

APPENDIX F

RESPONSE TO COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

APPENDIX F

FINAL ENVIRONMENTAL IMPACT REPORT

**TESORO RELIABILITY IMPROVEMENT AND REGULATORY
COMPLIANCE PROJECT**

COMMENTS AND RESPONSES TO COMMENTS

INTRODUCTION

This Appendix, together with other portions of the Environmental Impact Report (EIR), constitute the Final EIR for the proposed Tesoro Reliability Improvement and Regulatory Compliance Project.

The Final EIR is available at the South Coast Air Quality Management District (SCAQMD), 21865 Copley Drive, Diamond Bar, California 91765-4182 or by phone at (909) 396-2039. The Final EIR can also be downloaded by contacting the SCAQMD's CEQA web pages at <http://www.aqmd.gov/ceqa/nonaqmd.html>. Copies of the Draft EIR may be requested by calling the SCAQMD at (909) 396-2039.

The EIR contains a detailed project description, the environmental setting for each environmental resource where the NOP/IS determined there was a potential significant adverse impact, an analysis of the potentially significant environmental impacts including cumulative impacts, project alternatives, and other areas of discussion as required by CEQA. The discussion of the project-related and cumulative environmental impacts included a detailed analysis of air quality, hazards and hazardous materials, and transportation/traffic.

The Draft EIR was circulated for a 45-day public review and comment period on January 21, 2009 and ending March 6, 2009. The SCAQMD received nine comment letters on the Draft EIR during the public comment period and one comment letter after the close of the comment period. In addition, the same form letter was received from 57 individuals. The comment letters and responses to the comments raised in those letters are provided in this appendix. The comments are bracketed and numbered. The related responses are identified with the corresponding number and are included following each comment letter.

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



February 17, 2009

Ms. Barbara Radlein
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive
Diamond Bar, CA 91765

Re: SCH#2008021099; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the TESORO Reliability Improvement & Regulatory Compliance Project (Refinery Reliability Improvement Effort); located in the Carson/Wilmington Area, Los Angeles County, California

Dear Ms. Radlein:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov. The record search will determine:

- If a part of the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.

√ The Native American Heritage Commission (NAHC) performed:

- * A Sacred Lands File (SLF) search of the project 'area of potential effect (APE)': The results: No known Native American Cultural Resources were identified within one-half mile of the 'area of potential effect' (APE). However the NAHC SLF is not exhaustive and local tribal contacts should be consulted from the attached list and there are Native American cultural resources in close proximity.

The NAHC advises the use of Native American Monitors, also, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC, FURTHER, recommends that contact be made with Native American Contacts on the attached list to get their input on potential IMPACT of the project (APE) on cultural resources. In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s) or Native American individuals or elders.

- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

1-1

1-2

1-3

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APPENDIX F – RESPONSE TO COMMENTS

- Again, a culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- √ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

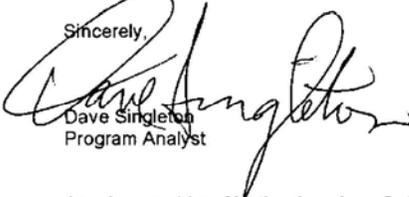
1-5
cont.

1-6

1-7

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

Native American Contacts
Los Angeles County
February 17, 2009

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C
Long Beach, CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower, CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax

Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.

Gabrielino Tongva

tattnlaw@gmail.com
310-570-6567

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
San Gabriel, CA 91778
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Gabrielino Tongva

Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
P.O. Box 86908
Los Angeles, CA 90086
samdunlap@earthlink.net

Gabrielino Tongva

(909) 262-9351 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008021099; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the TESORO Reliability Improvement and Regulatory Compliance Project, a Refinery Reliability Improvement Project located in the Carson/Wilmington Area of Los Angeles County, California.

COMMENT LETTER NO. 1
NATIVE AMERICAN HERITAGE COMMISSION
FEBRUARY 17, 2009

Response 1-1

The SCAQMD is aware of the requirements of CEQA Guidelines §15064.5 and has complied with this section as well as all other relevant CEQA requirements. As stated on pages 2-12 and 2-13 of the NOP/IS for the Tesoro Reliability Improvement and Regulatory Compliance Project, potential significant adverse impacts on cultural resources were not anticipated.

As stated on page 2-12 of the NOP/IS (see EIR, Appendix A), the area near the Dominguez Channel was used by the Tongva/Gabrielino people. Cultural studies found a Tongva/Gabrielino village site and a large cemetery was exposed in 1998 near the BP Refinery, which is adjacent to the Tesoro SRP (east of the Dominguez Channel) (SCAQMD, 2001). Construction activities at the Tesoro Refinery uncovered human remains within the confines of the Refinery near the eastern property line, just north of Pacific Coast Highway and adjacent to the Dominguez Channel. The human remains were determined to be of Native American origin. Construction activities were suspended until all the remains were uncovered and a complete site investigation could be conducted. Additional site investigations did not uncover any additional human remains (Applied Earth Works, 1999).

The entire active portions of the Refinery and SRP have been previously graded and developed. Proposed project activities will occur in areas of the Refinery and SRP where the ground surface has already been disturbed, within or adjacent to existing refining units, and this past disturbance reduces the likelihood that previously unknown cultural resources will be encountered. Further, the Refinery/SRP sites do not contain known cultural resources and, thus, the proposed project also is not expected to impact any sites of cultural value.

As a result, no impacts to historical, archaeological or paleontological resources (as defined in §15064.5 of the CEQA Guidelines) are expected as a result of the implementation of the proposed project. The commentator should be aware that the 2007 CEQA Guidelines are superseded by the 2009 CEQA Guidelines.

Response 1-2

The proposed project would occur within the boundaries of an existing petroleum refinery. The proposed project modifications will occur within areas that contain existing refinery units and structures. The primary objective of the proposed project is to improve the reliability of existing refinery operations and to comply with regulatory requirements. The sites adjacent to existing equipment or proposed new equipment that will be affected

by the proposed project have been previously disturbed to accommodate refinery projects associated with the placement and relocation of infrastructure (i.e., underground utilities and piping) and no cultural resources or Native American remains were found during these subsurface activities in or surrounding the property (i.e., area of potential effect).

Based on historical activities at the Refinery and SRP sites, the proposed project was determined to not cause a potential “substantial adverse change in the significance of any historical resource” which would require a further evaluation of cultural resources in the EIR. See also Response 1-1.

Response 1-3

An archaeological inventory survey was not required to be performed for the proposed project. See Responses 1-1 and 1-2 for reasons why a survey was not required.

Response 1-4

There are no known sacred lands located within the confines of the existing operating Refinery and SRP. As noted in Responses 1-1 and 1-2, additional archaeological investigations are not required for the proposed project. The NAHC was contacted previously and no sites were identified. The SCAQMD has an extensive list of Native American contacts, including those cited by the commentator. All contacts received a notice of availability of the CEQA document for the proposed project. No comments on the EIR were received from any of the contacts.

Response 1-5

As noted in Response 1-1, the entire active portion of the Refinery and SRP have been previously graded and developed. Proposed project activities will occur in areas of the Refinery and SRP where the ground surface has already been disturbed, within or adjacent to existing refinery units, reducing the likelihood that previously unknown cultural resources will be encountered. As concluded on pages 2-12 and 2-13 of the NOP/IS (see Appendix A of the EIR), no impacts to cultural resources were determined to result from the proposed project. As a result, no further analysis of cultural resources in the EIR was required.

Based on the historical use of the site and the numerous construction activities, which included subsurface activities, the likelihood of encountering cultural resources is low. It should be noted, however, that construction activities for the proposed projects at the Refinery and SRP include standard procedures for accidentally encountering any archaeological, Native American or cultural resources on-site. Compliance with all local, state and federal regulations (and notifications) will occur in the event of an accidental discovery of any cultural or historic resources as part of the proposed project.

Response 1-6

With regard to the potential for discovery of Native American remains, refer to Responses 1-1, 1-2 and 1-5.

As stated on pages 2-12 and 2-13, the NOP/IS (see Appendix A of the EIR) the entire active portion of the Refinery and SRP have been previously graded and developed which reduces the likelihood that previously unknown cultural resources will be encountered. Therefore, agreements with Native Americans to assure appropriate treatment of Native American human remains are not required unless Native American human remains are discovered during site excavation. See also Responses 1-1, 1-2 and 1-5.

Response 1-7

As noted in Responses 1-1 and 1-2, discovery of human remains relative to the proposed project is not anticipated. However, to prevent further disturbance, construction activities will cease if human remains are unearthed, until the County Coroner has made the necessary findings with respect to origin and disposition, as required by Public Resources Code §5097.98-99 and Health and Safety Code §7050.5.

CEQA Guidelines §15370(a) defines avoidance as: “Avoiding the impact altogether by not taking a certain action or parts of an action.” As stated on pages 2-12 and 2-13 of the NOP/IS (see Appendix A of the EIR), the presence or likely presence of Native American human remains was not identified. However, in the event significant cultural resources in the form of Native American human remains are discovered, construction activities will cease and Tesoro will comply with proper federal, state and local regulations as described in Response 1-5.



BUSINESS DEPARTMENT - Business Services
Facilities Development & Planning Branch
Donald K. Allen Building Services Facility
2425 Webster Ave., Long Beach, CA 90810
(562) 997-7550 Fax (562) 595-8644

March 5, 2009

Fax: (909) 396-3324
email: Bradlein@aqmd.gov

Ms. Barbara Radlein
Air Quality Scientist
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive
Diamond Bar, California 91765-4128

Re: LBUSD Comments on the Tesoro Reliability Improvement and Regulatory Compliance Project, Draft Environmental Impact Report

Dear Ms. Radlein;

The Long Beach Unified School District (LBUSD) appreciates the opportunity to comment on the proposed Tesoro Reliability Improvement and Regulatory Compliance Project ("Project") Draft Environmental Impact Report (DEIR) published by the South Coast Air Quality Management District (SCAQMD) on January 16, 2009. The LBUSD previously submitted a comment letter dated March 20, 2008 on the Notice of Preparation (NOP) of the DEIR.

BACKGROUND

Long Beach Unified School District

LBUSD was originally established in 1885 with fewer than a dozen students meeting in a borrowed tent and is now fully responsible for providing school facilities and public education services to approximately 80,000 students in 95 public schools in the cities of Long Beach, Lakewood, Signal Hill, and Avalon on Catalina Island. It is the third-largest school district in the state of California and employs more than 8,000 teachers and staff, making it the largest employer in the City of Long Beach.

In addition to establishing high standards of academic excellence for its students, LBUSD is committed to providing a safe environment and school facilities for its students and employees. Thus, the District's primary concern in its review of the DEIR is to distinguish the environmental impacts which must be properly addressed, analyzed, and mitigated to assure an environment conducive to learning. We are particularly concerned with potential impacts on schools due to toxic air contaminants and odor from the Project, as well as cumulative impacts from other planned projects in the vicinity.

Mary Stanton	Felton Williams	Michael Ellis	Jon Meyer	David Barton
District 1	District 2	District 3	District 4	District 5
Vice President	Member	Member	President	Member

2-1

Project Components

The DEIR describes 13 discrete Project components (operational or structural changes) at two locations: 1) the Tesoro Refinery, located at 2101 East Pacific Coast Highway, Wilmington, California (“Refinery”); and 2) the Tesoro Sulfur Recovery Plant (SRC), located at 23208 S. Alameda Street, Carson, California. The proposed changes to the Refinery include the following 12 Project components: 1) install a new fuel gas treatment unit; 2) replace an existing cogeneration system with a new cogeneration system; 3) replace multiple, existing steam boilers with new equipment; 4) modify the Delayed Coking Unit (DCU), the Hydrocracking Unit (HCU) and the Fluid Catalytic Cracking Unit (FCCU) to increase recovery of liquefied petroleum gas (LPG); 5) modify the existing coke handling, screening, and loading system; 6) modify the existing Hydrotreating Unit (HTU) No.2 in order to comply with the revised California Air Resources Board’s (CARB’s) gasoline specifications (revised CARB Phase III); 7) upgrade the existing amine/sour water system to improve hydrocarbon removal efficiency; 8) connect certain existing atmospheric pressure relief devices to the existing flares to prevent direct atmospheric releases; 9) improve sulfur treatment for the sour gas from the spent acid storage tank and the LPG sulfur extraction unit; 10) modify the coke drum blowdown system; 11) modify heater number H-101 at the DCU; and, 12) install a new crude oil storage tank. The thirteenth Project component is a proposed modification of an existing Claus Unit to improve sulfur recovery at the Sulfur Plant.

