

6 CEQA Statutory Sections

CEQA requires an EIR to consider the significant environmental effects of a proposed project (CEQA Guidelines Section 15126.2). Direct and indirect, short- and long-term effects of the Project are analyzed in Chapter 4 of this document. This chapter considers significant unavoidable impacts in Section 6.1, significant irreversible environmental effects in Section 6.2, growth-inducing impacts in Section 6.3, cumulative impacts in Section 6.4, and effects found not be significant in Section 6.5.

6.1 Significant Unavoidable Impacts

Section 21100(b)(2)(A) of CEQA requires an EIR to identify significant environmental effects that cannot be avoided if the Project is implemented. Most of the impacts of the Project would be less than significant or could be mitigated to a less-than-significant level with implementation of recommended mitigation measures. However, the Project would result in significant and adverse impacts that even with recommended mitigation measures (refer to Mitigation Measure AQ-3, BIO-2, BIO-4, BIO-6, BIO-7, HAZ 1, and HAZ-2) the impacts would remain significant and adverse. These significant and unavoidable impacts relate to water quality, hazardous materials, and marine biological resources that would occur as a result of increased marine vessel traffic, and potentially significant increased nitrogen oxide (NO_x) emissions from rail operations outside the San Francisco Bay Area Air Basin that would exceed air quality thresholds.

6.2 Significant Irreversible Environmental Effects

Section 21100(b)(2)(B) of CEQA requires that an EIR identify any significant effect on the environment that would be irreversible if the project were implemented. CEQA Guidelines Section 15126.2(c) describes irreversible environmental changes as follows:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project.

Construction and operations associated with the Project would require some non-renewable resources, such as diesel and gasoline for construction vehicles and equipment, and marine vessel diesel and residual fuel oil for shipping. However, use of non-renewable resources during construction would be limited to the approximate 21-month construction period. The temporary, construction-related increase would not result in significant use of non-renewable resources and would not commit future generations to similar uses. With regard to long-term operations, use of marine vessel diesel and residual fuel oil for increased shipping would not represent a significant use of non-renewable resources and would not commit future generations to similar uses.

Accidents, such as a spill during Marine Terminal operations or vessel transit, could trigger irreversible environmental damage. During operation, the potential for an accidental spill from vessels enroute, at, or near the Marine Terminal could cause significant irreversible changes to the environment within the San Pablo Bay, San Francisco Bay, and Coastal Ocean Waters adversely affecting marine biological species and their habitats. All marine mammals are afforded protection under the Marine Mammal Protection Act. Threatened, endangered, and protected marine mammals observed within the past five years or that could potentially occur within San Francisco Bay are listed on Table 4.4-2. If managed properly, the frequency and size of potential spills could be lessened but not completely eliminated (refer to Mitigation Measure BIO-3, BIO-6 and BIO-7, which require implementation of HAZ-1 and HAZ-2).

6.3 Growth-Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines states that an EIR should discuss “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth can be induced in a number of ways, including through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action. CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project. The following provides the discussion supporting that the Project would not be growth-inducing.

6.3.1 Rodeo Refinery

At the Rodeo Refinery, approximately 500 construction workers would be required at its peak over the approximate 21-month construction period, and a smaller number to accomplish demolition at the Santa Maria Site. It is estimated that approximately 80 construction workers would be expected to relocate temporarily to the area, with fewer to the Santa Maria Refinery area. This would not contribute to any significant increase in the local population because there is a well-established worker base in the area that serves the five Bay Area refineries. Furthermore, because there would be no permanent increase in the labor force for operations, no long-term impact to population would be likely to occur.

The Project would not result in a long-term change in workforce at the Rodeo Refinery since employees currently assigned to the Carbon Plant would be reassigned to other positions within the refinery. Future operation and maintenance of units affected by the proposed process changes would not require additional workers.

6.3.2 Santa Maria Site

It is not expected that demolition activities would require substantial numbers of people living outside the region. Any increase in workers would be temporary and would not substantially contribute to an increase in the local population or create any substantial demand for increased local housing.

With demolition of the Santa Maria facility, operation and maintenance activities would cease and the existing workforce would no longer be required. No activities associated with the Santa Maria Site would displace housing, necessitating the construction of replacement housing elsewhere.

6.3.3 Pipeline Sites

There would be no construction or demolition associated with the Pipeline Sites. The pipelines would be cleaned and decommissioned or sold. No activities associated with the Pipeline Sites would displace housing, necessitating the construction of replacement housing elsewhere.

Therefore, construction/demolition, and maintenance and operations associated with the Project would not encourage new development or induce population growth.

