

## 4 County-Initiated Updates and Errata to the Draft EIR

---

### 4.1 Introduction

In accordance with CEQA Guidelines Section 15132(a), this chapter of the Final EIR provides changes to the Draft EIR that have been made to update, refine, or clarify Project information and mitigation measures presented in the Draft EIR. The edits are made either in response to a comment received on the Draft EIR, or initiated by County staff.

### 4.2 Text Changes to the Draft EIR

New text is indicated in double underline and text to be deleted is reflected by a ~~strike-through~~. Text changes are presented in the page order in which they appear in the Draft EIR. As indicated in Chapter 1, Introduction, the entirety of the EIR consists of the Draft EIR, together with this Response to Comments / Final EIR document, including all appendices. Therefore, the Draft EIR changes presented in this chapter are incorporated in and supersede corresponding original text in the Draft EIR.

### 4.3 Implication of Changes to the Draft EIR

Pursuant to CEQA Guidelines Section 15088.5(a), recirculation of a Draft EIR is required only if:

1. a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
4. the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of the changes to the Draft EIR identified in this document meet any of the above conditions. Therefore, recirculation of any part of the Draft EIR is not required. The information presented in the Draft EIR and this document support this determination by the County.

## **Changes to Executive Summary**

Executive Summary, Table ES-1 is revised as follows:

**Table ES-1. Rodeo Refinery Pre- and Post-Project Operational Activity**

	<b>Baseline</b>	<b>Post-Project</b>
<b>Product Material Received</b>		
Marine Terminal Crude and Gas Oil Received (1,000 bpd 12-month average)	35	0
Pipeline Crude Received (1,000 bpd 12-month average)	70	0
Renewable Feedstocks Received (1,000 bpd 12-month average) <sup>a</sup>	0	80
Gasoline and Blendstocks Received (1,000 bpd 12-month average)	10	38
<b>Product Shipped</b>		
Petroleum Products Shipped (1,000 bpd 12-month average)	121	40
Renewable Fuels Shipped (1,000 bpd 12-month average)	0	67
Treated Renewable Feedstock Shipped (1,000 bpd 12-month average)	0	25
<b>Mode of Transportation</b>		
Tanker Vessels (calls/year)	80	201
Barges (calls/year)	90	161
Carbon Plant Site Rail (average railcars per week)	6.96	0
Refinery Railcar Loading/Unloading Rack (average railcars per day)	4.7	16
Santa Maria Site Rail (railcars per year)	409	0
Refinery and Carbon Plant Truck Trips (roundtrips per year)	40,213	16,026
Santa Maria Site Truck Trips (roundtrips per year)	13,008	0
Rodeo Refinery Approximate Number of Employees and Contractors	650	650

Executive Summary, page xxii is revised as follows:

Pre- and post-Project operational activities are shown in Table ES-1. Once the Project is operational, no crude oil would be processed at the Rodeo Refinery. As shown in Table 3-2, the Rodeo Refinery would no longer receive crude oil and gas oil at its Marine Terminal (35,000 barrels per day [bpd] on a 12-month rolling average) or from pipelines connecting the Rodeo Refinery to Central California crude supplies and the Santa Maria Refinery (70,000 bpd).

The references in the Draft EIR are not contained in Chapter 8. All references follow each chapter and section. The Executive Summary, page xxv is revised as follows:

- Chapter 7, Report Preparation.
- ~~Chapter 8, References.~~
- Appendix A, Notice of Preparation and Public Comments

The Executive Summary, Table ES-2 is revised as follows:

**Table ES-2. Summary of Alternatives**

	Project	No Project <sup>a</sup>	Reduced Project	Terminal Only <sup>c</sup>	No Temporary Increase in Crude Oil <sup>b</sup>
<b>Product Material Received/ Processed (bpd)</b>					
<u>Crude and Gas Oil Received</u>	<u>0</u>	<u>105,000<sup>e</sup></u>	<u>0</u>	<u>0</u>	<u>0</u>
Renewable Feedstock Received/Processed	80,000 <sup>c</sup>	0	55,000	0 0 75,000 <sup>f</sup>	80,000 <sup>c</sup>
Gasoline Blendstocks Received/Processed	38,000	<del>445,000</del> 10,000	38,000		38,000
Existing Renewable Fuels Processed	13,000	13,000 <sup>d,h</sup>	13,000		13,000
<b>Product Produced (bpd)</b>					
Renewable Fuels Produced/Shipped	55,000 <sup>c</sup>	0	50,000	75,000 <sup>f</sup>	55,000 <sup>c</sup>
Existing Renewable Fuels Produced	12,000	12,000 <sup>d,h</sup>	12,000		12,000
<del>Conventional Fuels</del> Petroleum Products Produced/Shipped	40,000	<del>400</del> 109,000	40,000		40,000
<u>Treated Renewable Feedstock Shipped</u>	<u>25,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<b>Mode of Transportation<sup>g</sup></b>					
Ships (annual visits)	201	80	165	70	201
Barges (annual visits)	161	90	161	40	161
Truck Trips (roundtrips/year)	16,026	53,221	11,230	0	16,026
Railcars (per day)	16	5	16	8	16
Employees	650	650	630	75	650

Notes:

- <sup>a</sup> No Project and Terminal Only Alternatives would transport blend stock and product by pipeline, marine vessel, and rail.
- <sup>b</sup> The No Temporary Increase in Crude Oil Alternative at full buildout is identical to the Project; it differs only in the temporary change in throughput of crude oil during the construction period, and associated vessel calls, which is not reflected in this table. This difference, however, is described in the following discussion.
- <sup>c</sup> Up to 25,000 bpd excess capacity of pre-treated feedstocks could be sold elsewhere.
- <sup>d</sup> As explained in the Project Description, Section 3.7, *Project Operation*, the facility currently has the capacity to produce approximately 12,000 bpd of renewable fuels from pretreated feedstocks using Unit 250, which was previously used to process petroleum-based feedstocks. Unit 250 is not included in the Project as the Project does not propose any changes for Unit 250 and it would continue to produce 12,000 bpd of renewable fuels. Given that Unit 250 is not part of the Project, Unit 250 feedstock and production numbers are not included in this chart under the No Project Alternative.
- <sup>e</sup> 70,000 bpd out of 105,000 bpd would arrive by pipeline, the rest would arrive through the Marine Terminal.
- <sup>f</sup> Blendstocks and product into the facility would arrive through the Marine Terminal and by rail, and products leaving the facility would be transported by pipeline and rail.
- <sup>g</sup> Reflects operations (not construction) of the Project and Alternatives.
- <sup>h</sup> The amount of existing renewable fuels produced (12,000 bpd) is less than the existing renewable feeds processed (13,000 gpd) due to losses that occur during the production process.

The Executive Summary, Table ES-3 is revised as follows:

**Mitigation Measure AQ-1: Implement BAAQMD Basic Control Measures**

Construction contractors shall implement the following applicable BAAQMD basic control measures as BMPs:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least 2 times per day, not less than 4 hours apart, on San Pablo Avenue, between the refinery and I-80, and on the access roads between the Carbon Plant and Highway 4. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes as recommended by the BAAQMD, and not to exceed 5 minutes as required by the California airborne toxics control measure CCR Title 13, Section 2485. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Construction contractors shall implement the following Advanced Construction Mitigation Measures:

- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

Executive Summary, Table ES-3 is revised as follows:

**Recommended Onsite Emission Reduction Measures:**

- i. Onsite equipment and vehicle idling and/or daily operating hour curtailments;
- ii. Construction “clean fleet” using Tier 4 construction equipment to the maximum extent practicable;
- iii. Reductions in Vessel and/or Rail Traffic;
- iv. Other onsite NOx reduction measures (e.g., add-on NOx emission controls); or
- v. Avoid the use of Suezmax vessels to the maximum extent practicable.

