth, it will improve the Suisun Bay by reducing fill.

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Sincerely,



Name: JEFF S. WONG

Address:

663 BELVEDERE DR.  
 BENICIA, CA. 94510

**RESPONSES TO COMMENT SET 16: JEFF S. WONG**

- 16-1 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.

## COMMENT SET 17: JOHN-PAUL TIOSECO

11-12-14;04:45PM;anvil-bldg-c

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# 6/ 6

November 10, 2014

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

Attention: Sarah Mongano, Project Manager

Subject: Tesoro Avon MOT Draft EIR Comments

17-1

This letter is to voice my support of the Tesoro Martinez Refinery's Avon Dock Upgrade Project to improve the dock and its associated facilities so that it meets current Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) seismic design standards and requirements.

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Sincerely,



Name: John-Paul Tioseco

Address: 640 Canyon Oaks Dr. Apt A  
Oakland, CA 94605

## RESPONSES TO COMMENT SET 17: JOHN-PAUL TIOSECO

17-1 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.

**COMMENT SET 18: TESORO REFINING AND MARKETING COMPANY, LLC**



**TESORO**

Tesoro Refining & Marketing Company LLC  
Golden Eagle Refinery  
150 Solano Way  
Martinez, CA 94553-1487  
925 228 1220

November 12, 2014

**USPS CERTIFIED MAIL: 7013 2250 0000 8771 4371**

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

**SUBJECT: Tesoro Avon Marine Terminal Lease Renewal DEIR Comments**

Tesoro Golden Eagle Refinery (Tesoro) staff has reviewed the Draft Environmental Impact Report (DEIR) covering the “Tesoro Avon Marine Oil Terminal Lease Consideration Project” dated October 31, 2013.

From this review, Tesoro believes there are no substantive factual errors in the DEIR and provides the following minor comments:

18-1

Comment 1

DEIR Page 4.2-38, Lines 22-26: According to Tesoro’s underwater acoustic consultants (Illingworth and Rodkin, Inc.) the description of ship noise is incorrect. While the highest sound levels might occur at 40Hz, there is elevated sound levels across the frequency range of 20 to 1,000 Hz. Their suggested wording correction:

*Crude oil tankers, which are among the largest marine vessels, move slowly, tend to emit continuous broadband (20- 1,000 Hz) omnidirectional sounds between 179 and 182 decibel root mean square (dB RMS) at 1 micro Pascal at 1 meter with highest sound content at 40Hz.<sup>1</sup>*

18-2

Comment 2

DEIR Page 4.2-68, Lines 6-8 (also in Section 8, MM BIO 18a): The proposed mitigation measure specifies that a “confined bubble curtain shall be properly placed around all in-water piles during impact hammer pile driving activities....”. According to Tesoro’s underwater acoustic consultants (Illingworth and Rodkin, Inc.) a properly designed unconfined bubble ring with multiple rings can be just as, or even more, effective than a confined bubble curtain. Staff from

<sup>1</sup> From McKenna, Megan F., Donald Ross, Sean M. Wiggins, and John A. Hildebrand. 2012. “Underwater radiated noise from modern commercial ships.” Journal of the Acoustical Society of American (131): 92 – 103. McKenna, 2012

Read File (ED No. 5159)

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Tesoro Avon Marine Terminal Lease Renewal DEIR Comments

November 12, 2014

Page 2

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↑ Endangered Species Act Section 7 consulting agencies also have recognized expertise on this subject. Accordingly, Tesoro requests that conditions in issued permits for the Avon MOTEMS Compliance Project related to the use of bubble curtains take precedence over this mitigation measure language.

Comment 3

18-3

DEIR Page 4.2-68, Line 16 and 28 (also in Section 8, MM BIO 18b): The hydroacoustic monitoring plan Tesoro submitted to jurisdictional permitting agencies did not include measurements for vibratory pile driving which is generally accepted as "not likely to adversely affect (NLAA)" in required Endangered Species Act Section 7 consultations. Tesoro further understands this only might be an issue for marine mammals if they were present and requests that conditions in issued permits for the Avon MOTEMS Compliance Project related to hydroacoustic monitoring take precedence over this mitigation measure language.