2-1
cont.

GENERAL COMMENT

As noted in the LBUSD’s comment letter on the NOP, several LBUSD facilities are located less than 0.5 mile down wind from the Refinery and Sulfur Plant. The LBUSD acknowledges and appreciates the potential beneficial aspects and objectives of the Project, as described in the DEIR, which include the following: 1) a reduction of emissions of some criteria pollutants during operation of the Refinery compared to the No Project Alternative; 2) no net increase in crude oil throughput; and 3) reduced potential for flaring events. However, the LBUSD remains concerned that the analyses in the DEIR, as well as in the SCAQMD’s response to our NOP comments, do not adequately address the Project’s potential impacts to schools, including the following: 1) odor impacts from H₂S and other pollutants; 2) public health risks and impacts from increased toxic air contaminant (TACs) emissions associated with operation *and* construction of the Project; and 3) cumulative impacts from other proposed emissions sources in the immediate vicinity of the Project and schools.

2-2

SPECIFIC COMMENTS

Prevailing Winds

The SCAQMD’s response to LBUSD’s comments on the NOP (Response No. 3-5, on page 2-66 in Appendix A of the DEIR) states: “*The air quality modeling uses meteorological data from the Long Beach monitoring station, which includes actual wind direction, speed, etc. The air quality analyses, air modeling and health impacts for the*

2-3

schools take into account that the predominant wind direction is from the west and south/west.” However, the discussion of dispersion of pollutants on page B-8 of the DEIR states: “*The ICST3 model is run using Wilmington meteorological data available from the SCAQMD.*” In addition, the DEIR indicates meteorological data from the National Climatic Center for the Long Beach Airport were used in the Hazard Analysis in Appendix D (page D-6) to assess dispersion of toxic gas clouds and other hazards.

2-3
cont.

Comment #1: Was air dispersion modeling performed using meteorological data from the Long Beach monitoring station, the Wilmington station, and the Airport? If so, how does using one data set versus the other affect the analysis and conclusions in the DEIR regarding prevailing wind direction, modeled health risk levels at local school sites, and the exceedance of air quality significance thresholds?

Odors

Odors of sulfur and petroleum have been noticed by LBUSD students and staff. The SCAQMD’s Response to LBUSD’s Comments on the NOP (Response No. 3-2) concludes as follows: “*The odor analysis for the proposed project was completed as part of the NOP/IS. No increase in odors is expected from the proposed project; therefore, no significant odor impacts are expected.*” As a result, the DEIR does not further analyze odor impacts.

The LBUSD believes the odor analysis in the NOP/IS (and the absence of an odor analysis in the DEIR) provides insufficient information to understand potential odor impacts from the Project. The Project is known to routinely emit odor causing compounds. Hydrogen sulfide (H₂S) is a component of crude oil and is produced and released from Project equipment. In particular, the DEIR indicates that routine emissions from the Project include 1,790 pounds of hydrogen sulfide gas (H₂S) each year (see Table 2 on page 18 of the Health Risk Assessment [HRA]). The Project also may emit other odorous compounds, as well as experience non-routine emissions due to upset conditions.

2-4

Non-routine emissions of H₂S and ammonia (NH₃) due to upset conditions at the refinery – which may be caused by human error, equipment breakdown, etc. -- could result in significant impacts to schools. Table 4-10 on page 4-28 of the DEIR indicates “credible” release scenarios at the refinery can lead to gas clouds with hazardous (and odor causing) concentrations of H₂S and/or NH₃ (greater than 30 ppm and 150 ppm, respectively) at off-site downwind locations several thousand feet from the release point. The DEIR indicates these releases may impact the public, and they also may impact school sites.

The SCAQMD does not monitor for H₂S because it is “*not a regional air quality problem,*” as noted on page 3-4 of the DEIR. However, it is a toxic and odorous air pollutant emitted “locally” by the Project.

Comment #2: The LBUSD requests that the EIR analyze potential impacts of odors from the Refinery and the Sulfur Plant on nearby and down wind school properties. We also

request that the EIR discuss appropriate monitoring programs and mitigation measures to detect and minimize impacts from odors, and the chemicals that cause them.

2-4
cont.

Cumulative Impacts

The DEIR discusses a range of projects proposed for development in the vicinity of the Tesoro Project such as, the Union Pacific (UP) rail road company Intermodal Container Transfer Facility (ICTF) rail yard expansion project, and the Burlington Northern Santa Fe (BNSF) rail road company Southern California International Gateway (SCIG) rail yard development project. These projects may contribute to cumulative impacts with the Tesoro Project.

The DEIR on page 5-7 states construction of the SCIG project is estimated to be completed by 2009. However, based on the LBUSD’s current understanding of the status of this project, the estimated construction schedule in the DEIR seems improbable.

The DEIR on page 5-7 also states that no CEQA document has been prepared at this time for the ICTF facility. However, the NOP/IS for the ICTF project DEIR was released January 2009. According to the NOP/IS, construction of the project is expected to take 3 to 4 years for completion. The NOP/IS and a health risk assessment prepared for the ICTF by the CARB indicate significant health risks to the surrounding communities due to emissions of TACs – primarily diesel PM -- from the ICTF project.

2-5

The ICTF and the SCIG projects both are located adjacent to the Tesoro Project. The air quality impacts for the ICTF project are known to be significant, and similar impacts can be anticipated from the SCIG project. However, the Tesoro DEIR does not include either the SCIG project or the ICTF project in its analysis of cumulative air quality impacts.

Comment # 3: The LBUSD requests that the EIR provide an updated analysis of the status and construction schedule for the SCIG and ICTF projects. We also request that the EIR analyze cumulative impacts from the ICTF and SCIG projects, or provide specific rationale for excluding these projects from the cumulative impacts analysis.

Construction Impacts

Construction of the Project will result in emissions of toxic air contaminants, including diesel exhaust particulate matter (DPM). Table 13 on page 29 of the health risk assessment (HRA) prepared for this Project shows that DPM is the primary driver (more than 67%) of cancer risk calculated for the project. However, *construction* emissions of DPM are not included in the HRA calculations.

2-6

Table B-3 on page B-3 of the DEIR shows 6.1 pounds per day of exhaust PM will be emitted from construction *vehicles*. Table B-2 on page B-2 of the DEIR shows 17.1 pounds per day of PM will be emitted from construction *equipment*. These quantities of Project *construction* emissions are within the same order of magnitude as the amount of

DPM estimated to be emitted during Project *operation* (2.49 pounds/hour; see Table 2 on page 18 of the HRA).

The cancer risk caused by the Project -- based solely on TAC emissions from Project *operations* -- is estimated to be 6.76 in a million at the Bethune school site (see Table 4-9 on page 4-20 of the DEIR). Because the 6.76 in a million cancer risk level is less than the SCAQMD's designated significance threshold of 10 in a million, the DEIR concludes that cancer risk mitigation measures for the project are not required. However, in addition to noting that the cancer risk estimates do not account for emissions from construction, we also note an apparent discrepancy in the risk levels reported in Table 4-9. The referenced table includes cancer risk levels for various exposure pathways (inhalation, dermal, etc). If the cancer risk levels reported for each exposure pathway in Table 4-9 are added together, the "Proposed Project Cancer Risk" equals about 12 in a million -- which exceeds the SCAQMD threshold.

The DEIR states on page 5-14 that no health risk assessment is required to be prepared for TAC emissions from the construction phase of the Project "*since construction for the proposed project is considered to be short-term (i.e., lasts less than three years).*" The same paragraph in the DEIR concludes with: "*Therefore, no significant adverse health effects are expected from the proposed project.*"

The LBUSD understands the conventional rationale for not requiring estimation of chronic health risks from "short-term" exposures, such as during construction. Nevertheless, given the significant public health problem with existing and projected DPM emissions in the vicinity of the Project and local schools, we would prefer the EIR specifically acknowledge the cumulative impacts from DPM in the area, highlight the quantifiable and unquantifiable impacts from DPM, and discuss potential implications of not including construction emissions in the risk assessment.

Comment #4: The LBUSD requests that the EIR discuss the rationale for and analyze the implications of excluding construction emissions from the HRA protocol in the DEIR. In addition, we request clarification of the apparent discrepancy in project cancer risk levels reported in Table 4-9. We also request that the EIR further assess exposure levels and risks associated with construction emissions -- along with cumulative impacts from other projects -- for the purpose of understanding the overall impacts to receptors in the project vicinity.

CONCLUSION

In summary, LBUSD requests that the EIR adequately analyze potential impacts from odors and TAC emissions from Project operation and construction, as well as cumulative impacts from other planned emissions sources in the Project vicinity. We also would like to see appropriate mitigation measures for Project odors and TAC emissions -- especially those impacting schools.

2-6
cont.

2-7

LBUSD appreciates the opportunity to participate in the EIR development process. We look forward to working with the SCAQMD and Tesoro in the continuing review and assessment of methodologies and measures that will minimize the health risks and nuisance associated with odors and TAC emissions. If you have any questions, please feel free to contact me at (562) 997-7550.

Sincerely,



Carri M. Matsumoto
Executive Director
Facilities Development & Planning Branch
Long Beach Unified School District

KHR:sa

cc: Chris Steinhauser – LBUSD Superintendent of Schools
Kim Stallings – LBUSD Chief Business & Financial Officer
Karl Rodenbaugh – The Planning Center
File

**COMMENT LETTER NO. 2
LONG BEACH UNIFIED SCHOOL DISTRICT
MARCH 5, 2009**

Response 2-1

Your comments regarding the organization of the Long Beach Unified School District are noted. Concerns expressed regarding the potential impacts of toxic air contaminants (TACs), odors on schools, and cumulative impacts are addressed in Responses 2-3, 2-4, 2-5, and 2-6. The remainder of the comment provides a summary of the Tesoro proposed project and no response is required.

Response 2-2

Comment 2-2 provides a summary of the more detailed comments in the remaining portions of the comment letter. SCAQMD staff disagrees with the opinion expressed in this comment that some potential impacts from the proposed project are not adequately addressed. See Responses 2-3, 2-4, 2-5, 2-6, and 2-7 for the detailed responses to the concerns expressed regarding odors, public health risks, and cumulative air quality impacts on schools.

Response 2-3

The air dispersion modeling and modeling for the hazard analyses all used the same meteorological data, the data from the Long Beach monitoring station (which is located near the Long Beach airport). The Long Beach monitoring station and the National Climatic Center data for the Long Beach airport are one and the same data set. Page B-8 of the EIR, which states the ISCST3 model was run using the Wilmington meteorological data, is incorrect and has been corrected in the Final EIR to reflect the use of the Long Beach meteorological data. The Long Beach meteorological station is the closest meteorological station and, thus, most representative of meteorological conditions, at the proposed project site for which data are publicly available. The meteorological data for the Long Beach meteorological station produce conservative estimates of air quality/health impacts because it is based on a worst-case year (1981). For this year, there were a lot of calm winds for which a low wind speed is assumed to blow and the predominate wind direction is from west to east, resulting in more conservative (higher) pollutant concentrations to areas east of the proposed project site, (including schools in the Long Beach area). Therefore, the use of the Long Beach meteorological data is expected to provide conservative estimates (i.e., “worst-case”) of air quality and related health impacts.