Contra Costa County Department of Conservation and Development in its consideration of the NM Plan shall have the option to require daily NOx reductions at the Carbon Plant necessary to achieve the NOx daily emissions significance threshold. Daily idling of one kiln would provide sufficient NOx reductions to offset the Project’s incremental NOx emissions to below the NOx daily emissions threshold of significance on individual days that construction emissions are estimated to potentially be above the daily NOx significance threshold.

Executive Summary, Table ES-3 is revised as follows:

**Mitigation Measure BIO-3: Update and Review Facility Response Plan and Spill Prevention, Control, and Countermeasure Plan with OSPR**

- The Facility Response Plan and Spill Prevention, Control, and Countermeasure (SPCC) Plan shall be updated to address the Project operational changes, including changes in proposed feedstocks and types of vessels and trips ~~change in proposed feedstocks~~. The SPCC shall address the operational changes of the Transitional Phase and post-Project. Phillips 66 will consult with OSPR during update of the SPCC Plan, especially adequacy of booms at the Marine Terminal to quickly contain a spill of renewable feedstocks.

Executive Summary, Table ES-3 is revised as follows:

**Mitigation Measure HAZ-1: Implement Release, Monitoring and Avoidance Systems**

The following actions shall be completed by Phillips 66 prior to Project operations, including the transitional phase, and shall include routine inspection, testing and maintenance of all equipment and systems conducted in accordance with manufacturers’ recommendations and industry guidance for effective maintenance of critical equipment at the Marine Terminal.

Feedstocks handled at the Marine Terminal are not regulated under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (LKS Act) (e.g. renewable feedstocks such as soybean oil and tallow) and therefore not subject to OSPR oversight, and are also not subject to the CSLC oversight efforts (MOTEMS, Article 5, Article 5.3 and Article 5.5, depending on the materials handled). Yet materials may be detrimental to the environment if spilled.

Regulated products (i.e. "Oil" and "Renewable Fuels" defined in Pub. Resources Code sec. 8750) will continue to be transferred at the Marine Terminal, which do require MOTEMS-compliant Terminal Operating Limits for those products that reside within the jurisdiction of the CSLC. To ensure that Project operation continues to meet those standards, the following measures are required.

### **Applicability of MOTEMS, Article 5, 5.3, 5.5 and Spill Prevention Requirements**

As some materials transferred at the terminal may be feedstocks or other non-regulated materials/feedstocks/products, Phillips 66 shall comply with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (LKS Act) for all vessels calling at the Marine Terminal regardless of feedstock/material type. In addition, MOTEMS operational regulations, as codified in Article 5. Marine Terminals Inspection and Monitoring (2CCR §2300 et seq), Article 5.3 Marine Terminals Personnel Training and Certification (2CCR §2540 et seq), and Article 5.5 Marine Terminals Oil Pipelines (2CCR §2560 et seq), including items such as static liquid pressure testing of pipelines, shall be implemented for all operations at the Marine Terminal regardless of feedstock/material type and LKS Act regulatory status.

Upon request, Phillips 66 shall provide evidence to relevant regulatory agencies that these facilities, operational response plans, and other applicable measures have been inspected and approved by CSLC and OSPR and determined to be in compliance.

If terminal operations do not allow for regular compliance and inspection of LKS and MOTEMS requirements by the CSLC and OSPR, Phillips 66 shall employ a CSLC-approved third-party to provide oversight as needed to ensure the same level of compliance as a petroleum-handling facility, and to ensure maximum protection of the environment from potential spills and resulting impacts. Phillips 66 shall provide evidence of compliance upon request of relevant regulatory agencies.

### **Remote Release Systems**

The Marine Terminal has a remote release system that can be activated from a single control panel or at each quick-release mooring hook set. The central control system can be switched on in case of an emergency necessitating a single release of all mooring lines. However, to further minimize the potential for accident releases the following is required:

- Provide and maintain mooring line quick release devices that shall have the ability to be activated within 60 seconds.
- These devices shall be capable of being engaged by electric/push button release mechanism and by integrated remotely-operated release system.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity, as well as guidance provided by SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide" Section 2.3.1.1, 2.3.1.2 and 2.3.1.4, are required to ensure safety and reliability. The inspections, testing, and maintenance will be performed by Phillips 66 or its designated representatives.
- In consultation with the CSLC and prior to Project operation, Phillips 66 shall provide a written evaluation of their existing equipment and provide recommendations for upgrading equipment to meet up-to-date best achievable technology standards and best industry

practices, including but not limited to consideration of equipment updates and operational effectiveness (e.g. visual and audible alarm options, data display location and functionality, optional system features). Phillips 66 shall follow guidance provided by SIGTTO/OCIMF 2008 “Jetty Maintenance and Inspection Guide” Section 2.3.1.1, 2.3.1.2 and 2.3.1.4.

Best achievable technology shall address:

- Functionality – Controlled release of the mooring lines (i.e. a single control system where each line can be remotely released individually in a controlled order and succession) vs. release all (i.e. a single control system where all lines are released simultaneously via a single push button). See SIGTTO/OCIMF 2008 “Jetty Maintenance and Inspection Guide” Section 2.3.1.2.1.
- Layout – The location(s) of the single control panel and/or central control system to validate that it is operationally manned such that the remote release systems can actually be activated within 60 seconds.

This measure would allow a vessel to leave the Marine Terminal as quickly as possible in the event of an emergency (fire, explosion, accident, or tsunami that could lead to a spill). In the event of a fire, tsunami, explosion, or other emergency, quick release of the mooring lines within 60 seconds would allow the vessel to quickly leave the Marine Terminal, which could help prevent damage to the Marine Terminal and vessel and avoid and/or minimize spills. This may also help isolate an emergency situation, such as a fire or explosion, from spreading between the Marine Terminal and vessel, thereby reducing spill potential. The above would only be performed in a situation where transfer connections were already removed and immediate release would not further endanger terminal, vessel and personnel.

### **Tension Monitoring Systems**

- Provide and maintain Tension Monitoring Systems to effectively monitor all mooring line and environmental loads, and avoid excessive tension or slack line conditions that could result in damage to the Marine Terminal structure and/or equipment and/or vessel mooring line failures.
- Line tensions and environmental data shall be integrated into systems that record and relay all critical data in real time to the control room, Marine Terminal operator(s) and vessel operator(s).
- All systems data shall be required to be recorded and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM (e.g. vessels are berthing within the MOTEMS compliant speed and angle requirements), and (2) post-event investigation and root-cause analysis (e.g. vessel allision during berthing).
- System shall include, but not be limited to, quick release hooks only (with load cells), site-specific current meter(s), site-specific anemometer(s), and visual and audible alarms that can support effective preset limits and shall be able to record and store monitoring data.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers’ recommendations and necessity, as well as guidance provided by SIGTTO/OCIMF 2008 “Jetty Maintenance and Inspection Guide” Section 2.3.1.1, 2.3.1.2 and 2.3.1.4, are required to ensure safety and reliability. The

inspections, testing, and maintenance will be performed by Phillips 66 or its designated representatives.

- Install alternate technology that provides an equivalent level of protection.
- All systems data shall be required to be recorded and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM, and (2) post-event investigation and root-cause analysis.