6.4 Cumulative Impacts

PRC Section 21083(b)(2) states that a significant effect on the environment includes the possible effects of a project “that are individually limited but cumulatively considerable.” As defined by CEQA, “cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Stated another way, “a cumulative impact is created as a result of a combination of the project evaluated in the EIR together with other projects causing related impacts” (CEQA Guidelines Section 15130(a)(1)). The CEQA Guidelines require that:

- Cumulative impacts shall be discussed when they may be significant;

- The discussion may be more general than that for the individual project impacts, but that the discussion should reflect the potential extent, severity, and probability of the impact;
- The cumulative impact analysis may be based on either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or other adopted planning document; and
- Reasonable options for mitigating or avoiding the project's contribution to significant cumulative impacts shall be discussed, noting that for some cumulative impacts the only feasible mitigation may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

The approach to the cumulative analysis for the Project uses a combination of specific projects in the vicinity of the sites, and projections contained in adopted local and regional plans or related planning documents, to determine whether any significant cumulative impact would occur.

In reaching a conclusion for each resource area, five factors were considered:

1. The geographic scope of the cumulative impact area for that resource;
2. The timeframe within which Project-specific impacts could interact with the impacts of other projects;
3. Whether a significant cumulative impact would result from the other projects identified in combination with the Project;
4. Whether the incremental impacts of the Project, before mitigation, are cumulatively considerable; and
5. The ability of Project-specific mitigation measures, including those identified for and direct and indirect impacts, to render the Project's incremental impact less than cumulatively considerable.

6.4.1 Projects Considered in the Cumulative Analysis

Incremental Project-specific impacts could interact with the impacts of other reasonably foreseeable future projects. Since no physical changes would occur at the Pipeline Sites, and Project activities involve only cleaning and decommissioning or being sold, resulting in no impacts, the Pipeline Sites are not evaluated in the cumulative impact analysis.

In the vicinity of the Rodeo Refinery and Santa Maria Site future projects could cause similar, potentially overlapping impacts with those of the Project. The environmental effects of the proposed Project were considered in conjunction with the potential environmental effects of buildout anticipated for the Project areas, which includes future projects within a 3-mile radius of the Rodeo Refinery and Santa Maria Site. The following development projects were identified as either having been approved or is in the environmental review stages.

6.4.1.1 *Contra Costa County*

Crockett Waterfront Park (File# CDLP19-02017) is an application for an LUP located at 1909 Dowrelio Drive in Crockett. The project includes an LUP to establish a public park on a 3-acre lot and is a component of the Crockett Recover the Waterfront plan.

- Application Status: currently incomplete.

3-Story Mixed-Use Building (File# CDDP18-03021) is a development plan application to construct a 22-unit, three-story, mixed-use building, with approximately 1,710 square-feet of ground level retail space located at 375 Parker Avenue, Rodeo. The proposed building will be 43 feet tall and set back 2 feet from the property line adjacent to Parker Avenue and 22 feet from the property line adjacent to Fourth Street.

In accordance with the County's inclusionary housing ordinance, 3 of the 22 units will be affordable units. Development involves complete site improvements, including landscaping improvements, frontage improvements along Fourth Street, the construction of two carports along the northern property line, and a trash enclosure along the eastern property line.

- Application Status: approved by the Zoning Administrator on January 4, 2021.

Martinez Refinery Renewable Fuels Project (File# CDLP20-02046) is an application for an LUP to implement the Martinez Refinery Renewable Fuels Project located at 150 Solano Way, Martinez. The project would allow the conversion of Marathon's Martinez Refinery facility from the processing of crude oil to the processing of treated and untreated renewable feedstocks. The renewable feedstocks are expected to include biological based oils (i.e., soybean oil and corn oil), rendered fats, and other miscellaneous renewable feedstocks including used cooking oils or other vegetable oils. The feedstocks would be processed into renewable diesel, naphtha, propane and treated fuel gas. The conversion would include modifications to existing processing units, the installation of new units, and removal of obsolete units. New facilities include a renewable feedstock pretreatment unit, wastewater treatment equipment, and an advanced 3-stage low-NO_x thermal oxidizer. All construction, demolition, and addition of new equipment would be within the existing boundaries of the refinery.

- Application Status: EIR preparation in progress. NOP issued.