Response 2-4

The proposed project is being completed to replace older, less efficient refinery equipment with new equipment to help prevent non-routine and upset conditions. Examples of those modifications include the following:

- The existing amine flash drum will be replaced with a larger amine flash drum to prevent the carryover of hydrocarbons to the sulfur plant that could result in a process upset that releases sulfur compounds. In addition, the old amine flash drum will be used as a sour water flash drum to also prevent the carryover of hydrocarbons that may upset the operation of the sulfur plant.
- A knockout drum will be added to the hydrocracking unit to prevent the carryover of hydrocarbons that may upset the operation of the sulfur plant.
- The refinery gas being used as fuel for the new boilers and cogeneration units will have lower sulfur content than the fuel gas in the existing boilers and cogeneration units.

The Tesoro Refinery itself handles sulfur compounds and produces hydrogen sulfide. Sulfur compounds (e.g., hydrogen sulfide) are the primary sources of odors from existing operations throughout the Refinery. The sulfur-bearing materials are treated in the Sulfur Recovery Units where they are converted to elemental (solid) sulfur, which does not emit any appreciable odor. Though the Refinery will continue to process sulfur-bearing materials in the Sulfur Recovery Units, the proposed project is expected to increase the reliability associated with the handling of sulfur-bearing material, thus, reducing the potential for odor impacts from the Refinery. As noted in the EIR/HRA, the emissions in Table 2 of the EIR reflect emission increases only and do not include emission reductions from the proposed project (see EIR, Volume II, page 18).

In addition, as shown in Table 4 of the HRA (see EIR, Volume II, page 20), the maximum one-hour ground-level concentration for hydrogen sulfide associated with the proposed project is predicted to be 9.30 ug/m³ (worst-case estimate) while the annual average concentration is predicted to be 0.78 ug/m³. In both cases, the ground level concentrations are expected to be below the odor threshold for hydrogen sulfide of 11 ug/m³ reported by the California Office of Environmental Health Hazard Assessment (OEHHA) (http://www.oehha.org/air/chronic_rels/pdf/7783064.pdf). Therefore, no significant increase in odor impacts associated with hydrogen sulfide emissions are expected from the proposed project.

Ammonia is used in the selective catalytic reduction (SCR) unit, which controls NO_x emissions from combustion sources. The SCR unit is regulated by the SCAQMD and permit conditions regulate the ammonia emissions from the SCR unit. As shown in Table 4 of the HRA (see EIR, Volume II, page 20), the maximum one-hour ground-level concentration for ammonia associated with the proposed project is predicted to be 3.24 ug/m³ (worst-case estimate) while the annual average concentration is predicted to be

0.16 ug/m³. In both cases, the ground level concentrations are expected to be well below the odor threshold for ammonia of about 17 ppm (about 12 mg/m³ or 12,000 ug/m³) reported by OEHHA. (http://www.oehha.org/air/hot_spots/2008/AppendixD2_final.pdf#page=8). Therefore, no significant increase in odor impacts associated with ammonia emissions are expected from the proposed project.

The comment correctly notes that the SCAQMD does not monitor for hydrogen sulfide at its regional monitoring stations because hydrogen sulfide is not a regional air quality problem. However, Tesoro is required to account for hydrogen sulfide as well as other pollutants through annual emission reports and emission inventory requirements. Hydrogen sulfide emissions are minimized at the Refinery/SRP to minimize odors per the requirements of SCAQMD Rule 402 - Nuisance. The proposed project will result in an increase in sulfur removal and a reduction in SO_x emissions which should help minimize odor impacts from the Refinery.

As stated in the EIR (see Appendix A, page 2-67), the Tesoro Refinery/SRP maintains staff available 24 hours per day for odor investigation, which contributes to minimizing the frequency and magnitude of odor events. These individuals are trained to investigate the presence and potential source(s) of odor release and take action to minimize such releases. Based on the above and the analysis in the EIR, no significant adverse odor impacts are expected from the proposed project.

Response 2-5

The Draft EIR indicated that there are a number of cumulative projects in the area including the Intermodal Container Transfer Facility (ICTF) project and Southern California International Gateway (SCIG) project (see Draft EIR, pages 5-6 and 5-7) that may result in cumulative impacts with the Tesoro project. At the present time, the only CEQA document available for either of these two projects is the Notice of Preparation and Initial Study (NOP/IS). The Draft EIRs are not available for either project. According to the Port of Los Angeles, the documents for the ICTF and SCIG projects are expected to be completed by the end of this year. As the comment indicates, the construction of the SCIG project has apparently been delayed and is expected to be extended beyond 2009.

The Tesoro EIR used the information available from the ICTF and SCIG NOP/ISs in the cumulative impact section, as this is the most recent publicly available data. It is possible that significant air quality impacts associated with the construction and/or operation of the ICTF and/or SCIG project will occur, however, sufficient data are not currently available to determine the magnitude of the future impacts from the ICTF and SCIG proposed projects. The California Air Resources Board has prepared an HRA for current operations of the ICTF and Dolores Railyards for the facility operations in 2005. That HRA must be updated to determine the health risks associated with the existing ICTF, as well as the proposed modifications to the ICTF. The updated HRA is expected to be part of the Draft EIR so that the health risks and air quality impacts related to the ICTF are

currently unknown and considered to be speculative. Regarding the SCIG project, the HRA is also expected to be part of the Draft EIR so that the health risks and air quality impacts associated with the SCIG project are also currently unknown and considered to be speculative.

As noted on page 5-11 of the Draft EIR, “There will be construction emissions associated with other projects in the area including a number of port projects and the Alameda Corridor projects, but these emissions were not estimated and sufficient information does not exist to estimate these emissions. The construction schedules are also not available so it is not clear whether the construction emissions will overlap with the proposed Tesoro project. Therefore, additional unquantifiable adverse air quality impacts may occur due to construction activities from these other projects if they are approved and construction begins in the same time frame as the Tesoro proposed project.”

Per the requirements of CEQA Guidelines §15064(h)(4)), the “mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable.” Therefore, the air quality construction impacts for the Tesoro proposed project are considered cumulatively considerable for NO_x emissions and not cumulatively considerable for CO, VOC, SO_x, PM₁₀, and PM_{2.5}. Further, air quality impacts associated with the operation of the proposed project are not cumulatively considerable as they will result in a reduction in CO, NO_x, SO_x, PM₁₀ and PM_{2.5} emissions (see Table 5-3 of the Draft EIR), as well as GHG missions from the existing Refinery.

Response 2-6

The construction emissions and operational emissions are evaluated separately because construction emissions are short-term and cease following the construction phase. The SCAQMD does not require preparing an HRA for construction impacts for projects where construction lasts less than nine years. Further, performing a construction HRA is problematic for the following reasons. The current HRA methodology requires TAC emissions to be emitted at a steady-state. This means there is not a lot of variation in the magnitude of the emissions. Construction emissions are not steady-state emissions as equipment is constantly stopping and starting throughout the day and the construction period. The current HRA methodology is based on emissions from a source at a single location. Construction equipment is not typically stationary, but moves within the project site over the construction day and construction period. As a result, exposures to receptors are not constant but vary over time. For these reasons, performing a construction HRA would not produce meaningful results.

Operational emissions begin after the completion of the construction phase and are long-term, assumed to cause exposures to receptors for a 70-year period. Construction and operational emissions do not generally overlap, as the equipment must first be built before it can operate. Therefore, the construction emissions would not be evaluated concurrently with operational emissions.

Further review of the cancer risk levels reported for each exposure pathway in Table 4-9 of the EIR indicates that there are errors in some of the numbers. The overall cancer risk reported for the Maximum Exposed Individual Worker (MEIW) and the Maximum Exposed Individual Resident (MEIR) are correct at 3.14×10^{-6} and 6.76×10^{-6} , respectively (see Table 9 of the HRA). However, the cancer risk associated with the dermal exposure for both the MEIR and MEIW is incorrect in Table 4-9. The dermal exposure cancer risk estimates have been corrected in Table 4-9 of the Final EIR to 5.62×10^{-7} and 5.07×10^{-7} for the MEIR and MEIW, respectively.

As discussed on page 4-22 of the Draft EIR, the health risk associated with short-term exposure to particulates is determined based on the localized construction impact analysis (see the Draft EIR pages 4-8 through 4-10 and Appendix B). The Localized Significance Threshold (LST) analysis modeled the peak onsite construction emissions to determine the ground level concentrations. The results of the LST analysis indicated that the short-term construction emissions would be below the applicable LST criteria. The LST significance criteria are based on the most stringent ambient air quality standard for NO₂ and CO, and exceedence of a Rule 403-equivalent threshold for PM₁₀ and PM_{2.5}. Use of the ambient air quality standards for NO₂ and CO is appropriate because these standards are based on health effects (see Table 3-1). Since construction of the proposed project is short-term and would not exceed the LST significance criteria for ambient air quality impacts for NO₂, CO, PM₁₀, and PM_{2.5}, no significant adverse health impacts associated with construction emissions are expected.

As discussed in Response 2-5, the cumulative analysis in the EIR includes emissions from other proposed projects in the area for which emissions (construction and/or operation) have been developed as part of other CEQA documents or for which emissions can be calculated using URBEMIS. The emissions for other projects are considered speculative at this time. Further the proposed project is expected to result in a decrease in criteria emissions from the existing Refinery providing an overall air quality and related public health benefit to the local population.

Response 2-7

This comment summarizes the issues raised in this letter. SCAQMD staff contends that the issues raised by the commentator have been comprehensively analyzed. Responses to the concerns raised in this letter, including odors, TAC emission cumulative impacts and mitigation measures have been addressed in the EIR with additional information and clarification provided in Responses 2-1 through 2-6. Air quality impacts associated with construction equipment are considered significant and mitigation measures have been imposed (see EIR 4-24 and 4-25). Mitigation measures for TAC and odor emissions are not required for the proposed project as no significant adverse TAC and odor impacts were identified.

Coalition For A Safe Environment

P.O. Box 1918, Wilmington, California 90748
wilmingtoncoalition @ prodigy.net 310-834-1128

March 6, 2009

Ms. Barbara Radlein
Air Quality Specialist
Office of Planning, Rule Development
And Area Sources/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182
bradlein@aqmd.gov
909-396-2716 Office
909-396-3324 Fax

Re: Tesoro Reliability Improvement & Regulatory Compliance Project –
Draft Environmental Impact Report & Draft Health Risk Assessment
SCH No. 2008021099

Su: Public Comments Regarding Information Deficiencies, Discrepancies & Failure To
Mitigate All Environmental And Public Health Impacts

Dear Ms. Radlein:

The Coalition For A Safe Environment (CFASE) is a non-profit community based Environmental Justice Organization with members in over 20 cities in Southern California. CFASE wishes to submit the following Public Comments regarding the Tesoro Reliability Improvement & Regulatory Compliance Project - Draft Environmental Impact Report (DEIR) & Draft Health Risk Assessment (DHRA) information deficiencies, discrepancies and failure to mitigate all significant environmental, public health and public safety impacts.