The Marine Terminal is located in a high-velocity current area and currently has only limited devices to monitor mooring line strain and integrated environmental conditions. Updated MOTEMS Terminal Operating Limits (TOLs), including breasting and mooring, provide mooring requirements and operability limits that account for the conditions at the terminal. The upgrade to devices with monitoring capabilities can warn operators of the development of dangerous mooring situations, allowing time to take corrective action and minimize the potential for the parting of mooring lines, which can quickly escalate to the breaking of hose connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a petroleum product spill. Backed up by an alarm system, real-time data monitoring and control room information would provide the Terminal Person-In-Charge with immediate knowledge of whether safe operating limits of the moorings are being exceeded. Mooring adjustments can be then made to reduce the risk of damage and accidental conditions.

#### **Allision Avoidance Systems**

- Provide and maintain Allision Avoidance Systems (AASs) at the Marine Terminal to prevent damage to the pier/wharf and/or vessel during docking and berthing operations. Integrate AASs with Tension Monitoring Systems such that all data collected are available in the Control Room and to Marine Terminal operator(s) at all times and vessel operator(s) during berthing operations. The AASs shall also be able to record and store monitoring data.
- All systems data shall be required to be recorded and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM, and (2) post-event investigation and root-cause analysis (e.g. vessel allision during berthing).
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity, as well as guidance provided by SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide", are required to ensure safety and reliability. The inspections, testing, and maintenance will be performed by Phillips 66 or its designated representatives.
- Velocity monitoring equipment is required to monitor reduced berthing velocities until permanent MOTEMS-compliant corrective actions are implemented.
- The systems shall also be utilized to monitor for vessel motion (i.e. surge and sway) during breasting/mooring operations to ensure excessive surge and sway are not incurred.

The Marine Terminal has a continuously manned marine interface operation monitoring all aspects of the marine interface. The Automatic Identification System is monitored through TerminalSmart and provides a record of vessel movements. Pursuant to the CSLC January 26, 2022 letter entitled Phillips 66 (P66) Rodeo Marine Terminal – Review of New September 2021

Mooring & Berthing Analyses and Terminal Operating Limits (TOLS), the single cone fenders shall not be used as the first point of contact during berthing operations. Therefore, all berthing operations shall utilize the double cone fenders. P66 shall incorporate TOL diagrams with landing point statements in the Terminal Information Booklet. For all vessels, a Phillips 66 Marine Advisor is in attendance and is in radio contact with the vessel master and pilot prior to berthing, reviewing initial contact point and then monitoring.

Excessive surge or sway of vessels (motion parallel or perpendicular to the wharf, respectively), and/or passing vessel forces may result in sudden shifts/redistribution of mooring forces through the mooring lines. This can quickly escalate to the failure of mooring lines, breaking of loading arm connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a spill. Monitoring these factors will ensure that all vessels can safely berth at the Marine Terminal and comply with the standards required in the MOTEMS.

### **Changes to Chapter 1, Introduction**

The references in the Draft EIR are not contained in Chapter 8. All references follow each chapter and section. Chapter 1, Introduction, page 1-7 is revised as follows:

- Chapter 7, Report Preparation.
- Chapter 8, References.
- Appendices.

### **Changes to Chapter 3, Project Description**

Figures 3-1 and 3-2 are revised as follows:

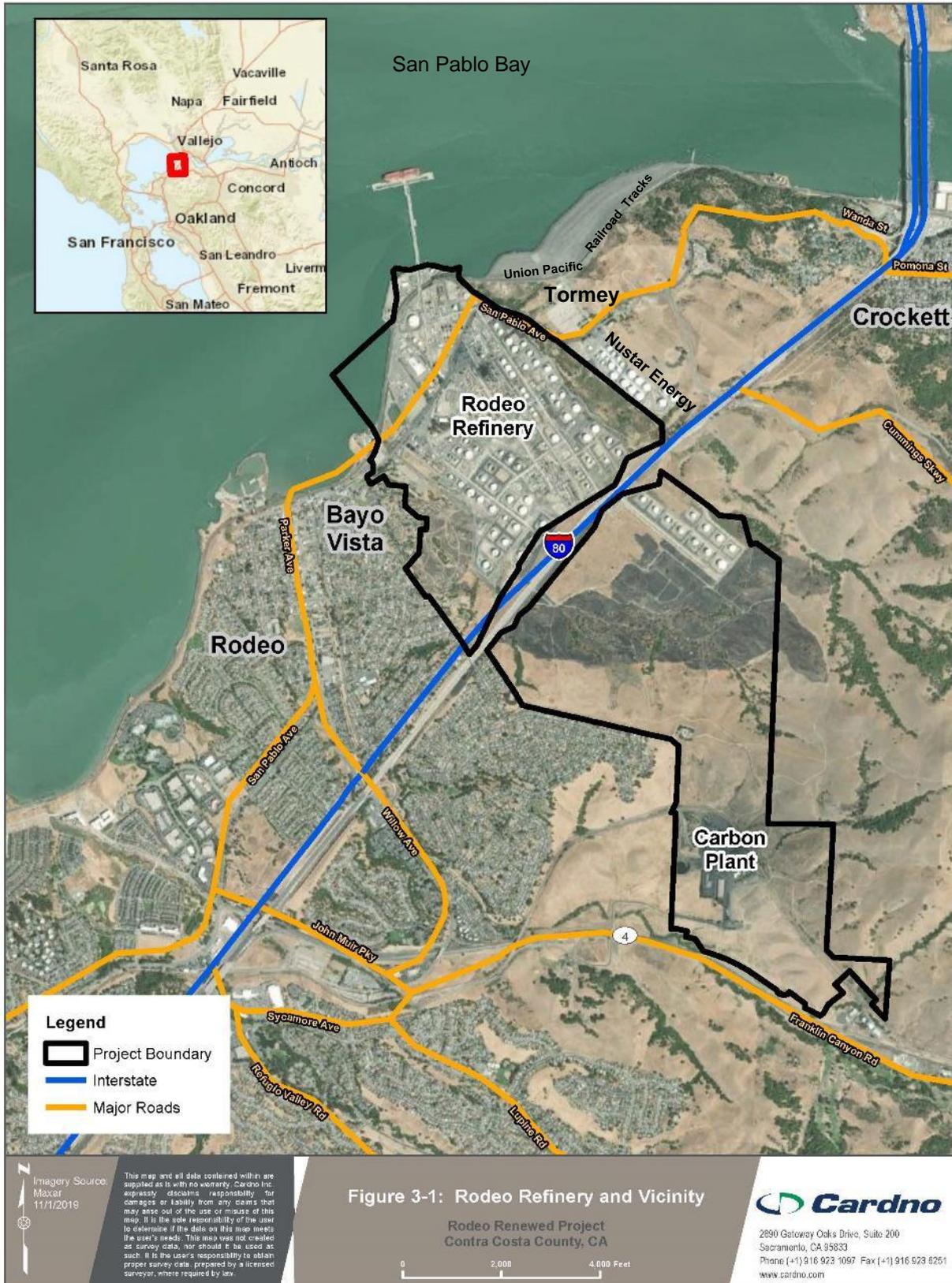




Image Source: Maxar 11/1/2019  
This map and all data contained herein are supplied as is with no warranty. Cardno Inc. accepts no liability for any damage, loss, or injury caused by the use or misuse of the map. It is the sole responsibility of the user to determine if the data on this map meets their needs. This map was generated as survey data, but should not be used as such. It is the user's responsibility to obtain accurate survey data, please use a professional surveyor for any required survey.