Chevron Pipe Line Company (File #CDLP18-02027);, a wholly-owned subsidiary of Chevron Corporation, proposes the Avon Connectivity Project (Project), the purpose of which is to connect two existing pipelines, the Bay Area Products Line and the TransMontaigne Partners pipeline 191 to the existing Chevron Avon Terminal. The Project will enable Chevron to directly transport refined liquid product to Kinder Morgan's Concord Terminal from the Project site - the Chevron Avon Terminal. The Avon Terminal address is: 611 Solano Way, Martinez CA, 94553. The applicant, Chevron Products Company^[1] (Chevron), currently transports refined products from the Chevron Richmond Refinery (Richmond Refinery) to the Kinder Morgan Concord Terminal (Kinder Morgan Terminal) located in unincorporated Contra Costa County near the City of Concord using a two-step process. The refined products are initially transported by barge from the Richmond Refinery to the TransMontaigne Partners Martinez Oil Terminal in the City of Martinez, and then the products are transported via TransMontaigne Partners Pipeline 191 from the TransMontaigne Partners Terminal to the Kinder Morgan Terminal. From the Kinder Morgan Terminal, the refined products are distributed to various destinations throughout the Bay Area via Kinder Morgan's existing San Francisco Bay Area Distribution System. The proposed Avon Connectivity Project is designed to enable the transport of refined products more efficiently, by pipeline from the Richmond Refinery to Chevron's Avon Terminal (Avon Terminal) via the existing Bay Area Products Line, and then by pipeline to Kinder Morgan's Terminal and the TransMontaigne Partners Terminal via a new connection to the existing TransMontaigne Partners Pipeline.

- The Avon Terminal is a Chevron-owned^[2] facility entirely surrounded by the Marathon Martinez Refinery in unincorporated Contra Costa County, near the City of Martinez. The Avon Terminal receives refined products (gasoline and diesel) from the Richmond Refinery via the Bay Area Products Line. The products are stored in existing tanks which are off-loaded to a truck rack, and then delivered via truck to service stations throughout the Bay Area.
- The Bay Area Products Line originates at the Richmond Refinery, is owned by Chevron, and is operated and maintained by Chevron Pipe Line Company.

^[1] Chevron Products Company is a division of Chevron U.S.A. Inc.

^[2] The Avon Terminal is owned by Chevron U.S.A. Inc.

- The TransMontaigne Partners Pipeline is an existing bi-directional pipeline located immediately adjacent to the western boundary of the Avon Terminal. Presently, neither the Bay Area Products Line nor the facilities at the Avon Terminal connect to the TransMontaigne Partners Pipeline.
- Application Status: Initial Study in process.

6.4.1.2 San Luis Obispo County

Dana Reserve Specific Plan (San Luis Obispo County File# ED21-094, LRP2020-00007) is an application for a Specific Plan, Vesting Master Tentative Tract Map No. 3149, Conditional Use Permit, and Development Agreement to allow for the phased development of a master planned community. The project would allow for the future phased development of Residential (215.9 acres), Commercial (4.4 acres), Educational/Recreational (49.8 acres), Other (17.9 Acres), and transportation improvements. The area is located within the South County Inland sub area of the South County Planning Area approximately 5 miles east of the Santa Maria Site.

- Application Status: NOP issued.

Central Coast Blue Project regional advanced purified water project intended to enhance supply reliability by reducing the Santa Maria Groundwater Basin's vulnerability to drought and seawater intrusion. The proposed project consists of an advanced treatment facility complex (including an equalization basin, an advanced purified water storage tank, and a pump station), water distribution pipelines, injection wells, monitoring wells, one new production well, and potential agricultural irrigation pipelines. The project is located approximately 4 miles north of the Santa Maria Site.

- Application Status: EIR preparation in progress. NOP issued.

6.4.2 Cumulative Impact Analysis

6.4.2.1 Aesthetics

As discussed in Section 4.2, *Aesthetics*, the Project would have less-than-significant impacts on visual resources because it is located at an existing Refinery and is in consistent with surrounding land uses. Demolition of the Santa Maria Site would improve the visual quality of the area. The proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

6.4.2.2 Air Quality

As discussed in Section 4.3, *Air Quality*, Project construction exhaust emissions for activities at the Rodeo Refinery were found to be significant for NO_x, mainly related to construction vehicles in Year 1 and background Marine Terminal incremental traffic during the Transitional Phase in Year 2. Mitigation Measure AQ-1 includes implementation of BAAQMD basic control measures that address not only fugitive dust emissions, but also NO_x emissions. Mitigation Measure AQ-2 requires Phillips 66 to prepare and implement a NO_x Mitigation Plan (NM Plan) prior to the issuance of construction-related permits for site preparation. The purpose of the NM Plan is to document expected construction and transitional phase NO_x emissions in detail; and, if necessary, to identify feasible and practicable contemporaneous measures to reduce aggregated construction and transition NO_x emissions to below the BAAQMD's 54 pounds per day threshold of significance. With implementation of both Mitigation Measures AQ-1 and AQ-2, NO_x impacts would be less than significant in the SFBAAB. Thus, because impacts would be less than significant or less than significant with mitigation incorporated, impacts would not be cumulatively considerable.