Draft Health Risk Assessment (DHRA):

1. The DHRA listed in Table 2 – 37 Emissions of Individual Chemicals when in fact it should have listed 57 chemicals as reported in its 2006 Annual Emissions reporting. This is an illegal failure to identify all categories of toxic chemicals and underestimation of emissions when calculating the health risk. 3-1
2. The DHRA failed to include and assess the Criteria Pollutant Emissions Carbon Monoxide (CO), Nitrogen Oxides (NOX), Reactive Organic Compounds (ROG/VOC's), Sulfur Oxides (SOX) and Total Suspended Particles (TSP's). This is an illegal failure to identify all categories of criteria pollutants and underestimation of emissions when calculating the health risk. 3-2

- | | |
|--|-----|
| <p>3. The DHRA failed to include and assess the Green House Gas (GHG) Emissions. This is an illegal failure to identify all categories of green house gases and underestimation of emissions when calculating the health risk.</p> | 3-3 |
| <p>4. The DHRA failed to include flaring estimates that result from start-up, shut-down and malfunctions of the equipment listed in Table 3. This is an illegal failure to identify all sources of flaring, unburned flare gases and underestimation of emissions when calculating the health risk.</p> | 3-4 |
| <p>5. Emission estimates are not accurate because they are based on manufacturer specifications for new equipment and tanks which are based on maximum operational efficiency. As equipment ages its efficiency decreases significantly annually, therefore its emissions increase significantly each year. SCAQMD automatically approves every tank design even though some tank designs release less emissions because they have less columns and seals.</p> | 3-5 |
| <p>6. Emissions estimates are not accurate because they assumed that the Best Available Control Technology (BACT) is being used. The DEIR and DHRA did not provide any information that identified what BACT was considered being used and the efficiency of that BACT. The truth is that SCAQMD approves various types of BACT equipment that can have significant differences in efficiency and pollution controls. There can be more than a 20% difference in efficiency and pollution control. The public requests that the most efficient and best pollution control equipment be installed. Refineries historically choose the least costly and efficient BACT and SCAQMD historically always allows them to purchase the least efficient BACT.</p> | 3-6 |
| <p>7. Emissions estimates are not accurate because they are also based on the SCAQMD inspection and monitoring program which has been a failure. A review of Tesoro's Annual Emissions Report data revealed that SCAQMD failed to include start-up emissions, shut-down emissions, malfunction emissions, unplanned flare emissions data, allowed illegal flaring, failed to require fence-line monitoring for accurate reporting, allowed Tesoro to not report all Toxic Pollutants Chemicals almost every year, has allowed Criteria Pollutants and numerous Toxic Pollutant Emissions to increase over the past 8 years.</p> | 3-7 |
| <p>8. The SCAQMD Meteorological Data is not accurate for Wilmington because the SCAQMD data was taken from the North Long Beach Test Station location which is more than 5 miles away. Wilmington, Carson and West Long Beach are significantly impacted by climate low inversion layers which keep Criteria Pollutants, Toxic Pollutants and Green House Gases trapped lower and for longer periods of time which were not included in the HRA estimates. We request that SCAQMD require Tesoro to hire a third party for onsite meteorological data collection a minimum of one year in advance. Tesoro is causing micro climate changes in Wilmington and bordering communities with its large Heat Island generation signature, moisture-humidity generation and cloud generation. The proposed new equipment will generate more heat than what currently exists at the facility. All these contribute to increased exposure to Criteria Pollutants, Toxic Pollutants, Green</p> | 3-8 |

APPENDIX F – RESPONSE TO COMMENTS

House Gases and Climate Change. The HRA failed to include any studies of micro climate changes caused by oil refineries.	3-8 cont.
9. Receptor grid location maps and isopleths maps provide no detail street name and address information so that the public and impacted residents can determine if they are being impacted. Residents have a right to know if they are or will be impacted.	3-9
10. The Health Risk Assessment Model – Carcinogenic Health Impacts were significantly underestimated because not all pollutants were included, the receptor coordinates were intentionally designed to include the minimum impacted area, the population data was based on the 2000 Census and not updated using Wilmington, Carson and West Long Beach current estimates of population growth, peak 1-hour emissions were based on underestimated data and the annual emissions were significantly underestimated as stated previously.	3-10
11. The Health Risk Assessment Model – Carcinogenic Health Impacts were significantly underestimated because the HRA intentionally failed to assess all worst case scenarios, such as multiple toxic chemical release, pipe ruptures, tank ruptures, tank spills, cascading equipment failures, electrical equipment explosions, multiple equipment fires, street fuel tanker explosions, human error, earthquakes and a terrorist attack.	3-11
12. The Health Risk Assessment Model – Carcinogenic Health Impacts were significantly underestimated because Table 7 – Chemicals Emitted & Associated Health Effects listed 37 chemicals when in fact it should have listed 57 chemicals as reported in its 2006 Annual Emissions reporting.	3-12
13. The Health Risk Assessment Model – Carcinogenic Health Impacts were significantly underestimated because it did not include all pathways that are applicable to Wilmington, Carson and West Long Beach. Many residents raise chickens, pigeons and eggs for eating, some raise goats. There are also public school, recreational parks and residential swimming pools.	3-13
14. The Health Risk Assessment Model – Carcinogenic Health Impacts were significantly underestimated because the worker receptor assumptions were based on a standard work week, when in fact there is significant over time hours worked that were not included in the calculations. In addition, the HRA failed to identify how many workers lived in Wilmington, Carson and West Long Beach thus increasing their exposure.	3-14
15. The Health Risk Assessment Model – Carcinogenic Health Impacts were significantly underestimated because it did not include owners-workers-employees working in fence-line and nearby places of business and how many of them live in Wilmington, Carson and West Long Beach. There are over 30 local businesses within 5,000’.	3-15
16. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts Reference Exposure levels (REL's) were not listed so that no complete public health impact assessment can be made to ascertain if there was a proper listing, hazard or health impact.	3-16

<p>17. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts failed to identify and list the types of health effects so that no complete public health impact assessment can be ascertained.</p>	<p>3-17</p>
<p>18. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts ground level concentrations and dosages are underestimated because exposure to Criteria Pollutants, Toxic Pollutants and Green House Gases were significantly underestimated as described previously.</p>	<p>3-18</p>
<p>19. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts states that little data is available on the interaction of mixtures of compounds, their fate in the environment and the overall effect on the human body is testament to the failure of SCAQMD to protect the environment and public health. SCAQMD should not approve any permit or piece of equipment that has not had a comprehensive assessment of its impacts. The HRA should have identified scientific studies that have been performed and that are applicable, even if they provided limited data. The HRA should have included protective estimates and measures to protect public health. The SCAQMD should have required Tesoro to sponsor studies to validate the safety of its equipment, safety of manufacturing processes and their impacts on public health.</p>	<p>3-19</p>
<p>20. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts Calculated Hazard Index is in accurate because it is based on underestimated exposure to Criteria Pollutants, Toxic Pollutants and Green House Gases as described previously.</p>	<p>3-20</p>
<p>21. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts Multi-pathway Hazard Index is in accurate because it is based on underestimated exposure to Criteria Pollutants, Toxic Pollutants and Green House Gases as described previously.</p>	<p>3-21</p>
<p>22. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts Acute Hazard Index is in accurate because it is based on underestimated exposure to Criteria Pollutants, Toxic Pollutants and Green House Gases as described previously.</p>	<p>3-22</p>
<p>23. The Health Risk Assessment Model – Non-Carcinogenic Health Impacts Chronic Hazard Index is in accurate because it is based on underestimated exposure to Criteria Pollutants, Toxic Pollutants and Green House Gases as described previously.</p>	<p>3-23</p>
<p>24. Risk Characterization – Cancer Risk Estimates – Maximum Exposed Individual Worker (MEIW) is inaccurate because the air quality modeling and related assumptions are in error. The Cancer Risk Estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, worker-resident combined exposure, accurate & undisclosed equipment efficiency, the related assumptions do not include accurate over time hours worked and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter.</p>	<p>3-24</p>

As a result of these deficiencies the new equipment may result in no decrease in emissions, appear will cause an increase in criteria pollutants, toxic pollutants, green house gases emissions and an increase in resident health risk.

3-24
cont.

25. Risk Characterization – Cancer Risk Estimates – Maximum Exposed Individual Worker (MEIW) is inaccurate because it failed to include fence-line and nearby local business impacted owner-worker-employees, the air quality modeling and related assumptions such as definition of worker are in error. The definition of worker does not include local business owners and their family members who may not be traditionally paid employees, especially mom and pop businesses. It also does not include the numerous daily street vendor businesses that exist in Wilmington that drive or walk through neighborhoods selling their goods which are typically ice cream vendors, taco trucks and push-cart vendor foods such as tamales, fruit bowls, mangos and corn on a stick. There is also a small business owner that drives a truck that picks up scrap metal by driving through neighborhoods honking its horn, yelling out loud its arrival and often times knocking on residents doors who are regular customers.

3-25

The Cancer Risk Estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, owner-worker-employee-resident combined exposure and the assumptions do not include accurate over time hours worked as described previously in this public comment letter.

26. Risk Characterization – Cancer Risk Estimates – Maximum Exposed Individual Worker (MEIW) is inaccurate because it failed to include contractor, subcontractors and service providers, many of them who are union workers who often are regular daily business worker-visitors to Tesoro. Many who can and are significantly exposed during start-ups, shut-downs and malfunctions.

3-26

The Cancer Risk Estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, contractor, subcontractors and service providers, many of them who are union workers and may also be residents combined exposure and that the assumptions do not include accurate over time hours worked as described previously in this public comment letter.

27. Risk Characterization – Cancer Risk Estimates – Maximum Exposed Individual Resident (MEIR) is inaccurate because the Cancer Risk Estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, accurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter.

3-27

As a result of these deficiencies the new equipment may result in no decrease in emissions, appear will cause an increase in criteria pollutants, toxic pollutants, green house gases emissions and an increase in resident health risk.

<p>28. Risk Characterization – Cancer Risk Estimates – Maximum Exposed Individual Resident (MEIR) information cannot be validated based on the information contained in the HRA. The HRA states that Bethune Mary School in West Long Beach which on the fine receptor grid is located 1,500 meters east is the MEIR, when it also states that that the same distance extends into Wilmington where residents and sensitive receptors are located at that same distance. The HRA fails to define how Bethune Mary School was selected, what criteria was used and how many residents would or could be impacted.</p>	3-28
<p>29. Sensitive Receptors – Peak Cancer Risk is inaccurate because the Cancer Risk Estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, accurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter.</p> <p>As a result of these deficiencies the new equipment may result in no decrease in emissions, appear will cause an increase in criteria pollutants, toxic pollutants, green house gases emissions and an increase in resident health risk.</p>	3-29
<p>30. Sensitive Receptors – Peak Cancer Risk information cannot be validated based on the information contained in the HRA. The HRA states that Bethune Mary School in West Long Beach which on the fine receptor grid is located 1,500 meters east is the MEIR, when it also states that that the same distance extends into Wilmington where residents and sensitive receptors are located at that same distance. The HRA fails to define how Bethune Mary School was selected, what criteria was used and how many residents would or could be impacted.</p>	3-30
<p>31. Sensitive Receptors – Peak Chronic Index is inaccurate because the estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, accurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter.</p> <p>As a result of these deficiencies the new equipment may result in no decrease in emissions, appear will cause an increase in criteria pollutants, toxic pollutants, green house gases emissions and an increase in resident health risk.</p>	3-31
<p>32. Sensitive Receptors – Peak Chronic Index information cannot be validated based on the information contained in the HRA. The HRA states that Bethune Mary School in West Long Beach which on the fine receptor grid is located 1,500 meters east is the MEIR, when it also states that that the same distance extends into Wilmington where residents and sensitive receptors are located at that same distance. The HRA fails to define how Bethune Mary School was selected, what criteria was used and how many residents would or could be impacted.</p>	3-32
<p>33. Sensitive Receptors – Peak Acute Index is inaccurate because the estimates are not based on accurate meteorological data, accurate reported criteria pollutants, toxic pollutants, green house gases information, accurate exposure data, accurate &</p>	3-33