Section 3.4.4 of the Draft EIR is revised as follows:

### **3.4.4 Existing Pipeline Sites**

The Project includes the Pipeline Sites—four regional pipelines serving the Santa Maria Site and the Rodeo Refinery. The Santa Maria Site is connected to the Rodeo Refinery by approximately 200 miles of subterranean pipeline (Figure 3-5), designated Line 400 and Line 200. Line 400 runs north and east from the Santa Maria Site through the Coastal Range of central California in San Luis Obispo and Kern Counties, a region of dry grassland, pasture, and open live oak woodland, to connect with Line 200 north of McKittrick. Line 200 runs northwest up the west side of the San Joaquin Valley, through a mixture of Coastal Range grasslands and pasture and San Joaquin Valley agricultural land, and then west to the Rodeo Refinery. Line 200 runs through Kern, Kings, Fresno, Merced, Stanislaus, San Joaquin, Alameda, and Contra Costa Counties. ~~Two other pipelines—Line 100 and Line 300—connect the Santa Maria Site to crude oil collection facilities elsewhere in California (Figure 3-5). Line 100 runs underneath San Joaquin Valley agricultural land and Coastal Range grasslands and pasture lands in Kern County, and Line 300 runs beneath agricultural land and grasslands in the Santa Maria Valley area in San Luis Obispo and Santa Barbara Counties. Line 100 is used to transport crude oil from several collection facilities in Central California to Line 200 at the Junction Pump Station. Line 100 runs underneath San Joaquin Valley agricultural land and Coastal Range grasslands and pasture lands in Kern County (Figure 3-5). Line 300 connects crude oil collection facilities elsewhere in California to the Santa Maria Site and runs beneath agricultural land and grasslands in the Santa Maria Valley area in San Luis Obispo and Santa Barbara counties (Figure 3-5).~~

Section 3.4.2.5, page 3-20, paragraph 2 of the Draft EIR is revised as follows:

### **3.4.2.5 Marine Oil Terminal Engineering and Maintenance**

The California State Lands Commission (CSLC) developed Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to establish standards for the design, construction, operation, and maintenance of marine oil terminals, berthing and cargo loading/unloading facilities. MOTEMS are comprehensive and contain requirements for assessment of the structural, mechanical, and electrical systems, including, but not limited to routine audits and inspections, geotechnical assessments, structural evaluations, seismic analyses, berthing and mooring analyses, fire protection, pipelines, mechanical and electrical equipment, and electrical systems. MOTEMS is intended to minimize the possibility of accidents at marine oil terminals during potentially damage causing events such as seismic activity, extreme weather events, tsunamis, vessel impacts, fires, and explosions extreme weather events and seismic activity that would lead to releases of petroleum substances to the environment. Compliance with MOTEMS is ongoing, as facilities are required to have routine audits and inspections to identify any deficiencies. Existing facilities are required to retrofit or rebuild as necessary to meet MOTEMS. ~~which has been completed at~~ The Rodeo Refinery's Marine Terminal, and Phillips 66 will continue to work with the CSLC Marine Environmental Protection Division (MEPD) to take any necessary corrective actions to comply with MOTEMS requirements. The CSLC has regulatory authority over MOTEMS.

Chapter 3 Table 3-2 is revised as follows:

**Table 3-2. Rodeo Refinery Pre- and Post-Project Operational Activity**

	<b>Baseline</b>	<b>Post-Project</b>
<b>Product Material Received</b>		
Marine Terminal Crude and Gas Oil Received (1,000 bpd 12-month average)	35	0
Pipeline Crude Received (1,000 bpd 12-month average)	70	0
Renewable Feedstocks Received (1,000 bpd 12-month average) <sup>a</sup>	0	80
Gasoline and Blendstocks Received (1,000 bpd 12-month average)	10	38
<b>Product Shipped</b>		
Petroleum Products Shipped (1,000 bpd 12-month average)	121	40
Renewable Fuels Shipped (1,000 bpd 12-month average)	0	67
Treated Renewable Feedstock Shipped (1,000 bpd 12-month average)	0	25
<b>Mode of Transportation</b>		
Tanker Vessels (calls/year)	80	201
Barges (calls/year)	90	161
Carbon Plant Site Rail (average railcars per week)	6.96	0
Refinery Railcar Loading/Unloading Rack (average railcars per day)	4.7	16
Santa Maria Site Rail (railcars per year)	409	0
Refinery and Carbon Plant Truck Trips (roundtrips per year)	40,213	16,026
Santa Maria Site Truck Trips (roundtrips per year)	13,008	0
Rodeo Refinery Approximate Number of Employees and Contractors	650	650

The title for Figure 3-7 is not accurate. Figure 3-7 is revised as follows:



conditions and process the optimal mix of renewable feedstocks to achieve its business objectives. Thus, it is difficult to predict which specific types or sources of renewable feedstocks would be used in any one particular year, much less over several years...

### **Changes to Section 4.3, Air Quality**

Section 4.3.4.2 of the Draft EIR are revised as follows:

#### **4.3.4.2 CEQA Baseline Emissions**

Vessel emissions of criteria pollutants include hoteling at the wharf or at anchor, and vessel maneuvering and transit between the wharf or anchorage area out to the Pilot Buoy located ~~approximately 9 nautical miles (7.8 statute miles)~~ 11 nautical miles west of the Golden Gate.

Air Quality, Mitigation Measure AQ-1 is revised as follows:

#### **Mitigation Measure AQ-1: Implement BAAQMD Basic Control Measures**

Construction contractors shall implement the following applicable BAAQMD basic control measures as BMPs:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least 2 times per day, not less than 4 hours apart, on San Pablo Avenue, between the refinery and I-80, and on the access roads between the Carbon Plant and Highway 4. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes as recommended by the BAAQMD, and not to exceed 5 minutes as required by the California airborne toxics control measure CCR Title 13, Section 2485. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Construction contractors shall implement the following Advanced Construction Mitigation Measures:

- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

Air Quality Mitigation Measure AQ-2: Implement a NOx Mitigation Plan, is revised as follows:

**Recommended Onsite Emission Reduction Measures:**

- i. Onsite equipment and vehicle idling and/or daily operating hour curtailments;
- ii. Construction “clean fleet” using Tier 4 construction equipment to the maximum extent practicable;
- iii. Reductions in Vessel and/or Rail Traffic;
- iv. Other onsite NOx reduction measures (e.g., add-on NOx emission controls); or
- v. Avoid the use of Suezmax vessels to the maximum extent practicable.

Contra Costa County Department of Conservation and Development in its consideration of the NM Plan shall have the option to require daily NOx reductions at the Carbon Plant necessary to achieve the NOx daily emissions significance threshold. Daily idling of one kiln would provide sufficient NOx reductions to offset the Project’s incremental NOx emissions to below the NOx daily emissions threshold of significance on individual days that construction emissions are estimated to potentially be above the daily NOx significance threshold.

Section 4.3, Air Quality Mitigation Measure AQ-4 is revised as follows:

**Mitigation Measure AQ-4: Implement Odor Management Plan**

~~During the 2-year construction phase of the Project, an Odor Management Plan (OMP) shall be developed and implemented upon commencement of the renewable fuels processes, which will become an integrated part of daily operations at the Rodeo Refinery. The purpose of the OMP is to prevent any offsite odors and effect diligent identification and remediation of any potential odors generated by the Project. The OMP shall outline equipment that is in place and procedures~~

~~that facility personnel shall use to address odor issues, facility wide. The OMP would include evaluation of the overall system performance, identifying any trends to provide an opportunity for improvements to the plan, and updating the odor management and control strategies, as necessary. This plan would be retained at the facility for County or other government agency inspection upon request.~~

Phillips 66 shall develop and implement an Odor Management Plan (OMP). The OMP shall be an integrated part of daily operations at the Rodeo Site, to effect diligent identification and remediation of any potential odors generated by the Facility.