Decommissioning and demolition activities at the Santa Maria site would involve use of off-road construction equipment and on-road vehicles that produce exhaust emissions of criteria pollutants including ROG, NO_x, PM₁₀, and PM_{2.5}, along with ROG emissions from decommissioning of associated

tanks and pipeline segments located within San Luis Obispo County. Daily and quarterly emissions from construction activities would not exceed San Luis Obispo County APCD significance thresholds, and impacts would be less than significant and not cumulatively considerable. Emissions from cleaning and removal from service of pipeline segments and associated tanks at Pipeline Sites located in the San Joaquin Valley APCD and Santa Barbara County APCD would not exceed the applicable significance thresholds recommended by the respective air districts. Therefore, impacts from these activities would also be less than significant and not cumulatively considerable.

Construction impacts in San Luis Obispo County (SCCAB), Santa Barbara County (SCCAB) and the San Joaquin Valley (SJVAB) would be geographically independent of impacts in Contra Costa County (SFBAAB). Because the four sites are in different air basins, emissions are not additive and would be less than significant and not cumulatively considerable on a statewide basis.

In Contra Costa County, which is within the SFBAAB, operation of the proposed Project would result in a net emissions decrease of all pollutants compared to baseline levels. Thus, the operational impact would be less than significant, no mitigation would be required (i.e., the proposed Project in itself would encompass mitigation), and aggregated (negative) impacts would not be cumulatively considerable. Operations in San Luis Obispo County (SCCAB), Santa Barbara County (SCCAB) and the San Joaquin Valley (SJVAB) would permanently cease, emissions would cease, and impacts would not be cumulatively considerable.

There could be potentially significant offsite impacts for NO_x with respect to rail operations outside of the SFBAAB. However, any mitigation measures to address potentially significant impacts from rail transport operations, whether within or outside the SFBAAB, would be legally infeasible because of preemption by federal law governing rail transportation. Because rail transport emissions would occur in different air basins and cannot be mitigated at the state level, no determination can be made whether emissions would be cumulatively considerable or otherwise.

Neither Project construction nor operation would result in exceedances of applicable cancer risk, non-cancer chronic hazard index, annual average PM_{2.5} concentration, and acute hazard index thresholds at the project-level or community cumulative-level. Thus, HRA results are less than significant, no mitigation would be required, and health impacts would not be cumulatively considerable.

6.4.2.3 Biological Resources

Impacts on biological resources are typically limited to an individual project site and possibly the immediate surroundings and would not be substantially compounded by the construction or operation impacts of other, more distant projects. An important exception to this is when a project eliminates a significant portion of a regional wildlife corridor or eliminates one of the few remaining pockets of habitat supporting a sensitive species in the same region. As discussed in Section 4.4, *Biological Resources*, the Project would not result in significant impacts related to terrestrial resources since all Project activities would occur within existing refinery boundaries. Therefore, the proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

However, the Project would result in significant and unavoidable impacts to marine biological resources as a result of an accidental spill of renewable feedstocks enroute, at or near the Marine Terminal. The frequency and size of potential spills could be lessened but not completely eliminated (refer to Mitigation Measure BIO-3, BIO-6 and BIO-7, which require implementation of HAZ-1 and HAZ-2). In addition, significant and unavoidable impacts would occur related to increased vessel traffic that would increase the presence of nonindigenous species. Mitigation Measure BIO-4 would reduce impacts but not to a less-than-significant level. Despite these recommended mitigation measures, the potential for a substantial adverse impact on special-status marine species or their habitat cannot be eliminated. The Project, in combination with specifically the Martinez Refinery Renewable Fuels Project, which identifies the same significant and adverse impacts, would be cumulatively considerable.

6.4.2.4 Cultural Resources

A project's impacts with respect to cultural resources are generally site specific and will not affect or be affected by other development in the region. Given past investigations in the region, cultural resources are likely to be present at some of the Project sites evaluated for cumulative impacts. As stated in Section 4.5, *Cultural Resources*, the proposed Project would not impact historical resources as defined by CEQA and would implement Mitigation Measures CUL-1 and CUL-2 to reduce impacts associated with inadvertent discovery of archaeological resources, paleontological resources, or human remains.

Other future projects would likely require grading and excavation during construction, which could disturb subsurface archaeological resources or human remains. As a result, the other projects throughout could result in cumulatively significant impacts to cultural resources if these resources are not protected upon their discovery. However, these developments would be required to undergo environmental review pursuant to CEQA and would be subject to Section 7050.5(b) of the California Health and Safety Code for treatment of human remains; Section 21083.2 of the CEQA Statute for treatment of archaeological resources; and local codes that establish protections for historic, cultural, and natural resources of special historic interest. Therefore, because subsurface cultural resources are protected upon discovery by law, the combined effects from the proposed Project and related projects would not be cumulatively significant.