<p>undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter.</p>	
<p>As a result of these deficiencies the new equipment may result in no decrease in emissions, appear will cause an increase in criteria pollutants, toxic pollutants, green house gases emissions and an increase in resident health risk.</p>	<p>3-33 cont.</p>
<p>34. Sensitive Receptors – Peak Acute Index information cannot be validated based on the information contained in the HRA. The HRA states that the Peak Acute Index for sensitive receptors occurs at the Apostolic Faith Center and Wilmington Park Preschool. The HRA fails to define how Apostolic Faith Center and Wilmington Park Preschool were selected, what criteria was used and how many residents or children would or could be impacted. As an example why wasn't the Apostolic Faith Academy K-12 school, Mahar House and Wilmington Park Elementary School not selected and listed.</p>	<p>3-34</p>
<p>35. Cancer Burden – Isopleths modeling is not accurate because the SCAQMD Meteorological Data is not accurate for Wilmington because the SCAQMD data was taken from the North Long Beach Test Station location which is more than 5 miles away. The Isopleth map does not reflect that actual ground dispersion. Wilmington and West Long Beach are significantly impacted by climate low inversion layers which keep Criteria Pollutants, Toxic Pollutants and Green House Gases trapped lower and for longer periods of time which were not included in the HRA estimates.</p>	<p>3-35</p>
<p>The SCAQMD should have required Tesoro to hire a third party for onsite meteorological data collection a minimum of one year in advance. A Wind Air Pollution Dispersion Tracer Study should also have been performed by releasing a non-toxic gas into the air at Tesoro and measuring its dispersion pattern within 5, 000 meters as a minimum. This test was sponsored by the California Air Resources Board and the California Energy Commission and performed by the Bourns College of Engineering at the University of California, Riverside to determine the dispersion of Port of Los Angeles air pollution.</p>	
<p>Tesoro is causing micro climate changes in Wilmington with its large Heat Island generation signature, moisture-humidity generation and cloud generation. All these contribute to increased exposure to Criteria Pollutants, Toxic Pollutants and Green House Gases. The HRA failed to include any studies of heat islands and micro climate changes caused by oil refineries.</p>	<p>3-36</p>
<p>The Cancer Risk and Risk Calculations are not accurate because of the underreported criteria pollutants, toxic pollutants, green house gases information, inaccurate exposure data, inaccurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter.</p>	<p>3-37</p>
<p>The Cancer Risk and Risk Calculations are not accurate because they are based on modeling and not based on a Public Health Baseline which would be established from a Public Health Survey of Wilmington, Carson and West Long Beach residents. SCAQMD failed to require that Tesoro conduct a Public Health Survey and establish a Public Health Baseline. The HRA cannot tell you any significant detail information on</p>	<p>3-38</p>

<p>what types of cancer, health illnesses or what types of health symptoms currently exist in Wilmington, Carson and West Long Beach residents or how many individuals have cancer and non-cancer health illnesses.</p>	<p>3-38 cont.</p>
<p>36. Sensitive Receptors – Cancer Burden is not accurate because the SCAQMD Meteorological Data is not accurate for Wilmington because the SCAQMD data was taken from the North Long Beach Test Station location which is more than 5 miles away. This means the Isopleth map used does not reflect that actual ground dispersion. Wilmington, Carson and West Long Beach are additionally significantly impacted by climate low inversion layers which keep Criteria Pollutants, Toxic Pollutants and Green House Gases trapped lower and for longer periods of time which were not included in the HRA estimates.</p>	<p>3-39</p>
<p>The Cancer Risk and Risk Calculations are not accurate because of the underreported criteria pollutants, toxic pollutants, green house gases information, inaccurate exposure data, inaccurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter. It is also not accurate because the Wilmington, Carson and West Long Beach population data was based on the 2000 Census and not updated using current estimates of population growth</p>	<p>3-40</p>
<p>The Cancer Risk and Risk Calculations are not accurate because they are based on modeling and not based on a Public Health Baseline which would be established from a Public Health Survey of Wilmington, Carson and West Long Beach residents. SCAQMD failed to require that Tesoro conduct a Public Health Survey and establish a Public Health Baseline. The HRA cannot tell you any significant detail information on what types of cancer, health illnesses or what types of health symptoms currently exist in Wilmington and West Long Beach residents or how many individuals have cancer and non-cancer health illnesses.</p>	<p>3-41</p>
<p>37. Non-Carcinogenic Health Effects – Acute Health Effects are not accurate because of the underreported criteria pollutants, toxic pollutants, green house gases information, inaccurate exposure data, inaccurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter. As a result the Maximum Acute Hazard Index By Pollutant data is significantly underestimated and missing as many as 20 chemical pollutants.</p>	<p>3-42</p>
<p>The Acute Health Effects and calculations used are not accurate because they are based on modeling and not based on a Public Health Baseline which would be established from a Public Health Survey of Wilmington, Carson and West Long Beach residents. SCAQMD failed to require that Tesoro conduct a Public Health Survey and establish a Public Health Baseline. The HRA cannot tell you any significant detail information on what types of cancer, health illnesses or what types of health symptoms currently exist in Wilmington, Carson and West Long Beach residents or how many individuals have cancer and non-cancer health illnesses.</p>	<p>3-43</p>

38. Non-Carcinogenic Health Effects – Chronic Health Effects are not accurate because of the underreported criteria pollutants, toxic pollutants, green house gases information, inaccurate exposure data, inaccurate & undisclosed equipment efficiency and all assumptions used have not been disclosed in the HRA as described previously in this public comment letter. As a result the Maximum Chronic Hazard Index By Pollutant data is significantly underestimated and missing as many as 20 chemical pollutants.

The Chronic Health Effects and calculations used are not accurate because they are based on modeling and not based on a Public Health Baseline which would be established from a Public Health Survey of Wilmington, Carson and West Long Beach residents. SCAQMD failed to require that Tesoro conduct a Public Health Survey and establish a Public Health Baseline. The HRA cannot tell you any significant detail information on what types of cancer, health illnesses or what types of health symptoms currently exist in Wilmington, Carson and West Long Beach residents or how many individuals have cancer and non-cancer health illnesses.

3-44

39. HRA failed to include a Health Impact Assessment which is the most accurate and comprehensive study that evaluates environmental, public health, public safety and economic impacts. CFASE requests that a Health Impact Assessment, Public Health Baseline and Public Health Survey be included in the DEIR and DHRA.

3-45

40. The HRA proposed mitigation and lack of mitigation is unacceptable. It fails to provide legally required protection of the public and the environment. There is no detailed information on the proposed new equipment. It is not possible to determine if all available types of mitigation have been reviewed and assessed, the best technology equipment design has been selected or if the BACT has been chosen. SCAQMD's past failure to adequately address these deficiencies does not excuse nor permit the SCAQMD and Tesoro from continuing to violate the law. CFASE requests the following:

3-46

Equipment:

- a. The DEIR and DHRA specify and list all proposed new or replacement equipment.
- b. We request that the DEIR/HRA include the manufacturer equipment specifications for each type of equipment, any alternative piece equipment or design that is equal to or better than, including efficiency data & proposed and optional available BACT.

3-47

As an example the DEIR states that the only alternative to the new crude oil storage tank was to keep the existing crude oil storage tank, which is not true. As we stated earlier in this letter one option is to design and build a hermitically sealed crude oil storage tank with a 100% closed loop vapor recovery system which does not have a floating roof or does not vent out into the atmosphere. Therefore there is no air pollution released. We understand that Tesoro would have to build another standby storage tank to accept the diverted gases. But at least they would not be losing any profits from the escaping and released gases.

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<p>As another example the information does not state if they are using Dry Scrubber Technology which SCAQMD considers a BACT. There is also a Wet Scrubber Technology which is also considered by SCAQMD as a BACT, however, the Wet Scrubber Technology is 20%+ more effective than the Dry Scrubber, therefore the Wet Scrubber is the absolute BACT. SCAQMD is misleading the public and collaborating with the petroleum industry to withhold information and the true facts. The reason Tesoro does not want the Wet Scrubber is because it costs more.</p>	<p>3-48 cont.</p>
<p>c. Provide a list and specifications of all manufacturer or secondary market available add-on or optional BACT equipment.</p>	<p>3-49</p>
<p>d. Replace one of the co-generation equipment with a 30MW+ Solar Energy System to eliminate the air pollution from one co-gen system. Tesoro has hundreds of acres to install solar energy panels on buildings, car ports, empty lots and spaces above equipment.</p>	<p>3-50</p>
<p>e. Tesoro can purchase and install an additional 50MW of Solar Energy Systems on top of public and private school roofs to mitigate its use of Los Angeles Department of Water & Power. Los Angeles city residents pay the majority of costs for new power plant construction, transmission lines, maintenance, repair and contracts from private electric power companies.</p>	<p>3-51</p>
<p>f. The statement that not all types of equipment can have a PRD installed is not true any type of equipment or part on the planet can be modified. We want PRD's or the equivalent to be installed on all relevant types of equipment or parts that have the potential or history of venting to the atmosphere or releasing fugitive emissions.</p>	<p>3-52</p>
<p>g. Tesoro has only proposed using gas burners because that is how the petroleum industry has always done it, when in fact there are other alternative electric coil, electric printed circuit and thermal-electric heater technologies. These will eliminate any air pollution. We request that a study be included that evaluates these clean alternative technologies.</p>	<p>3-53</p>
<p>h. Tesoro has not proposed using any secondary enclosure around any valve, fixture or joint connection. There are numerous types of enclosures both plastic, glass and metal that can be purchased, designed and/or built around a valve, fixture or joint connection to prevent the release or escape of air emissions. We request that a study be included that evaluates these back-up clean alternative secondary enclosure technologies.</p>	<p>3-54</p>
<p>i. Tesoro claims no mitigation is necessary for truck visits and deliveries which is not true. There are several diesel fuel truck mitigation measures such as adding an oxidation catalyst, particulate traps, hybrid trucks and low sulfur diesel fuels etc.. Tesoro as a customer has the choice to select the best truck options and offer to</p>	<p>3-55</p>

pay for new equipment add-on, retrofits and new truck purchases and count this as appropriate and feasible mitigation.

Balqon Corporation has designed an all electric truck that has the potential for being retrofitted for other industry uses, that is 100% zero emitting.

Miracle Mile Solutions - Vehicle Additive Technology Solution System and HAD Crankcase Recirculation System Technology.

The Vehicle Additive Technology Solution System (VATSS) is an innovative hybrid sequential fuel management system, which lowers fuel consumption and increases combustion efficiency. Exhaust stack pollution is significantly reduced as a result of improved combustion efficiency and lower fuel consumption.

The major benefits of VATSS are: Increased Miles per Gallon (MPG), Lower Fuel Expenses, Tail-Pipe Emissions that meet or exceed the 2007 EPA Emissions Standards and Reduced Greenhouse Gas pollutants from engines after its installation. This will not negatively affect the Factory OEM Horse Power Ratings.

The HAD Crankcase Recirculation System has a C.A.R.B. EO # D-650. This system eliminates all crankcase emissions known as blow-by and returns combustion VOC vapors from the crankcase into the air intake induction system as a reusable fuel source. In addition this technology system recycles residual oil and returns it to the crankcase.

This system also eliminates all the by-product VOC vapor gases and toxic PM fumes from the crankcase traditionally expelled from the blow-by tube, thus removing all the crankcase air pollutants from the atmosphere and the traditional oil leakage unto the ground, which occurs during idle and normal engine operating conditions that are toxic and contains carcinogens. This system does not have filters to change and also decreases oil consumption.

- j. Tesoro as a customer can also require that any trains making deliveries or pick-ups be Electric Trains, Maglev Trains, High-Efficiency Hybrid Trains and/or use the lowest sulfur content alternative fuels such as biodiesel fuels.