We continue to appreciate the cooperation extended to Tesoro by staffs of CSLC and TRC Solutions that contributed to the timely preparation of this DEIR. If you have any questions or require further information regarding this matter, please contact me at (925) 372-3115.

Sincerely,



Christina H. McDowell  
Lead Engineer, Air Permitting

CHM/kds

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Read File (ED No. 5159)

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## RESPONSES TO COMMENT SET 18: TESORO REFINING AND MARKETING COMPANY, LLC

- 18-1 Supplemental text has been added to Impact BIO-6 in EIR Section 4.2, Biological Resources, as follows:

Crude oil tankers, which are among the largest marine vessels, move slowly, and tend to emit continuous, broadband (20 – 1,000 Hz) omnidirectional sounds ~~of around 40 hertz while in motion, and produce source levels at 1 meter~~ between 179 and 182 decibel root mean square (dB<sub>RMS</sub>) at 1 micro Pascal at 1 meter, with highest sound content at 40 Hz (μPa; McKenna 2012).

- 18-2 Mitigation Measure (MM) BIO-18a in EIR Section 4.2, Biological Resources, has been revised as follows:

**MM BIO-18a: Sound-attenuation Measures.** Pile 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 California Department of Fish and Wildlife. 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.

- A cushion block (e.g., wood, nylon, Micarta, etc.) shall be placed between the pile and impact hammer, if feasible based on pile size and type.
- A ~~confined~~ bubble curtain of a design approved by the NMFS shall be properly placed around all in-water piles during impact hammer pile driving activities to attenuate underwater sound levels to below thresholds established by the NMFS.

18-3 MM BIO-18a in EIR Section 4.2, Biological Resources, has been revised as follows:

**MM BIO-18b: Hydroacoustic Monitoring Plan.** Tesoro Refining and Marketing Company, LLC shall retain a qualified specialist to develop a hydroacoustic monitoring plan to ensure compliance with the injury and disturbance thresholds. The purpose of the hydroacoustic monitoring plan shall be to establish protocols to ensure compliance with the Project's sound-attenuation measures and any additional requirements imposed during permitting by regulatory agencies. The plan shall contain measures to:

- Measure sound pressure levels from ~~vibratory~~ and impact pile driving and any additional construction activities as imposed during permitting by regulatory agencies to establish zones of influence related to sound thresholds for fish and marine mammals.
- Avoid injury to marine mammals through visual monitoring of identified zones of influence and cease pile driving activities if any marine mammals enter the zone in which thresholds are exceeded.
- Establish locations for stationing of biological monitors and provide for access to and use of a small maneuverable boat in the immediate vicinity of the monitoring for use during field data collection.
- Conduct field operations to obtain data as follows:
  - Using sound meters, measure baseline of ambient noise in the vicinity of pile driving locations.
  - Measure noise from ~~vibratory~~ and impact pile driving to establish/confirm threshold distances.
  - Make daily observations and record presence and locations of marine mammals.
  - Observe, document, and report any indication of fish injury or mortality in the immediate vicinity of the proposed pile driving activities.

## ORAL COMMENT RESPONSES<sup>1</sup>

### COMMENT SET 19: JIM VICKNAIR

19-1

Good afternoon, and thank you for listening to me. My name is Jim Vicknair. I'm a Senior Vice President with Eichleay Engineering. We're a 135-year-old California-based company here in – headquartered here in the Bay Area.

We are familiar with EIRs. We do MOTEMS audits for a business, MOTEMS engineering retrofit mitigation. And I have read through the EIR. Although it is 600 pages, I feel it is a very well put together document. I think it does address community concerns, safe waterways, and especially what I have seen in that is the MOTEMS portion, which is it does keep our waterways safe.

So I do feel it's a very good EIR. I feel that it's very comprehensive, and I applaud the whole structure of it. Thank you.

### RESPONSES TO COMMENT SET 19: JIM VICKNAIR

- 19-1 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.