- The OMP shall be developed and reviewed by the County and the BAAQMD prior to operation of the Project, and implemented upon commencement of the renewable fuels processes.
- The OMP shall be an “evergreen” document that provides continuous evaluation of the overall system performance, identifying any trends to provide an opportunity for improvements to the plan, and updating the odor management and control strategies as necessary.
- The OMP shall include guidance for the proactive identification and documentation of odors through routine employee observations, routine operational inspections, and odor compliant investigations.
- All odor complaints received by the facility shall be investigated as soon as is practical within the confines of proper safety protocols and site logistics. The goal of the investigation will be to determine if an odor originates from the facility and, if so, to determine the specific source and cause of the odor, and then to remediate the odor.
- The OMP shall be retained at the facility for Contra Costa County, the BAAQMD, or other government agency inspection upon request.

## **Changes to Section 4.4, Biological Resources**

Section 4.4.3.2, page 4.4-109 is revised as follows:

### **Coastal Ecosystems Protection Act of 2006, California State Lands Act**

The Coastal Ecosystems Protection Act of 2006 directed the CSLC to adopt performance standards for discharging ballast water by January 1, 2008, and prepare a report assessing the availability of treatment technologies to meet those standards (Falkner et al. 2009). The CSLC completed the rulemaking process and adopted the standards in October 2007 as part of its Marine Invasive Species Program (MISP), ~~as described below (a multi-agency program that includes CDFW’s OSPR, the SWRCB, and the Department of Tax and Fee Administration).~~ The technology assessment report was completed in December 2007. In response to the report’s recommendations, the California Legislature passed Senate Bill 1781 (Chapter 696, Statutes of 2008), which delayed initial implementation of the performance standards from January 1, 2009, to January 1, 2010, and required an update of the technology assessment report by January 1, 2009. The CSLC continues to support research into evolving ballast water management practices, treatment technologies, compliance monitoring techniques and equipment, and environmental effects of ballast water treatment. According to CSLC (2021), in 2018–2019, less than 1 percent of reported ballast water discharged in California did not meet the state’s ballast water management requirements.

The CSLC is also mandated to adopt regulations governing the management of vessel fouling by January 1, 2012, specifically, introduction of nonindigenous invasive species via vectors other than ballast water. Two studies are currently underway to guide the development of these regulations. In January 2008, Hull Husbandry Reporting Forms were used to gather data on fouling-related husbandry practices of the commercial vessel fleet visiting California waters. In addition, ongoing fouling-related research conducted by the CSLC’s ~~Marine Invasive Species Program~~ MISP will better

define how hull husbandry practices and voyage characteristics affect the quantity and quality of fouling biota associated with vessels separating in California (CSLC 2021).

Section 4.4.3.2, page 4.4-109, following paragraph titled "California Marine Invasive Species Act" is revised as follows:

### **Marine Invasive Species Program**

MISP was reauthorized and expanded in 2003 with the passage of the Marine Invasive Species Act (MISA; AB 433, Chapter 491, Statutes of 2003) which, among other provisions, directed the Commission to adopt ballast water management regulations for vessels moving coastally between ports on the west coast of the U.S. Since 2003, the MISA has been amended numerous times, most notably to establish California's ballast water discharge performance standards (SB 497, Chapter 292, Statutes of 2006) and to authorize the Commission to adopt and implement biofouling management regulations (AB 740, Chapter 370, Statutes of 2007).

The Commission adopts and amends regulations to implement the MISA (Public Resources Code section 71201.7). The ballast water management regulations for coastal vessels were adopted in 2006 (California Code of Regulations, title 2, section 2280 et seq.); ballast water discharge performance standards were codified in 2007 (California Code of Regulations, title 2, section 2291 et seq.); and the biofouling management regulations (see section 7.1) were adopted and implemented in 2017 (California Code of Regulations, title 2, section 2298.1 et seq.). These regulations were strengthened through the adoption of enforcement regulations in 2017 (California Code Regulations, title 2, section 2299.01 et seq.).

In 2019, the Commission sponsored AB 912 (Chapter 433, Statutes of 2019) which authorizes the Commission to:

- Adopt and enforce the federal ballast water discharge performance standards set forth in section 151.2030(a) of Title 33 of the Code of Federal Regulations; and
- Delay implementation of the interim and final California ballast water discharge performance standards to 2030 and 2040, respectively, due to a lack of available ballast water treatment technologies to enable vessels to meet the California standards.

In 2021, the Commission amended existing regulations (California Code of Regulations, title 2, section 2291 et seq.) to implement the requirements of AB 912.

Section 4.4.3.3, page 4.4-111, after paragraph 1 is revised as follows:

The following policies are relevant to the Project:

#### Fish, Other Aquatic Organisms and Wildlife

Policy 4: Consult with the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species;

Not authorize projects that would result in the "taking" of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal Endangered Species Acts, or the federal Marine Mammal Protection Act, or species that are candidates for listing under these acts, unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Wildlife; and

Give appropriate consideration to the recommendations of the California Department of Fish and Wildlife, the National Marine Fisheries Service or the U.S. Fish and Wildlife Service in order to avoid possible adverse effects of a proposed project on fish, other aquatic organisms and wildlife habitat.

Section 4.4.9 Impact 4.4-4, page 4.4-140 is revised as follows:

**Mitigation Measure BIO-3: Update and Review Facility Response Plan and Spill Prevention, Control, and Countermeasure Plan with OSPR**

- The Facility Response Plan and Spill Prevention, Control, and Countermeasure (SPCC) Plan shall be updated to address the Project operational changes, including changes in proposed feedstocks and types of vessels and trips. ~~change in proposed feedstocks.~~ The SPCC shall address the operational changes of the Transitional Phase and post-Project. Phillips 66 will consult with OSPR during update of the SPCC Plan, especially adequacy of booms at the Marine Terminal to quickly contain a spill of renewable feedstocks.

Impact 4.4-6 page 4.4-143 is revised as follows:

- As discussed under Impact ~~4.4-3~~ ~~4.4-5~~, deep-draft vessel propeller-induced water velocities, and resulting shear velocities, would be expected to scour sediment and resuspend sediments, causing turbidity plumes. Turbidity would be expected to be more pronounced during docking maneuvers and departures.

**Changes to Section 4.5, Cultural Resources**

Section 4.5.2.3, page 4.5-186 – 187 of the Draft EIR is revised as follows:

***California Public Resources Code***

In addition to the definition of “unique archaeological resources” in PRC Section 21083.2, the sections of the California Public Resource Code applicable to the Project follow:

- PRC Title 14, Section 5097.5: any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands is a misdemeanor.
- PRC Title 14, Section 5097.99: prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn; sets penalties.
- PRC Section 6313: the title to all abandoned shipwrecks and all archaeological sites and historic resources on or in the tide and submerged lands of California is vested in the state and subject to the control of the commission.

Section 4.5.7, page 4.5-191 of the Draft EIR is revised as follows:

**Mitigation Measure CUL-1: Inadvertent Discovery of Archaeological Resources**

Pursuant to CEQA Guidelines Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” shall be instituted. In the event that any cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find pursuant to CEQA Guidelines Section 15064.5. If cultural resources are recovered on State lands, submerged or tidal lands, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the California State Lands Commission. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate course of action.

**Changes to Section 4.7, Geology and Soils**

Section 4.7.2.7 page 4.7-227 is revised as follows:

The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, CBC Chapter 16, Section 1613, provides

earthquake loading specifications for every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, which shall be designed and constructed to resist the effects of earthquake motions in accordance with ~~ASCE 7-05~~ ASCE/SEI 7-22.

Section 4.7.2.7 page 4.7-228

CBC Chapter 31F, administered by the Marine Environmental Protection Division on behalf of the CSLC contains requirements and specifications pertaining to Marine Terminal Structures; existing, new and modified. Nonstructural and nonbuilding components of marine terminals are included as well and required to comply with all regulations. Chapter 31F provides earthquake loading and geotechnical specifications.