6.4.2.5 Energy Conservation

As discussed in Section 4.6, *Energy Conservation*, in statewide context, the amounts of diesel and gasoline consumed during the construction phases of the Project would be considered de minimis because Project construction fuel usage would represent only 0.041 percent of the state's transportation sector diesel fuel consumption and only 0.001 percent of the state's transportation sector gasoline consumption. Grid-sourced electric power usage associated with Project demolition and construction activities would be intermittent and negligible, given construction equipment are largely diesel-powered. Therefore, energy impacts of construction and demolition activities would be less than significant and impacts would not be cumulatively considerable, no mitigation would be required, and impacts would not be cumulatively considerable.

The Project would eliminate operations of the Santa Maria Site and Pipeline Sites, and equipment at those sites would permanently cease consumption of energy. Because the Project would demolish the Carbon Plant, there would be no further operational energy usage there. The consumption of diesel fuel at the Rodeo Site would increase due to increases in marine vessel and rail traffic. This increase would be partially offset by the discontinuance of truck and rail traffic at the Carbon Plant and Santa Maria Site. The consumption of gasoline, which is attributable mainly to worker vehicles, would not substantially change because employment at the Rodeo Site would not substantially change. Operation of the Project as a whole would result in decreases in the consumption of electricity, relative to the baseline, primarily as a result of the closure of the Santa Maria Site. Due to the closure of the Carbon Plant cogeneration system, the Carbon Plant site would no longer export electricity to PG&E. The Rodeo Site would continue to import electricity from PG&E, subject to availability of other electricity sources, such as Air Liquide, including renewable sources.

The Project's use of electricity, natural gas, and diesel fuel would be minimal relative to total state and regional supplies, and would therefore have no substantial adverse effect on energy resources or represent wasteful, inefficient, or unnecessary use of energy. Importantly, the Project would create renewable fuels that would contribute to the state's LCFS requirements and would continue to contribute to the state and regional supplies of energy in the form of "green" transportation and heating fuels made from renewable feedstocks. Impacts related to the use of energy in Project operation would be less than significant, no mitigation would be required, and impacts would not be cumulatively considerable.

6.4.2.6 Geology and Soils

A project's impacts with respect to geology and soils are generally site specific and will not affect or be affected by other development in the region. As discussed in Section 4.7, *Geology and Soils*, erosion could occur during construction grading or other site preparation activities associated with other projects, which could cumulatively contribute to localized soil erosion. In addition, the potential for impacts related to the area's seismicity could occur. Environmental review has been or will presumably be conducted for each of the other identified projects as was done for the proposed Project. Impacts of individual projects will be mitigated by compliance with city and county development standards. In addition, implementation of Mitigation Measure GEO-1 would reduce the Project's contribution to less than cumulatively considerable.

6.4.2.7 Greenhouse Gas Emissions

As discussed in Section 4.8, *Greenhouse Gas Emissions*, construction of the Project would occur over a period of approximately 21 months to construct the Project features at the Rodeo Site and to demolish the Carbon Plant and the Santa Maria Site using off-road equipment and on-road vehicles that emit GHGs. The Transitional Phase would be a 7-month period of increased vessel traffic to the Marine Terminal, and those incremental marine vessel GHG emissions are counted towards the Rodeo Site construction. Total construction GHG emissions at all sites amortized over a 30-year period would represent approximately 481 MT per year of CO₂e.

The net Project operational emissions (i.e., Project minus baseline) combined with the amortized construction emissions is evaluated against the operational threshold of 10,000 MT CO₂e per year for industrial stationary source projects. The net aggregated Project operational emissions reduction of 24,077 MT CO₂e per year plus amortized construction emissions of 481 MT CO₂e per year results in a net GHG reduction (i.e., negative change), which is below the 10,000 MT CO₂e per year threshold. Thus, relative to baseline emissions, the Project would result in decreases in annual GHG emissions and therefore have a beneficial impact. However, the CEQA impact evaluation does not include the operational Santa Maria and Pipeline GHG reductions (historical data) and therefore underestimates the GHG decrease when compared to the actual decrease of GHG emissions that would occur statewide due to the Project. Because the aggregated net construction and operational GHG emissions are below the 10,000 MT CO₂e per year threshold, i.e., negative, the impact associated with GHG emissions from the Project would be less than significant and would not be cumulatively considerable.