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<sup>1</sup> Additional oral comments were made by members of the Tesoro Golden Eagle Community Advisory Panel, Brinderson, L.P., and Martinez Environmental Group. Those comments have been combined with written comments submitted by members of the same groups in Comment Sets 5, 6, and 8, respectively.

**COMMENT SET 20: KATHLEEN PETRICCA**

20-1 | My name is Kathleen Petricca. I live in Martinez. I'm also asking for an extension of time.

20-2 | Today – at the end of last week, I left messages at the Institute for Wildlife Studies, and they have yet to get back to me. I left another message today, because I got then referred this morning to their Avalon office. I have heard that there's a pair of ospreys nesting at or on the dock. And my understanding is that this is the dock that would be taken away, or at least somewhat disturbed. I have no more information at this point, but I will send in written comment when I find more. But I think it would be really good to have an extension. Thank you.

**RESPONSES TO COMMENT SET 20: KATHLEEN PETRICCA**

20-1 See Master Response MR-6.

20-2 An osprey nest is currently located on Berth 5. Implementation of Mitigation Measure BIO-13b: Osprey Nest Protection will require Tesoro to consult with the California Department of Fish and Wildlife 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. Also, see response to comment #8-20 and Master Response MR-6.

**COMMENT SET 21: ANNA RIKKELMAN**

21-1 | Hi. My name is Anna Rikkelman, and I'm a 25-year resident of Contra Costa County. I care about the environment, I care about progress, and I also care about doing the right thing.

I am here today to speak in support of the project at hand and to ask for the State Lands Commission to grant approval of Tesoro's improvements associated with the MOTEMS compliance work.

21-2 | Tesoro's proposed work centers around MOTEMS, which, to my understanding, was developed by the State Lands Commission, and it was incorporated into the California Building Codes. This compliance work will make the Avon dock safer and reduce the already low potential of a release. Why wouldn't the community want new, fast shut-off valves to be installed that will close within 30 seconds upon activation should there be the unlikely event of a release? This is better for the community and for the environment.

Why wouldn't the community want firefighting capabilities to be markedly improved over the great capabilities already there? This improvement speaks for itself.

Finally, why wouldn't the community want emergency vehicles to have greater accessibility to the dock?

Numerous other docks, including Tesoro's Amorco wharf in – were approved in February 2014. They've successfully been through this EIR process. I also wanted to mention for those who will write or speak in opposition to this project, as well as a lot of other projects in the Bay Area involving oil and gas, is it really the project at hand that they're opposed to or is it just the nature of progress happening and things trying to improve.

21-3 | I ask that the Commission do the right thing and approve Tesoro's Avon MOTEMS project. Thank you.

**RESPONSES TO COMMENT SET 21: ANNA RIKKELMAN**

21-1 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.

21-2 Comment acknowledged.

21-3 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 22: GEORGE SMITH

Hello. I'm George Smith, and I'm a chemical engineer and also an environmental engineer. I have my own company, a consulting firm called GBR Smith Group. I've lived in the county for 29 years, and I do deeply care about the environment.

I serve on the Hazardous Materials Commission, which is – reports into the Board of Supervisors. The mission of the Commission is to be the watchdog for the county reporting into the Board of Supervisors on any issues pertaining to hazardous waste. And I've been on the Commission now for 10 years, the last four of which I've served as chairman of the Hazardous Materials Commission.

22-1

I support the Tesoro Avon MOTEMS project, which I believe the evidence shows will make the Avon dock a lot safer. There will be seismic upgrades to the existing structure, and then other parts of the structure will be replaced to meet the very stringent seismic design standards of MOTEMS.

Also, a new state-of-the-art control building will be constructed, and firefighting capabilities will be vastly improved, as I think Anna pointed out. And then, finally, Sarah, I think you alluded to this, too, that the project does not increase the rate at which ships are loaded or unloaded at the dock. It does not increase the amount of material loaded or unloaded on an annual basis, and, of course, does not have anything to do with crude-by-rail transport or Canadian tar sands.

So with that, I conclude my remarks and thank you for the opportunity to speak.

## RESPONSES TO COMMENT SET 22: GEORGE SMITH

22-1 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.