### **Changes to Section 4.8, Greenhouse Gas Emissions**

Section 4.8.2.3 is revised as follows:

#### ***4.8.2.3 Project Setting***

Vessel emissions include hoteling at the wharf or at anchor, and vessel maneuvering and transit between the wharf or anchorage area out to the Pilot Buoy located ~~approximately 9~~ 11 nautical miles (~~10.4 statute miles~~) west of the Golden Gate.

### **Changes to Section 4.9, Hazards and Hazardous Materials**

Section 4.9.2.4, page 4-9.300 is revised as follows:

#### **Design**

As industrial facilities that handle hazardous chemicals, the Rodeo and Santa Maria Refineries must be constructed and operated in accordance with certain codes and standards that are enforced via administrative mechanisms such as internal audits, design reviews, and building inspections. Some of the main design standards include the American Petroleum Institute's (API's) Recommended Practice 750, Codes of Management Practices of the Chemical Manufacturers, the American National Standards Institute's B31.1: Power Piping and B13.3: Petroleum Refinery Piping, National Fire Prevention Association 30, and the International Building Code. ~~Uniform Building Codes~~.

Section 4.9.2.7, page 4.9-301, is revised as follows:

#### ***4.9.2.7 Marine Oil Terminal Engineering and Maintenance Standards***

~~The Marine Terminal operates as a MOTEMS-compliant facility, is required to and has ongoing compliance with MOTEMS, meaning that its construction, materials, equipment, maintenance, and operating procedures meet the standards for marine terminals established by CSLC. The Marine Terminal undergoes routine audits and inspections to identify any deficiencies and comply with MOTEMS.~~ The operating procedures are set forth in the Phillips 66 Rodeo Marine Terminal Handbook, which was revised and updated in 2016.

Section 4.9.2.11, page 4.9-313, paragraph 5 is revised as follows:

As per California Building Code Chapter 31F – Marine Oil Terminals, Section 3101F.2, the purpose of the code is to establish minimum engineering, inspection and maintenance criteria for Marine Oil Terminals in order to prevent oil spills and to protect public health, safety and the environment. The code defines “oil” as any kind of petroleum, liquid hydrocarbons, or petroleum products or any fraction or residues thereof, including but not limited to, crude oil, bunker fuel, gasoline, diesel fuel, aviation fuel, oil sludge, oil refuse, oil mixed with waste, and liquid distillates from unprocessed natural gas.

The discussion under Impact 4.9-2, page 4.9.329, paragraph 2 is revised as follows:

During the transitional phase, additional vessel traffic arriving at the Marine Terminal would increase from 80 tankers and 90 barges annually as part of the baseline, or about 3.3 vessels calls per week, to an estimated 96 tankers and 92 barges over the 7-month transitional period, or about 6.7 calls per week, with a total number of vessel calls over the transitional period producing an increase of ~~approximately 10 percent~~ 11 percent over the baseline entire-year vessel calls. This would produce a spill frequency of an in-transit spill of once every 1,076 years and a spill at the Marine Terminal of about once every year (note this is on an annualized basis utilizing the rate of vessel calls over the 7-month period).

The discussion under Impact 4.9-2, page 4.9-330 is revised as follows:

...Appendix C-2, ~~CEQA PM2.5 Modeling Analysis~~ Rodeo Renewed Spill Modeling Report.

Mitigation Measure HAZ-1, beginning page 4.9-334, is revised as follows:

The following measures are consistent with requirements applied to other marine terminals in the San Francisco Bay (CSLC 2014, 2015) subject to discretionary permitting as a result of modified operations.

**Mitigation Measure HAZ-1: Implement Release, Monitoring and Avoidance Systems**

The following actions shall be completed by Phillips 66 prior to Project operations, including the transitional phase, and shall include routine inspection, testing and maintenance of all equipment and systems conducted in accordance with manufacturers' recommendations and industry guidance for effective maintenance of critical equipment at the Marine Terminal.

Feedstocks handled at the Marine Terminal are not regulated under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (LKS Act) (e.g. renewable feedstocks such as soybean oil and tallow) and therefore not subject to OSPR oversight, and are also not subject to the CSLC oversight efforts (MOTEMS, Article 5, Article 5.3 and Article 5.5, depending on the materials handled). Yet materials may be detrimental to the environment if spilled.

Regulated products (i.e. "Oil" and "Renewable Fuels" defined in Pub. Resources Code sec. 8750) will continue to be transferred at the Marine Terminal, which do require MOTEMS-compliant Terminal Operating Limits for those products that reside within the jurisdiction of the CSLC. To ensure that Project operation continues to meet those standards, the following measures are required.

**Applicability of MOTEMS, Article 5, 5.3, 5.5 and Spill Prevention Requirements**

As some materials transferred at the terminal may be feedstocks or other non-regulated materials/feedstocks/products, Phillips 66 shall comply with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (LKS Act) for all vessels calling at the Marine Terminal regardless of feedstock/material type. In addition, MOTEMS operational regulations, as codified in Article 5, Marine Terminals Inspection and Monitoring (2CCR §2300 et seq), Article 5.3 Marine Terminals Personnel Training and Certification (2CCR §2540 et seq), and Article 5.5 Marine Terminals Oil Pipelines (2CCR §2560 et seq), including items such as static liquid pressure testing of pipelines, shall be implemented for all operations at the Marine Terminal regardless of feedstock/material type and LKS Act regulatory status.

Upon request, Phillips 66 shall provide evidence to relevant regulatory agencies that these facilities, operational response plans, and other applicable measures have been inspected and approved by CSLC and OSPR and determined to be in compliance.

If terminal operations do not allow for regular compliance and inspection of LKS and MOTEMS requirements by the CSLC and OSPR, Phillips 66 shall employ a CSLC-approved third-party to

provide oversight as needed to ensure the same level of compliance as a petroleum-handling facility, and to ensure maximum protection of the environment from potential spills and resulting impacts. Phillips 66 shall provide evidence of compliance upon request of relevant regulatory agencies.

### **Remote Release Systems**

The Marine Terminal has a remote release system that can be activated from a single control panel or at each quick-release mooring hook set. The central control system can be switched on in case of an emergency necessitating a single release of all mooring lines. However, to further minimize the potential for accident releases the following is required:

- Provide and maintain mooring line quick release devices that shall have the ability to be activated within 60 seconds.
- These devices shall be capable of being engaged by electric/push button release mechanism and by integrated remotely-operated release system.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity, as well as guidance provided by SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide" Section 2.3.1.1, 2.3.1.2 and 2.3.1.4, are required to ensure safety and reliability. The inspections, testing, and maintenance will be performed by Phillips 66 or its designated representatives.
- In consultation with the CSLC and prior to Project operation, Phillips 66 shall provide a written evaluation of their existing equipment and provide recommendations for upgrading equipment to meet up-to-date best achievable technology standards and best industry practices, including but not limited to consideration of equipment updates and operational effectiveness (e.g. visual and audible alarm options, data display location and functionality, optional system features). Phillips 66 shall follow guidance provided by SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide" Section 2.3.1.1, 2.3.1.2 and 2.3.1.4.

Best achievable technology shall address:

- Functionality – Controlled release of the mooring lines (i.e. a single control system where each line can be remotely released individually in a controlled order and succession) vs. release all (i.e. a single control system where all lines are released simultaneously via a single push button). See SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide" Section 2.3.1.2.1.
- Layout – The location(s) of the single control panel and/or central control system to validate that it is operationally manned such that the remote release systems can actually be activated within 60 seconds.