6.4.2.8 Hazards and Hazardous Materials

Hazardous materials released from a project site would most likely be caused by disturbance of contaminated soils or contaminated groundwater from a past use during construction activities, or mishandling of hazardous materials and wastes during routine use. In almost every instance, the environmental and health hazards associated with ground disturbance, construction and subsequent operations of a project are localized to the project site and the immediate surroundings, unless the project involves a large-scale facility that handles and/or generates large quantities of volatile hazardous substances and wastes.

Other future projects could use, store, transport, and dispose of hazardous materials, which could cumulatively increase the community-wide risk of accidental releases of such materials that could become a threat to the environment or human health. As discussed in Section 4.9, *Hazards and Hazardous Materials*, the proposed Project would not result in significant and adverse impacts from construction and demolition activities since the Project is required to comply with federal, state, and local laws, which are designed to avoid and minimize adverse impacts on public health, safety, and the environment. As with the proposed Project, each project will be subject to environmental review pursuant to CEQA. If significant impacts related to hazards or hazardous materials are still identified, each project would be required to implement mitigation measures to avoid or reduce the impacts.

With the Project, routine disposal of hazardous materials and waste would decrease compared to baseline conditions, and truck traffic related to feedstock transportation would also have a reduction in hazards. There would be an overall reduction in hazards and potential impacts associated with truck transport. The Marine Terminal would continue to transport feedstock and refinery products, but the hazards to the public of the feedstocks would be reduced over the baseline transportation of crude oil. Generally, these renewable feedstocks are not identified as marine pollutants by the USDOT, the United Nations, or the International Maritime Organization, which regulate the movement of materials throughout the world. Impacts from a spill and subsequent fire at the Marine Terminal would be located a substantial distance away from any public receptors, and impacts would therefore be less than significant. Therefore, Project impacts would not be cumulatively considerable.

However, the transitional phase and operational phase of the Project could result in discharges into waters of the San Pablo and San Francisco Bays from vessels (barges and tankers) transporting feedstocks and blending stocks to, and refined products from, the Marine Terminal. A marine vessel spill could impact a range of areas, depending on the tide, the wind and other factors. The spill sizes could cover a substantial range, with the worst-case discharge volume at the Marine Terminal estimated to be 3,976 bbls.

Although compliance with existing regulations and implementation of Mitigation Measures HAZ-1 and HAZ-2 for the Project would reduce the frequency and size of spills the potential for a substantial adverse impact on water quality cannot be eliminated. Therefore the Project, in combination with other projects, specifically the Martinez Refinery Renewable Fuels Project, which identifies the same significant and unavoidable impacts, would result in adverse impacts that would be cumulatively considerable.

6.4.2.9 Hydrology and Water Quality

The proposed Project and future cumulative projects are located in the Suisun Basin within the San Francisco Bay Area Hydrologic Basin, and watershed of Oso Flaco Creek in San Luis Obispo County. Projects could result in incremental effects on the water quality of these watersheds. However, the proposed project and cumulative projects are subject to state, regional, and local/county requirements that are designed to prevent regional development from adversely affecting surface and groundwater water quality. Future projects would be evaluated on a project-by-project basis to determine the most appropriate BMPs and other stormwater treatment measures to be implemented. Compliance with construction permits would be verified by the respective jurisdiction to ensure that construction activities would not significantly impact surface or ground water quality. As such, due to required compliance with state, regional, and local regulations protecting water quality, the combined impact of the proposed Project and related projects would be cumulatively less than significant.

The Project would have no impact related to seiche, tsunami, or mudflow.

However, the Project would result in a significant and unavoidable impact due to the potential to violate water quality standards affecting surface water quality from the transitional and operational phases of the Project. Accidental discharges into waters of the San Pablo and San Francisco Bays from vessels transporting feedstocks and blending stocks to, and refined products from, the Marine Terminal could occur. A marine vessel spill could impact a range of areas, depending on the tide, the wind and other factors. The spill sizes could cover a substantial range, with the worst-case discharge volume at the Marine Terminal estimated to be 3,976 bbls.

Although compliance with existing regulations and implementation of Mitigation Measures HAZ-1 and HAZ-2 for the Project would reduce the frequency and size of spills the potential for a substantial adverse impact on water quality cannot be eliminated. Therefore the Project, in combination with other projects, specifically the Martinez Refinery Renewable Fuels Project, which identifies the same significant and unavoidable impacts, would result in adverse water quality impacts that would be cumulatively considerable.