Information & Reporting:

- a. We request real time 24/7 monitoring and reporting of all emissions to SCAQMD and that the information be placed on the SCAQMD website for public access and review.
- b. We request real time 24/7 fence-line monitoring and reporting of all emissions to SCAQMD and that the information be placed on the SCAQMD website for public access and review.
- c. Prepare and include a study of all causes of all equipment or process system breakdowns, failures or malfunctions in the past 10 years related to the proposed

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<p>new equipment. Including any electronic controllers that transmit information or signals that can cause equipment to flare or release emissions.</p>	<p>3-59 cont.</p>
<p>d. Prepare and include a Flare Emissions Report for planned and unplanned releases for the past 10 years listing the amount of air pollutants, types of pollutants and cause for the flaring incident.</p>	<p>3-60</p>
<p>e. Prepare and include a plan to reduce all categories of air pollution emissions to zero or near zero in the next 10 years.</p>	<p>3-61</p>
<p>f. Prepare and distribute annually a Chemical & Health Information Notebook to all local clinic, hospitals and health care facilities, so that nurses and doctors are aware of the possible toxic exposures of patients when they come in for treatment. Often times a parent may bring in a child for an asthma attack and be diagnosed and treated for asthma when in fact they were sick due to a hydrogen sulfur release.</p>	<p>3-62</p>
<p>Public Health Mitigation:</p>	
<p>a. Request that a Public Health Care Mitigation Fund be established.</p>	
<p>b. Request that \$200,000 be donated to the Wilmington Community Clinic and Long Beach Memorial Care Center annually. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions.</p>	
<p>c. Request that \$1,000,000 be donated to the Los Angeles County Harbor General Hospital annually. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions.</p>	<p>3-63</p>
<p>d. Request that a minimum of \$ 1.00 per barrel of crude oil fee, tax or tariff be imposed to fund the Public Health Care Mitigation Fund. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions.</p>	
<p>e. Request that SCAQMD & Tesoro conduct a Public Health Survey, establish a Public Health Baseline and prepare and include a Health Impact Assessment. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions.</p>	<p>3-64</p>
<p>f. Request that HVAC Air Purification Systems be installed in all residential homes, schools, child care centers, senior facilities, sensitive receptors etc. within 5,000 meters of Tesoro. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions.</p>	<p>3-65</p>

APPENDIX F – RESPONSE TO COMMENTS

- g. Request that Soil Test Samples be taken to determine the amount of soil contamination of residential homes, schools, child care centers, senior facilities, sensitive receptors etc. within 5,000 meters of Tesoro. 3-66
- h. Request that Tesoro purchase and donate one new school bus each year to the Los Angeles Unified School District to service Wilmington & Carson schools and one each year to the Long Beach Unified School District to service West Long Beach Schools. Tesoro also purchase one school bus for each private school. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions. 3-67
- i. Request that Tesoro establish an annual \$100,000 student scholarship fund for Wilmington, Carson and West Long Beach. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions. 3-68
- j. Tesoro donate an annual \$25,000 for April Earth Day/Month Wilmington, Carson and West Long Beach events and information. This in lieu of purchasing RECLAIM NOX/SOX credits outside of Wilmington, Carson and West Long Beach and off-setting construction emissions. 3-69
- k. Request That Tesoro prepare and distribute annually a Chemical & Health Information Notebook to all local clinic, hospitals and health care facilities, so that nurses and doctors are aware of the possible toxic exposures of patients when they come in for treatment. Often times a parent may bring in a child for an asthma attack and be diagnosed and treated for asthma when in fact they were sick due to a hydrogen sulfur release. 3-70
- l. Request that Tesoro immediately notify all clinics, hospitals and health care facilities when they have a toxic release both planned and unplanned. 3-71
- m. Tesoro will increase production of sulfur. Request that a study be performed on the chemical reaction of sulfur with water, moisture and other ambient atmospheric chemical releases from Tesoro and its public health impacts. Sulfur is traditionally stored in open piles and the public is told that it is safe, which is basically true. The problem is dry sulfur powder is also dispersed and carried by wind. However, when dry sulfur interacts with just plain water or a water moisture base it becomes sulfuric acid. This is never told to the public and the public is never told that breathing in dry sulfur powder reacts with the moisture in the mouth, throat, larynx and lungs. 3-72
- n. We request that the HRA include a study of the micro climate changes in Wilmington and bordering communities with Tesoro's large Heat Island generation, increasing heat signature, moisture-humidity generation and cloud generation and their impacts on public health. The proposed new equipment will generate more heat than what currently exists at the facility. All these contribute to increased public exposure to Criteria Pollutants, Toxic Pollutants, TAC's, Hazards, Green 3-73

House Gases and Climate Change. These changes also contribute to dangerous insect vector growth such as West Nile Virus mosquitoes, ticks, fleas impacts on public health and increased fungus growth in residential homes.

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cont.

- o. Tesoro failed to mitigate the noise from its facility. Although the noise may not exceed the 65 db safety standard, Tesoro produces lower non-stop noise 24/7. The noise is further amplified at night when residents and children are trying to sleep. The noise is extra loud when the refinery begins to flare, it is so loud that it can wake you up from sleep. Flaring can last for 8 or more hours non-stop or last for several days. We request that Tesoro be required to install free of charge sound proof glass in all residential homes, schools, child care centers, senior care facilities and all sensitive receptors locations within 5,000 meters.

3-74

Environmental & Biological Mitigation:

- a. We request a study of the micro climate changes in Wilmington and bordering communities with Tesoro's large Heat Island generation, project increasing heat signature, moisture-humidity generation and cloud generation. The proposed new equipment will generate more heat than what currently exists at the facility. All these contribute to increased public exposure to Criteria Pollutants, Toxic Pollutants, TAC's, Hazards, Green House Gases and Climate Change. The HRA failed to include any studies of micro climate changes impacts on biological habitats. These changes also contribute to dangerous insect vector growth such as West Nile Virus, ticks and fleas on animal health and food sources.

3-75

- b. We request the establishment of an annual \$ 1,000,000 Biological Habit Mitigation Fund. Tesoro is releasing thousands of tons of air pollutants annually that impact various wild animal species, their habitats and water resources. Aerial atmospheric deposition transmits their air pollutants locally and large distances. Tesoro claims that there are no impacts and no mitigation required which is not true. Aerial atmospheric deposition is a fact and mitigation is required, regardless if SCAQMD and Tesoro have not identified anything.

3-76

Draft Environmental Impact Report (DEIR):

1. The DEIR failed to include the RMP, CalARP and PSM and proposed changes, additions and revisions for public review. We want the opportunity to review all proposed changes and additions. Tesoro has had numerous malfunctions, breakdowns, power outages, fires and explosions over the years endangering the public and workers. The public does not know what to do in the event of a major disaster at Tesoro Oil Refinery because little to no information has been distributed to the public.
2. The DEIR did not include any information on the number and causes of malfunctions, breakdowns, spills, controller failures, fires and explosions over the past 10 years that are necessary for the public to determine if adequate safety measures, equipment and monitoring is taking place.

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APPENDIX F – RESPONSE TO COMMENTS

3. The DEIR did not include any information on the number of violations, fines, penalties, court orders and legal actions that are pending over the past 10 years that are necessary for the public to determine if adequate safety measures, equipment and monitoring is taking place.

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4. The DEIR Cumulative Impact assessment was significantly inadequate because there are approximately 25 other projects within a 5 mile radius that exists now or will contribute to increases in air pollution and traffic congestion that were not assessed. Tesoro as a minimum could have also reviewed the Port of Los Angeles Cumulative Impact project listing.

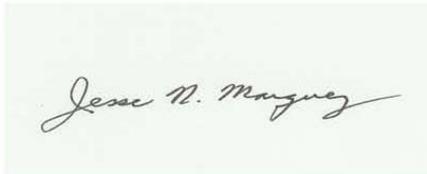
3-80

Due to the limited time for public comment CFASE was not able to complete its review, assessment and public comments of the Tesoro Reliability Improvement & Regulatory Compliance Project – Draft Environmental Impact Report & Draft Health Risk Assessment, that is why we request a 90 day extension of the public comment period.

3-81

The Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities.

Respectfully Submitted,



Jesse N. Marquez

Executive Director

**COMMENT LETTER NO. 3
COALITION FOR A SAFE ENVIRONMENT
MARCH 6, 2009**

Response 3-1

SCAQMD staff strongly disagrees with the opinion expressed in this comment letter that the document failed to comply with all applicable CEQA requirements as indicated in the following responses to comments. As a result, it is incorrect to assert that the CEQA document violated CEQA. The toxic air contaminant (TAC) emissions from the proposed project were evaluated and compared to the chemicals included in Appendix A-I of the CARB AB2588 guidelines reports. The AB2588 TACs emitted from the proposed project sources are limited to the chemicals included in Table 2 of the HRA. Therefore, the HRA evaluated the potential emissions of all AB2588 TACs. The 2006 Annual Emissions Report provides emissions data from the entire Refinery and includes numerous sources that are not part of the proposed project and, therefore, were not included in the project HRA. Contrary to the comment, there was no failure to identify all categories of toxic chemicals generated by the proposed project; instead, not all AB2588 TACs are expected to be emitted from sources associated with the proposed project.

Response 3-2

Contrary to the comment, the criteria pollutant impacts associated with the proposed project are evaluated. They are evaluated in the Draft EIR Section 4.2.2, while the TAC emissions are evaluated in both Volume II of the EIR – (the HRA), – as well as in Volume I of the EIR, Section 4.2.2.5 (see pages 4-16 through 4-23).

As discussed on page 4-22 of the Draft EIR, in order to evaluate the health impacts associated with construction emissions, a LST analysis was completed. The LST analysis modeled the peak onsite construction emissions to determine the ground level concentrations. The results of the LST analysis indicated that the short-term construction emissions would be below the applicable LST criteria. The LST significance criteria are based on the most stringent ambient air quality standard for NO₂ and CO, and exceedence of a Rule 403-equivalent threshold for PM₁₀ and PM_{2.5}. Use of the ambient air quality standards for NO₂ and CO is appropriate because these standards are based on health effects (see Table 3-1). The PM significance threshold, based on SCAQMD Rule 403, is also health based. Since construction of the proposed project is short-term and would not exceed the LST significance criteria for ambient air quality impacts for NO₂, CO, PM₁₀, and PM_{2.5}, no significant adverse health impacts associated with construction emissions are expected. Therefore, adverse health impacts are expected during the construction phase of the proposed project.

Portions of the proposed project are expected to result in an increase in emissions, while other portions of the project are expected to result in a decrease in emissions. As shown in Table 4-6, operation of the proposed project will result in an increase in VOC emissions associated with the LPG/HCU modifications, LPG/FCCU modifications, DCU modifications, fuel gas treatment unit, amine flash drum, coker blowdown modifications, sour gas treatment unit, HTU-2 modifications, Heater 101 modifications, installation of PRDs, and crude storage tank modifications. Operation of other portions of the proposed project, including the replacement of the existing Cogeneration Unit and steam boilers and installation of a new emergency IC engine (an emergency engine that will be installed as part of the cogeneration unit) are expected to result in emission reductions of CO, NO_x, SO_x, PM₁₀, and PM_{2.5} (see Table 4-6).

Therefore, the operation of the proposed project as a whole is expected to result in emission reductions in CO, NO_x, SO_x, PM₁₀, and PM_{2.5}. The VOC emission increases would exceed significance thresholds without mitigation; however, VOC emissions will be mitigated by offsetting stationary source emissions as required pursuant to SCAQMD Rule 1303. Following mitigation, the proposed project's VOC emissions will be less than significant, whereas CO, NO_x, SO_x, PM₁₀ and PM_{2.5} emissions will be less than significant prior to mitigation.

Therefore, health impacts associated with criteria pollutants from the operation of the proposed project are expected to be less than current Refinery operations and less than significant. The proposed project is not expected to contribute to an exceedence of the ambient air quality standards so no such adverse health impacts are expected due to the operation of the proposed project.

Response 3-3

Contrary to the comment, the potential greenhouse gas emission impacts on climate change are evaluated in the Draft EIR, Section 5.3.4 – Greenhouse Gases (GHG) (see pages 5-14 through 5-23). As discussed in the EIR (see page 5-23), the proposed project is estimated to result in a decrease of 61,334 metric tons per year of GHG emissions. Therefore, no significance adverse cumulative GHG emission impacts are expected from implementing the proposed project. It is important to note that GHG emissions are different from criteria or TAC emissions. GHG emissions are largely comprised of carbon dioxide and, as a routine by-product of human respiration, are not considered to be TACs. Therefore, the impacts of GHG emissions are evaluated in the Volume I of the EIR; TAC emissions are evaluated in Volume II of the EIR in the HRA.