This measure would allow a vessel to leave the Marine Terminal as quickly as possible in the event of an emergency (fire, explosion, accident, or tsunami that could lead to a spill). In the event of a fire, tsunami, explosion, or other emergency, quick release of the mooring lines within 60 seconds would allow the vessel to quickly leave the Marine Terminal, which could help prevent damage to the Marine Terminal and vessel and avoid and/or minimize spills. This may also help isolate an emergency situation, such as a fire or explosion, from spreading between the Marine Terminal and vessel, thereby reducing spill potential. The above would only be performed in a

situation where transfer connections were already removed and immediate release would not further endanger terminal, vessel and personnel.

### **Tension Monitoring Systems**

- Provide and maintain Tension Monitoring Systems to effectively monitor all mooring line and environmental loads, and avoid excessive tension or slack line conditions that could result in damage to the Marine Terminal structure and/or equipment and/or vessel mooring line failures.
- Line tensions and environmental data shall be integrated into systems that record and relay all critical data in real time to the control room, Marine Terminal operator(s) and vessel operator(s).
- All systems data shall be required to be recorded and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM (e.g. vessels are berthing within the MOTEMS compliant speed and angle requirements), and (2) post-event investigation and root-cause analysis (e.g. vessel allision during berthing).
- System shall include, but not be limited to, quick release hooks only (with load cells), site-specific current meter(s), site-specific anemometer(s), and visual and audible alarms that can support effective preset limits and shall be able to record and store monitoring data.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity, as well as guidance provided by SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide" Section 2.3.1.1, 2.3.1.2 and 2.3.1.4, are required to ensure safety and reliability. The inspections, testing, and maintenance will be performed by Phillips 66 or its designated representatives.
- Install alternate technology that provides an equivalent level of protection.
- All systems data shall be required to be recorded and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM, and (2) post-event investigation and root-cause analysis.

The Marine Terminal is located in a high-velocity current area and currently has only limited devices to monitor mooring line strain and integrated environmental conditions. Updated MOTEMS Terminal Operating Limits (TOLs), including breasting and mooring, provide mooring requirements and operability limits that account for the conditions at the terminal. The upgrade to devices with monitoring capabilities can warn operators of the development of dangerous mooring situations, allowing time to take corrective action and minimize the potential for the parting of mooring lines, which can quickly escalate to the breaking of hose connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a petroleum product spill. Backed up by an alarm system, real-time data monitoring and control room information would provide the Terminal Person-In-Charge with immediate knowledge of whether safe operating limits of the moorings are being exceeded. Mooring adjustments can be then made to reduce the risk of damage and accidental conditions.

### **Allision Avoidance Systems**

- Provide and maintain Allision Avoidance Systems (AASs) at the Marine Terminal to prevent damage to the pier/wharf and/or vessel during docking and berthing operations. Integrate AASs with Tension Monitoring Systems such that all data collected are available in the Control Room and to Marine Terminal operator(s) at all times and vessel operator(s) during berthing operations. The AASs shall also be able to record and store monitoring data.
- All systems data shall be required to be recorded and readily accessible to enable tasks such as: (1) verification that systems are routinely operated in compliance with the MM, and (2) post-event investigation and root-cause analysis (e.g. vessel allision during berthing).
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity, as well as guidance provided by SIGTTO/OCIMF 2008 "Jetty Maintenance and Inspection Guide", are required to ensure safety and reliability. The inspections, testing, and maintenance will be performed by Phillips 66 or its designated representatives.
- Velocity monitoring equipment is required to monitor reduced berthing velocities until permanent MOTEMS-compliant corrective actions are implemented.
- The systems shall also be utilized to monitor for vessel motion (i.e. surge and sway) during breasting/mooring operations to ensure excessive surge and sway are not incurred.

The Marine Terminal has a continuously manned marine interface operation monitoring all aspects of the marine interface. The Automatic Identification System is monitored through TerminalSmart and provides a record of vessel movements. Pursuant to the CSLC January 26, 2022 letter entitled Phillips 66 (P66) Rodeo Marine Terminal – Review of New September 2021 Mooring & Berthing Analyses and Terminal Operating Limits (TOLS), the single cone fenders shall not be used as the first point of contact during berthing operations. Therefore, all berthing operations shall utilize the double cone fenders. P66 shall incorporate TOL diagrams with landing point statements in the Terminal Information Booklet. For all vessels, a Phillips 66 Marine Advisor is in attendance and is in radio contact with the vessel master and pilot prior to berthing, reviewing initial contact point and then monitoring.

Excessive surge or sway of vessels (motion parallel or perpendicular to the wharf, respectively), and/or passing vessel forces may result in sudden shifts/redistribution of mooring forces through the mooring lines. This can quickly escalate to the failure of mooring lines, breaking of loading arm connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a spill. Monitoring these factors will ensure that all vessels can safely berth at the Marine Terminal and comply with the standards required in the MOTEMS.

### **Changes to Section 4.10, Hydrology and Water Quality**

Section 4.10.2.11, page 4.10-354, paragraph 6 of the Draft EIR is revised as follows:

In addition, marine terminals located on lands under CSLC jurisdiction are subject to comply with the CSLC's Marine Facilities Division–developed MOTEMS. ~~For the existing Marine Terminal, these regulations establish standards for the maintenance of marine oil terminal berthing and cargo loading/unloading facilities. MOTEMS are intended to minimize the possibility of accidents at marine~~

~~oil terminals during extreme weather events and seismic activity that would lead to releases of petroleum and oil based substances to the environment. Existing facilities are required to retrofit or rebuild as necessary to meet MOTEMS, which the Rodeo Refinery's Marine Terminal has, and Phillips 66 would continue to comply.~~

Impact 4.10-1, page 4.10- 363 is revised as follows:

#### **Rodeo Refinery—Marine Terminal (spills)**

During the 7-month transitional phase that would be concurrent with Rodeo Refinery construction, vessel traffic arriving at the Marine Terminal would increase from 80 tankers and 90 barges to an estimated 96 tankers and 92 barges, which is an increase of ~~approximately 10 percent~~ 11 percent over baseline conditions. Marine vessels would bring renewable feedstocks and gasoline-blending components. In the event of an accidental spill hazardous materials would discharge into waters of the San Pablo and San Francisco Bays.

### **Changes to Section 4.14, Tribal Cultural Resources**

Section 4.14.2.3, page 4.14-425, is revised as follows:

#### ***California Public Resources Code***

In addition to the definition of "unique archaeological resources" in PRC Section 21083.2, the sections of the California Public Resource Code applicable to the Project follow:

- PRC Title 14, Section 5097.5: any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands is a misdemeanor.
- PRC Title 14, Section 5097.99: prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn; sets penalties.
- PRC Section 6313: the title to all abandoned shipwrecks and all archaeological sites and historic resources on or in the tide and submerged lands of California is vested in the state and subject to the control of the commission.

Mitigation Measure TCR-3, page 4.14-430 is revised as follows:

#### **Mitigation Measure TCR-3: Inadvertent Discoveries**

- Phillips 66 shall develop a standard operating procedure, or ensure any existing procedure, to include points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.
- If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.
- If cultural resources are recovered on State lands, submerged or tidal lands, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the California State Lands Commission.