6.4.2.10 Land Use and Planning

As discussed in Section 4.11, *Land Use and Planning*, The Project would have less-than-significant impacts on land use and planning because it is located at an existing refinery, and the Project would be consistent with the adopted general plan and its applicable land use designations and policies adopted for the purpose of avoiding or mitigating environmental effects. The proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

6.4.2.11 Noise and Vibration

As discussed in Section 4.12, *Noise and Vibration*, Contra Costa County restricts construction to typical daytime or normal working hours as a standard condition of approval for development projects. Short-term noise level increases from construction activities at the Rodeo Site would be considered substantial if construction noise conducted outside normal working hours is distinctly audible. However, because noise and vibration does not persist or accumulate in the environment, sources of noise or vibration must occur simultaneously to be perceived as cumulative.

Due to long attenuation distances, any increases in ambient noise from construction at the Rodeo Site would be barely perceptible or imperceptible and would thus not represent a substantial increase or a nuisance to the surrounding community. During approximately 7 months of the construction period, the number of vessels calling at the Marine Terminal would increase above baseline levels, but the number of vessels calling at the Marine Terminal on a peak day would not increase. Accordingly, there would be no increase in noise levels due to peak-day vessel activity during construction. Noise impacts related to demolition of the Carbon Plant would not be perceptible by most persons and would thus not represent a substantial increase or a nuisance. Therefore, impacts of onsite noise from these three sites would be less than significant, and no mitigation would be required. Further, Carbon Plant demolition-related vehicle and truck traffic would not pass by existing sensitive receptors. With demolition of the Carbon Plant, there would be no operation and maintenance noise (or vibration) impacts at that site associated with the completed Project. Construction-related noise impacts at the County sites would not be cumulatively considerable.

At the Santa Maria Site, demolition activities could result in a 6-dBA increase over ambient noise levels, which would be just perceptible by most persons. Demolition activities are expected to occur during daytime hours that are exempt per the San Luis Obispo County noise ordinance. Demolition-related vehicle and truck traffic would not pass by existing sensitive receptors on residential streets. The impact would be less than significant, no mitigation would be required. With demolition of the Santa Maria Site, there would be no operation and maintenance noise (or vibration) impacts at that site associated with the completed Project. Construction-related noise impacts at the Santa Maria Site would not be cumulatively considerable.

The Pipeline Sites would be emptied and cleaned and then abandoned in place. Decommissioning activities at the Pipeline Sites would closely resemble existing routine maintenance activities, e.g., vehicles and potable equipment use. Accordingly, noise and vibration levels would not be increased above baseline levels and would therefore not exceed applicable standards during operation and maintenance. Therefore, no net impact would occur from decommissioning of the Pipeline Sites and impacts would not be cumulatively considerable.

At the Rodeo Site, cumulative operational noise from new process equipment would not cause the existing noise to increase by more than 1 dBA at sensitive receptors, which is below the 5 dBA incremental threshold. Operation of the Project would not result in an increase of the number of permanent employees and, therefore, no increase in commuter traffic. Shutting down the Carbon Plant would reduce total daily trucks from the Rodeo Refinery by more than half. Accordingly, traffic noise related to the Project would be reduced from baseline levels, although the reduction would be too small to be perceptible by most persons at sensitive receptors. Because there would be no additional daily train visits, the Project would not result in additional noise events from rail operations. The rail operations at the Carbon Plant Site would permanently

cease. Accordingly, the Project would result in a slight, likely imperceptible, decrease in rail-related noise. The Project would not result in an increased number of vessels calling at the Marine Terminal on a peak day. Accordingly, noise levels would not increase as a result of peak-day vessel activity. Operational noise impacts at the County sites would not be cumulatively considerable.

No strong sources of vibration would be employed during demolition activities at the Carbon Plant or Santa Maria Site. The long attenuation distances from these sites to receptors, ranging from 1,500 to 2,000 feet respectively, would render any vibrational energy imperceptible. At the Rodeo Site, a pile driver would represent the greatest vibration source. The nearest sensitive receptor to the Rodeo Site is located at least 1,475 feet from the proposed work area. Groundborne vibration associated with a pile driver at that distance would not be expected to be perceived at sensitive receptors. Thus, vibration impacts at the County sites would not be cumulatively considerable.