Response 3-4

The proposed project is not expected to result in an increase in flaring associated with the proposed project modifications. Further, SCAQMD Rule 1118 – Control of Emissions from Refinery Flares, prohibits flare events, except under specified conditions. As is required by SCAQMD Rule 1118, new equipment proposed in this project will only be vented to the flare in emergency situations. The proposed project will replace older,

existing equipment with new equipment, improving overall operating efficiency and reducing the potential for equipment malfunctions that may result in flaring. The proposed project includes equipment (LPG Recovery including modifications to the DCU, HCU, and FCCU) that will recover more liquid fuels and reduce the generation of process gas, reducing the potential for flaring events. The proposed project is designed to capture potential emissions from the pressure relief devices (PRDs) and flaring will only occur in the event of emergency release from the PRDs. Since flaring would only occur in emergency situations, the number of flaring events per year and the length of any flaring event is currently unknown. Therefore, it is speculative to calculate some theoretical emissions from flaring events. CEQA Guidelines §15145 discourages speculation when evaluating impacts from proposed projects. Therefore, no routine increase in emissions is expected from start-up/shutdown, maintenance, or routine flaring from this project.

Response 3-5

Contrary to the comment, the emission estimates are accurate because they are based on the manufacturer specifications and engineering estimates for the new equipment. The storage tank emissions are based on the size, characteristics of the material stored, and expected throughput using the U. S. EPA approved TANKS model. The SCAQMD permits to construct/operate will be based on these manufacturer specifications and engineering estimates and will include enforceable permit conditions that limit the emissions to those evaluated in the permit engineering review. The emissions evaluated in the EIR are based on maximum rated design and the permit conditions will limit the equipment to the emissions evaluated in the EIR (or less). Any increase in the emissions over the allowable permit limits would be a violation of the permit conditions. Therefore, the emissions are not expected to be any greater than evaluated in the EIR. The storage tank will undergo engineering review to make sure that it complies with the SCAQMD best available control technology (BACT) requirements and will not approve tank designs that do not comply with BACT requirements.

Response 3-6

Contrary to the comment, BACT associated with each of the major project components is discussed on pages 4-13 and 4-14 of the Draft EIR.

The comment that the “Refineries historically choose the least costly and efficient BACT and SCAQMD historically always allows them to purchase the least efficient BACT” is unsubstantiated and untrue. BACT, by definition, is control equipment with the lowest achievable emission rate (LAER). BACT controls emissions to the greatest extent feasible for the new and modified emission sources. The SCAQMD determines BACT for various types of equipment in different services and within different industries. All new and modified process components are required to conform to the SCAQMD’s BACT Guidelines (available at <http://www.aqmd.gov/bact/BACTGuidelines.htm>). Major emission sources that are subject to New Source Review (as is the proposed project at

Tesoro) are required by the Clean Air Act to meet the LAER standards which are determined for major sources such as the Tesoro Refinery at the time the permit is issued, with little regard for cost, and pursuant to U.S. EPA's LAER policy as to what has been achieved in practice. The Part B BACT and LAER determinations for major facilities outlined by the SCAQMD are only examples of past determinations that help in determining LAER for new permit application projects. BACT/LAER determinations change and evolve as new technologies and new uses of existing technologies are used in practice.

Response 3-7

SCAQMD staff strongly disagrees with the opinion expressed in this comment regarding start-up and flaring emissions and, especially, the opinion that the SCAQMD has allowed Tesoro to violate reporting requirements. Emission estimates for fugitive components from the proposed project are not based on the SCAQMD's inspection and maintenance program because the components currently do not exist, so emission factors based on the results of inspection cannot be calculated. Therefore, emission estimates for fugitive components are based on emission factors developed by the SCAQMD in a Memorandum dated April 2, 1999. The Memorandum provides the appropriate emission factors for fugitive sources that include BACT and LAER rate reductions (see EIR pages 4-11 and Appendix C). See Responses 3-2, 3-3, and 3-5 regarding the proposed project's emission estimates. See Response 3-4 regarding flaring estimates associated with the proposed project. The comments regarding the annual emissions report are not part of the proposed project.

Response 3-8

The Long Beach meteorological station is the closest meteorological station (about 2.7 miles) and, thus, is the most representative of meteorological conditions at the proposed project site for which data are publicly available. The other meteorological stations in the area with publicly available meteorological data include King Harbor and Los Alamitos, located about 9.5 miles and 11 miles away from the proposed project site, respectively. All types of meteorological data are collected at the Long Beach meteorological station because it is a National Climatic Data Center station. The meteorological data for the Long Beach meteorological station produce conservative estimates of air quality/health impacts because it is based on a worst-case year (1981). For this year, there were a lot of calm winds for which a low wind speed is assumed to blow and the predominate wind direction is from west to east, resulting in more conservative (higher) pollutant concentrations to areas east of the proposed project site. Therefore, the use of the Long Beach meteorological data is expected to provide appropriate and conservative estimates of air quality impacts and related health impacts. Inversion layers that impact Wilmington, Carson and West Long Beach, also impact other parts of Long Beach as well as most of the South Coast Air Basin. The weather at the Long Beach station is not expected to be significantly different from the weather in other areas five or 10 miles away. Use of meteorological data from existing meteorological stations is the normal and acceptable practice when performing an air quality analysis. Therefore, there is no need

to collect special meteorological data at the Tesoro Refinery when representative meteorological data for this area is available.

The comment that “the proposed new equipment will generate more heat than what currently exists at the facility” is incorrect. In actuality, the fuel input for the existing Cogeneration unit is 784 million British thermal units per hour (mmBtu/hr) compared to the new Cogeneration unit of 629.3 mmBtu/hour. The fuel input for the existing boilers is a total of 734.16 mmBtu/hr as compared to the new boilers of 704 mmBtu/hour. The decreased use in fuel input results in reduced heat generated by the units as well as reduced emissions of pollutants. Therefore, with no evidence to support the claim that the proposed project will cause changes in micro-climate for Wilmington and other bordering communities, conducting and including studies relative to the micro-climate as part of the HRA are not necessary or required. Also, see Responses 3-2, 3-3, and 3-5 regarding the proposed project’s emission estimates.

Response 3-9

The receptor grid maps provide names of major streets and highways in the proposed project area. Because of the size of the map, street names for smaller streets have been omitted. The isopleth maps provide street names, but because of the size of the map the street names for some of the smaller streets are not legible. However, major streets and landmarks are sufficiently legible to determine the location of potential impacts. The areas of impact can be determined because the major streets have been identified. However, in response to this comment, the isopleth map in the Final EIR has been enlarged to 11” x 17” so that it is easier to read.

Response 3-10

The comment that carcinogenic health impacts were significantly underestimated is incorrect. The TAC emissions from the proposed project were evaluated and compared to the chemicals included Appendix A-I of the CARB AB2588 guidelines reports. The AB2588 TACs emitted from the proposed project sources are limited to the chemicals included in Table 2 of the HRA. Therefore, the HRA appropriately evaluated the potential emissions of all AB2588 TACs generated by the proposed project. Further, as explained in the EIR (see page 4-18), the benefits of the TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

The comment that the “receptor coordinates were intentionally designed to include the minimum impacted area” is incorrect. As discussed in the HRA, (Volume II of the Draft EIR, page 10) a fine receptor grid (100 meters x 100 meters) was used to identify maximum impact locations. The grid extends 2,000 meters west, 1,500 meters east, 2,000 meters north and 2,000 meters south from the facility. The distance of the grid in any direction only matters to the extent that the maximum impact area has been

identified. As shown in Figure 4-1 of the EIR, the distance of the grid was sufficient to determine all maximum impact points (located within 1,000 feet of the facility) and to determine the one per million cancer risk isopleth. The health risks at receptors over 1,000 feet start to decline. Therefore, extending the grid any further out in any direction would result in cancer risk estimates much less than one per million.

The HRA used the 2000 census data because it is the only publicly available data on the population in the proposed project area. Other data sources were investigated from agencies such as the Census Bureau, Southern California Association of Governments (SCAG), and the City of Los Angeles. No census data are available to update the 2000 census data at the block level. The population within the project area may have varied from 2000 with people moving both into and away from the area. However, there have been no major new housing or residential developments within the area that would result in a substantial increase in population. The estimated cancer burden for the area associated with proposed project emissions was 0.091 which is much less than the significance threshold of 0.5. Even if the population of the area were to double, the cancer burden would be 0.182 which is still well below the significance criteria of 0.5. The use of the 2000 census data is considered the most appropriate because it is the most recent publicly available census data with estimates at the block level. Further, even if the area's population doubled since 2000 the cancer burden associated with the proposed project is well below the significance criteria.

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, Response 3-4 regarding flaring emissions, Response 3-5 regarding equipment efficiency, and Response 3-6 regarding use of BACT.

Response 3-11

The hazards associated with the proposed project were evaluated in Section 4.3 – Hazards and Hazardous Materials and Appendix D of the EIR. The hazard analysis evaluated the potential “worst-case” hazards (fires, explosion overpressure, thermal radiation, release of hazardous chemicals, etc.) associated with the proposed project. This means that any other hazards that could potentially occur as a result of implementing the proposed project would be smaller in magnitude than those identified in the EIR. The hazard impacts were determined by modeling short-term releases regardless of the cause (e.g., breakdown, human error, earthquakes, terrorism, etc.) (see page 4-27 of the EIR). Because of the short-term nature of these types of events, the health risks associated with such events are short-term. Cancer and chronic non-cancer health risks are associated with long-term exposure which is not the case with emergency release events. Acute non-cancer health risks from short-term exposures were also evaluated in the EIR and concluded to be less than significant (see page 4-21 of the EIR). The transportation hazards associated with the proposed project are discussed on page 4-31 of the EIR. A street fuel tanker explosion was not evaluated because the proposed project would not result in an increase in the transportation of fuel by truck.

Response 3-12

See Response 3-1 regarding the emission estimates for TAC emissions.

Response 3-13

As discussed in the HRA (Volume II of the EIR, page 11), the Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk (OEHHA, 2003) was used in preparing the HRA and to determine the appropriate exposure pathways. The following pathways were included in the HRA for residential exposure: (1) inhalation; (2) dermal absorption; (3) home grown produce; (4) soil ingestion; and (5) mother's milk. The potential for animal product ingestion was not included because animal and dairy farms are beyond the Refinery's area of influence. The maximum impact areas are located within the City of Long Beach. Title 21 of the City of Long Beach zoning code prohibits the raising of livestock, wild or exotic animals. Therefore, exposure pathways that include ingestion of livestock grown in the area is not necessary. Further, no commercial agricultural areas or basins for the storage of drinking water are located in the vicinity of the proposed project. Therefore, the carcinogenic health impacts have not been underestimated as claimed in the Comment 3-13.

Response 3-14

As discussed in the HRA (Volume II of the EIR, page 12), the assumptions for worker exposure were based on the OEHHA Guidelines. Workers are assumed to be exposed for eight hours per day, five days per week, 49 weeks per year for 40 years. The exposure assumptions for workers are conservative because most workers do not stay in the same job at the same location for more than 40 years. The HRA calculated the risk to the maximum exposed individual worker (MEIW) and estimated the cancer risk to be 3.18 per million. The MEIW is located within the industrial area immediately west of the Refinery. Since the cancer risk at the MEIW was below the significance threshold of 10 per million, the cancer risk for all other workers in the area is also below 10 per million, regardless of the number of workers in the area.

Response 3-15

The comment that carcinogenic health impacts did not include "owners-worker-employees working in fenceline and nearby places of business" is not correct. As discussed on page 10 of the HRA, fenceline receptors spaced every 100 meters were used to determine the maximum concentrations at the property line of the Refinery. As discussed in Response 3-10, the grid extends 2,000 meters west, 1,500 meters east, 2,000 meters north and 2,000 meters south from the facility. As shown in Figure 4-1 of the EIR, this distance was sufficient to determine all maximum impact points, including determining impacts to owners, workers and employees working on or near the fenceline and other nearby businesses, and to determine the one per million cancer risk isopleth.