## Changes to Chapter 5, Alternatives Analysis

Chapter 5 Alternatives Analysis, Table 5-1 is revised as follows:

**Table 5-1. Summary of Alternatives**

	Project	No Project <sup>a</sup>	Reduced Project	Terminal Only <sup>c</sup>	No Temporary Increase in Crude Oil <sup>b</sup>
<b>Product Material Received/Processed (bpd)</b>					
<u>Crude and Gas Oil Received</u>	<u>0</u>	<u>105,000<sup>e</sup></u>	<u>0</u>	<u>0</u>	<u>0</u>
Renewable Feedstock Received/Processed	80,000 <sup>c</sup>	0	55,000	0 0 <u>75,000<sup>f</sup></u>	80,000 <sup>c</sup>
Gasoline Blendstocks Received/Processed	38,000	<del>445,000</del> <u>10,000</u>	38,000		38,000
Existing Renewable Fuels Processed	13,000	13,000 <sup>d,h</sup>	13,000		13,000
<b>Product Produced (bpd)</b>					
Renewable Fuels Produced/Shipped	55,000 <sup>c</sup>	0	50,000	75,000 <sup>d</sup>	55,000 <sup>c</sup>
Existing Renewable Fuels Produced	12,000	12,000 <sup>d,h</sup>	12,000		12,000
<del>Conventional Fuels</del> <u>Petroleum Products Produced/Shipped</u>	40,000	<del>400</del> <u>109,000</u>	40,000		40,000
<u>Treated Renewable Feedstock Shipped</u>	<u>25,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<b>Mode of Transportation<sup>g</sup></b>					
Ships (annual visits)	201	80	165	70	201
Barges (annual visits)	161	90	161	40	161
Truck Trips (roundtrips/year)	16,026	53,221	11,230	0	16,026
Railcars (per day)	16	5	16	8	16
Employees	650	650	630	75	650

Notes:

- <sup>a</sup> No Project and Terminal Only Alternatives would transport blend stock and product by pipeline, marine vessel, and rail.
- <sup>b</sup> The No Temporary Increase in Crude Oil Alternative at full buildout is identical to the Project; it differs only in the temporary change in throughput of crude oil during the construction period, and associated vessel calls, which is not reflected in this table. This difference, however, is described in the following discussion.
- <sup>c</sup> Up to 25,000 bpd excess capacity of pre-treated feedstocks could be sold elsewhere.
- <sup>d</sup> As explained in the Project Description, Section 3.7, *Project Operation*, the facility currently has the capacity to produce approximately 12,000 bpd of renewable fuels from pretreated feedstocks using Unit 250, which was previously used to process petroleum-based feedstocks. Unit 250 is not included in the Project as the Project does not propose any changes for Unit 250 and it would continue to produce 12,000 bpd of renewable fuels. Given that Unit 250 is not part of the Project, Unit 250 feedstock and production numbers are not included in this chart under the No Project Alternative.
- <sup>e</sup> 70,000 bpd out of 105,000 bpd would arrive by pipeline, the rest would arrive through the Marine Terminal.
- <sup>f</sup> Blendstocks and product into the facility would arrive through the Marine Terminal and by rail, and products leaving the facility would be transported by pipeline and rail.
- <sup>g</sup> Reflects operations (not construction) of the Project and Alternatives.
- <sup>h</sup> The amount of existing renewable fuels produced (12,000 bpd) is less than the existing renewable feeds processed (13,000 gpd) due to losses that occur during the production process.

## **Changes to Section 6.4, Cumulative Impacts**

Section 6.4.1, Projects Considered in the Cumulative Analysis, page 6-3 is revised to read as follows:

### **6.4.1.1 Contra Costa County**

**Selby Slag Remedial Action** is a 66-acre site remediation project located within unincorporated Contra Costa County adjacent to the southern shoreline of the San Pablo Bay and Carquinez Strait. The site is the location of a former smelting facility. The Remedial Action Plan identifies what actions need to take place to remediate the site.

- Application Status: The Remedial Action Plan and EIR is in draft form and under review by the DTSC. No remediation activities have been conducted.

Addition of the Selby Slag project to the cumulative list of projects does not alter the conclusions of the cumulative impact analysis in the Draft EIR.

The following text is added to the existing description of the Martinez Refinery Renewable Fuels Project in Chapter 6, CEQA Statutory Sections, Section 6.4.4.1, Contra Costa County, page 6-4:

**Martinez Refinery Renewable Fuels Project** (File No. 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. Approximately 48,000 bpd of ~~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-NOx thermal oxidizer. All construction, demolition, and addition of new equipment would be within the existing boundaries of the refinery.

Initially, product from the Refinery would be distributed by truck to the Bay Area as well as Central and Northern California. Product would also be transported to destinations outside of the Bay Area by ship via the Avon MOT and Amorco MOT, located approximately 0.5 mile north of the Refinery and approximately 2.5 miles west of the Refinery, respectively. Both terminals would undergo modifications to facilitate receipt of renewable feedstocks and distribution of renewable fuels associated with the proposed Project. Annual vessel traffic would increase from 143 vessels to 400 vessels.

Section 6.4.1.1, under the description of the Chevron Pipe Line Company, page 6-5 is revised as follows:

- 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.

The project applicant proposes to add a second connection from the existing Bay Area Products Line to flow refined liquid product to the Chevron Avon Terminal at 611 Solano Way, Martinez, CA 94553. This second connection associated with the Avon Connectivity Project would, if completed, enable Chevron to directly transport refined liquid products from the Avon Terminal to the Kinder Morgan Concord Terminal located in unincorporated Contra Costa County near the City of Concord and would also allow Chevron to directly transport such products from the Avon Terminal to TransMontaigne Partners' Martinez Oil Terminal located in the City of Martinez.

Section 6.4, Cumulative Impacts, Table 6-1 is added to page 6-3.

**Table 6-1 Geographic Context of Cumulative Impacts**

<u>Resource Topic</u>	<u>Geographic Area</u>
<u>Aesthetics</u>	<u>Local – area surrounding Project sites that encompass public viewpoints</u>
<u>Air Quality</u>	<u>Regional - for pollutant emissions that have regional effects, combined air basins within the following air districts were used: BAAQMD; SJVAPCD; San Luis Obispo County Air Pollution Control District; and Santa Barbara County Air Pollution Control District</u> <u>Local/Immediate Vicinity – a refined area was used to evaluate areas with highly localized air emissions, such as NOx and PM</u>
<u>Biological Resources</u>	<u>Regional - within 3-mile radius for more localized effects</u>
<u>Cultural Resources</u>	<u>Local/Immediate Vicinity – area of potential effect (APE)</u>
<u>Energy Conservation</u>	<u>Regional – energy grids serving Project Sites</u>
<u>Geology and Soils</u>	<u>Local/Immediate Vicinity</u>
<u>Greenhouse Gas Emissions</u>	<u>Statewide and Global</u>
<u>Hazards and Hazardous Materials</u>	<u>Regional and Local</u>
<u>Hydrology and Water Quality</u>	<u>Regional and Local</u>
<u>Land Use and Planning</u>	<u>County</u>
<u>Noise and Vibration</u>	<u>Local/Immediate Vicinity</u>
<u>Tribal Cultural Resources</u>	<u>Local/Immediate Vicinity</u>
<u>Wildfire</u>	<u>Local/Immediate Vicinity</u>
<u>Solid Waste</u>	<u>Local – service areas</u>
<u>Environmental Justice</u>	<u>Local/Immediate Vicinity</u>

### **Changes to Appendices**

Draft EIR Appendix B, Air Quality and Greenhouse Gas Emissions Technical Data has been replaced with Revised Appendix B, Air Quality and Greenhouse Gas Emissions Technical Data provided in the Final EIR (as a CD attachment). The revised appendix addresses minor model modifications, which resulted in revised model output sheets. The revised appendix also includes a minor text modification as follows.

#### **Appendix B Section 3.4.1.1**

~~Project transiting was modeled as far as approximately 10 nautical miles from the Marine Terminal. Vessel emissions include hoteling at the wharf or at anchor, and vessel maneuvering and transit between the wharf or anchorage area out to the Pilot Buoy located 11 nautical miles west of the Golden Gate. Figure 3-3 shows the modeled transiting route within this 10 nautical mile boundary for all Project sources.~~