6.4.2.12 Transportation and Traffic

No significant project-level impacts were identified with respect to geometric design hazards, conflicts with transit, bicycle or pedestrian plans or programs, or conflict with CEQA Guidelines Section 15064.3 subdivision (b) or other plans, ordinances or policies related to the transportation system. Environmental review has been or will presumably be conducted for each of the other identified projects as was done for the proposed Project. Impacts of individual projects will be mitigated by compliance with city and county development standards. Therefore, the Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

The Project would result in a significant impact related to emergency access during construction and demolition. However, with implementation of TRA-1, which requires implementation of a Traffic Management Plan to ensure emergency access is maintained, the impact would be less than significant. Therefore, the proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

6.4.2.13 Tribal Cultural Resources

A project's impacts with respect to tribal cultural resources are generally site specific and will not affect or be affected by other development in the region. As discussed in Section 4.14, *Tribal Cultural Resources*, the Project would have a significant impact on undiscovered tribal archeological resources, paleontological resources, or human remains. As discussed in Section 4.14, *Tribal Cultural Resources*, the Project would have a potentially significant impact on undiscovered tribal cultural resources, or human remains; however, implementation of recommended Mitigation Measures TRC-1 through TRC-4 would reduce the Project's contribution to less than cumulatively considerable because unanticipated discoveries would be treated appropriately.

Other pending and future projects could result in cumulative impacts to tribal cultural resources if these resources are not protected upon their discovery. However, these other projects would also be subject to compliance with the provisions of AB 52 involving Native American notification and consultation, and would be subject to compliance with Section 7050.5(b) of the California Health and Safety Code for treatment of human remains that might be discovered during excavation work. Continued compliance with these regulatory standards will avoid significant cumulative impacts to tribal cultural resources.

6.4.2.14 Wildfire

Wildfire risks depend greatly on site-specific characteristics, such as fuel load, terrain, and weather conditions, and if project sites are located in high fire hazard zones. Depending on the location of the projects listed above and the project area's potential for wildland fire, other projects may increase the risk of wildfire if protection and prevention measures are not implemented. Environmental review has been or is expected to be conducted for each of the cumulative projects, as was done for the proposed Project.

Because related projects located in high fire hazard zones would be required to comply with all applicable building safety codes and county regulations pertaining to fire prevention and suppression, and would be reviewed to ensure adequate emergency access is provided, the combined wildfire the proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

6.4.2.15 Solid Waste

As discussed in Section 4.16, *Solid Waste*, based on the short term construction and demolition period, compliance with CalGreen requirements, and the local landfills having adequate capacity to support the daily solid waste disposal needs of the Project, the Project would not substantially affect the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and would comply with solid waste management and reduction regulations. Therefore, the proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

6.4.2.16 Environmental Justice

Environmental Justice impacts depend on the location of the project in relation to existing disadvantaged communities. The proposed Project's construction and operations at the Rodeo Refinery result in less-than-significant impacts, or less-than-significant impacts with mitigation, that could disproportionately affect disadvantaged communities as identified in Section 4.3, *Air Quality* (criteria pollutants, toxics, health risk odor), Section 4.4, *Biological Resources* (terrestrial), Section 4.8, *Greenhouse Gas Emissions*, Section 4.9, *Hazards and Hazardous Materials* (terrestrial), Section 4.12, *Noise and Vibration*, and Section 4.13, *Transportation and Traffic*. With respect to air quality and GHGs in particular, there would be a reduction of criteria air pollution exposure to the public, including disadvantaged communities. This reduction occurs in part as a result of the conversion of the Rodeo Refinery to a renewable fuels facility, the termination of Carbon Plant operations and significantly reduced truck traffic.

As described in Section 4.4, *Biological Resources*, Section 4.9, *Hazards and Hazardous Materials*, and Section 4.10, *Hydrology and Water Quality*, significant and unavoidable impacts could occur due to the increased risk of accidents resulting from increased vessel traffic. However, as explained in Section 4.9, *Hazards and Hazardous Material*, the effects of any such incident would not result in a corresponding public health or safety impact based on the separation distance between the Marine Terminal and public receptor locations, and the comprehensive regulatory programs and project-specific mitigation measures to address any such accidents.

Other pending and future projects could disproportionately affect disadvantaged communities resulting in environmental justice impacts. However, as with the proposed Project, these other projects would also be subject to compliance with federal, state, and local regulations that would minimize potentially significant environmental impacts that could disproportionately affect disadvantaged communities. Therefore, the proposed Project's incremental effects are not cumulatively considerable when viewed in connection with the effects of the other projects evaluated.

6.5 Effects Found Not to be Significant

The environmental effects of the Project are identified and discussed in detail in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. Except for those impacts discussed in Section 6.1, *Significant Unavoidable Impacts*, all identified significant environmental effects of the Project can be mitigated to less than significant with the implementation of the mitigation measures identified in this EIR. As discussed in Section 4.1, *Resources Areas Eliminated from Further Analysis*, the EIR further concludes that the Project would not have any effects in the following environmental areas:

- Agricultural and Forest Resources,
- Mineral Resources,
- Population and Housing,
- Public Services,
- Recreation, and
- Utilities and Service Systems (except Solid Waste).

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