Extending the grid any further out in any direction would have resulted in cancer risk estimates much less than one per million.

By using the fine grid and fence-line receptors as described above, the potential health risk impacts to all local businesses within the area of analysis (see preceding paragraph) were evaluated in the HRA. The HRA only reports the impacts to the MEIW which was well below the significance thresholds so that the health impacts to other workers in the area would also be less than significant.

Response 3-16

The comment that no non-carcinogenic RELs were listed is incorrect (see the HRA, Volume II of the EIR). Table 7 of the HRA provides the chemicals for which OEHHA has developed non-carcinogenic RELs and Table 8 provides the RELs for chemicals evaluated in the HRA. The non-carcinogenic acute hazard index was estimated to be 0.508 (see page 4-21 of the EIR) and the non-carcinogenic chronic hazard index was estimated to be 0.0846 (see page 4-22 of the EIR). Both the acute and chronic hazard indices are below the significance threshold of 1.0 so that non-carcinogenic health impacts are considered to be less than significant.

Response 3-17

The comment that the HRA failed to identify and list the types of non-carcinogenic health impacts is incorrect. Tables 14 and 15 of the HRA (Volume II of the EIR) identified the chemicals evaluated in the HRA and their potential health effects on the human body.

Response 3-18

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions.

Response 3-19

The HRA states that little data are available on the interaction of mixtures of compounds, their fate in the environment, and the overall effect on the human body. The use of a non-cancer hazard index approach has been applied as a guideline for reviewing the cumulative non-carcinogenic health impacts of a mixture of compounds. The hazard index approach assumes that the health effects of chemical mixtures are additive (see HRA, Volume II of the EIR, page 13). The carcinogenic health impacts are also considered to be additive as the potential cancer risk associated with exposure to each pollutant are added together. Therefore, the overall impacts of the proposed project on carcinogenic and non-carcinogenic health impacts have been evaluated per the Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk (OEHHA, 2003). The carcinogenic

and non-carcinogenic health impacts were determined to be less than significant (see EIR Section 4.2 and Volume II, HRA).

Conservative assumptions have been used in the air quality model used in the HRA in order to minimize the potential for underestimating impacts and include conservative emission calculations, exposure assumptions, cancer potency slopes, reference exposure levels, and meteorological data, which are expected to over estimate health risk impacts rather than underestimate health risk. Based on the results of the HRA, the health impacts associated with the proposed project are less than significant and no further evaluation is required. Further, as explained in the EIR (see page 4-18), TAC emission reduction benefits associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”). As a result, mitigation measures such as those suggested in the comment are not required per CEQA Guidelines §15126.4(a)(3).

Response 3-20

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. Also see Responses 3-16 and 3-17 regarding the evaluation of non-carcinogenic health impacts.

Response 3-21

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-13 regarding the appropriate exposure pathways. Also see Responses 3-16 and 3-17 regarding the evaluation of non-carcinogenic health impacts.

Response 3-22

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. Also see Responses 3-16 and 3-17 regarding the evaluation of non-carcinogenic health impacts.

Response 3-23

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring

emissions. Also see Responses 3-16 and 3-17 regarding the evaluation of non-carcinogenic health impacts.

Response 3-24

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-8 regarding meteorological data. See Responses 3-14 and 3-15 regarding worker exposure data.

Response 3-25

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-14 regarding worker exposures and Response 3-15 regarding the use of fence line receptors and health impacts to other nearby workers. The definition of workers included all areas where land uses were not residential; this means that all local businesses were included. Fence line receptors were included in the analysis and all fence line receptors are business. The type of business does not matter in the analysis so that the impacts to local vendors, lunch trucks, push-carts, etc., were also included.

Response 3-26

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-14 and 3-15 regarding worker exposures and related health impacts. Air quality modeling was used to determine the maximum impacted worker. The impacts to other workers are expected to be less. Workers that work within the Refinery are subject to other Occupational Safety and Health Administration (OSHA) rules and regulations which limit worker exposure to various chemicals and conditions (e.g., high noise levels), require the use of personal protective equipment, and require training and education to reduce employee exposure. Any contractors or subcontractors are also regulated by OSHA rules and regulations so that their exposures do not exceed permissible exposure limit requirements established by OSHA.

Response 3-27

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding the evaluation of TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-8 regarding the use of accurate meteorological data. See Response 3-28 regarding the analysis of health risks to residential receptors.

Response 3-28

As explained in detail in the HRA (Volume II of the EIR), the air quality model was run and health risk calculations were made at every receptor in the network including the fence-line receptors, fine grid receptors, sensitive receptors and discrete receptors for census blocks within 5,000 meters of the project. The highest cancer risk for the MEIR was the receptor with the highest cancer risk estimate in a residential area. The residential area with the highest predicted increase in cancer risk was east of the Refinery (see HRA Figure 4 and the Draft EIR, Figure 4-1). Local schools and other sensitive receptors in the area were identified and health risks at each of these sensitive receptors were calculated. The Bethune Mary School was the sensitive receptor with the highest estimated increase in cancer risk based on air quality modeling. Both the maximum acute and chronic hazard indices were determined in the same manner, i.e., the acute and chronic hazard index was calculated at each receptor in the grid and the highest acute and chronic hazard index was reported.

Because the predominant wind flows from west to east in the vicinity of the proposed project, more pollutants from the proposed project would impact areas east of the Refinery. The impacts are dependent on both wind direction and distance from the Refinery. It is a fact that areas east of the Refinery (e.g., Bethune Mary School) tend to be affected to a greater extent than areas west of the Refinery. Nonetheless, the health risk at ALL receptors, both those east and west of the proposed project, were calculated and determined to be less than the significance thresholds and less than significant.

Response 3-29

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, Response 3-4 regarding flaring emissions, Response 3-5 regarding equipment efficiency, and Response 3-6 regarding use of BACT. See Response 3-13 regarding exposure assumptions. See Response 3-8 regarding accurate meteorological data. See Response 3-28 regarding residential health risk.

Response 3-30

See Response 3-28 regarding the analysis of cancer risk impacts to sensitive receptors, including Bethune Mary School. With regard to the chronic hazard index analysis, see Responses 3-28 and 3-32.

Response 3-31

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring

emissions. See Response 3-8 regarding accurate meteorological and Response 3-13 regarding exposure assumptions. As explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”). With regard to the chronic hazard index analysis see Responses 3-28 and 3-32.

Response 3-32

See Response 3-28 regarding the analysis of health risk impacts to sensitive receptors, including Bethune Mary School. The chronic hazard index was not reported for the Bethune Mary School because the maximum chronic hazard index was predicted to be 0.085 which is well below the significance threshold of 1.0. The chronic hazard index at all other receptors, including the Bethune Mary School, is less than the maximum chronic hazard index and, thus, also less than significant. See Responses 3-1, 3-2, 3-3, and 3-4 regarding alleged underestimation of emissions. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

Response 3-33

See Response 3-28 regarding the analysis of health risk impacts to sensitive receptors. The acute hazard index was not reported for the Bethune Mary School because the maximum acute hazard index was predicted to be 0.508, which is below the significance threshold of 1.0. The acute hazard index at all other receptors is less than the maximum acute hazard index and, thus, also less than significant. See Responses 3-1, 3-2, 3-3, and 3-4 regarding alleged underestimation of emissions. See Response 3-8 regarding accurate meteorological data. See Response 3-13 regarding exposure assumptions. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA; therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

Response 3-34

See Response 3-28 regarding the analysis of health risk impacts to sensitive receptors. The acute hazard index was not reported for the sensitive receptors (including the Apostolic Faith Center and Wilmington Park Preschool) because the maximum acute hazard index was predicted to be 0.508 which is below the significance threshold of 1.0. The acute hazard index at all other receptors, including other schools and sensitive receptors, is less than the maximum acute hazard index and, thus, also less than significant.

Response 3-35

See Response 3-8 regarding the appropriate meteorological data for the project modeling and the lack of need for additional meteorological studies.

Response 3-36

See Response 3-8 regarding the potential for the proposed project to create a heat island effect at the Refinery.

Response 3-37

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-13 regarding exposure assumptions. As explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

Response 3-38

The environmental setting or baseline for TACs and the related cancer risk is provided in the EIR (Section 3.2.4.5 – Toxic Air Contaminants, pages 3-7 through 3-9). The existing cancer risk for the area is based on the SCAQMD’s MATES-II and MATES-III projects, which indicate that the average carcinogenic risk in the district is about 1,200 per one million people. This means that 1,200 people out of one million are susceptible to developing cancer from exposure to TACs over a 70-year exposure period.

CEQA requires that the impacts of a proposed project be evaluated before the project is approved. The public health impacts associated with the proposed project cannot be determined by conducting a public health survey as the equipment is not yet constructed and operating. Air quality modeling must be used to predict the potential air quality and related public health impacts of a project before it is built. Conservative assumptions have been used in the air quality model in order to minimize the potential for underestimating impacts including conservative emission calculations, exposure assumptions, cancer potency slopes, reference exposure levels, and meteorological data, which are expected to over estimate health risk rather than underestimate health risk. HRA protocols and procedures have been developed and approved for use by the SCAQMD (see Risk Assessment Procedures for Rules 1401 and 212). Use of this methodology is required by the SCAQMD and is the normal and accepted practice when preparing CEQA documents. Based on the results of the HRA, the health impacts associated with the proposed project are less than significant and no further evaluation or mitigation measures are required. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA,

therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

Response 3-39

See Response 3-8 regarding the appropriate meteorological data for the project modeling. The comment regarding the accuracy of cancer burden is not correct. The cancer burden analysis uses appropriate input data and the methodology is consistent with policies and procedures required by the SCAQMD.

Response 3-40

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-10 regarding the use of the 2000 census data. See Response 3-13 regarding exposure assumptions.

Response 3-41

See Response 3-38 regarding conducting a public health survey.

Response 3-42

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-13 regarding exposure assumptions. Also, see Response 3-28 regarding the HRA analysis and Response 3-33 regarding the determination of the acute hazard index.

Response 3-43

See Response 3-38 regarding conducting a public health survey.

Response 3-44

With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions. See Response 3-13 regarding exposure assumptions. See Response 3-33 regarding the determination of the acute hazard index. Also, see Response 3-38 regarding conducting a public health survey.

Response 3-45

The health impacts of the proposed project have been comprehensively evaluated in the EIR (see Section 4.2 – Air Quality, Section 4.3 – Hazards and Hazardous Materials, Appendix B – Peak Construction Emission Calculations, Appendix D – Hazard Analysis, and Volume II – Health Risk Assessment. The commentator does not indicate what is included in a “health impact analysis.” However, the EIR has evaluated the health impacts from criteria pollutant emissions associated with construction and operation of the proposed project and determined that the project impacts would be less than significant. Also, see page 4-22 and 4-23 of the EIR, which summarizes the health impacts of the proposed project. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”), consistent with SCAQMD policies and procedures.

Response 3-46

The SCAQMD strongly disagrees with the opinion expressed in this comment that somehow the SCAQMD failed to appropriately make a BACT determination. Further, the CEQA document complies with all applicable rules, regulations, and laws. The proposed project health impacts were evaluated and determined to be less than significant (see Section 4.2 of the EIR). Mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a)). Therefore, mitigation measures are not required and not proposed for health risks associated with the proposed project. The EIR concluded that potentially significant air quality impacts may occur during the construction phase and feasible mitigation measures were imposed (see EIR pages 4-24 and 4-25). See Response 3-2 for a further discussion of criteria pollutant impacts. See Response 3-5 regarding equipment efficiency and Response 3-6 regarding the use of BACT. Hazard impacts are also potentially significant and feasible mitigation measures were also discussed (see EIR pages 4-31 and 4-32).

Response 3-47

The Draft EIR summarizes all proposed project changes, including new and replaced equipment (see EIR, Chapter 2, see pages 2-5 through 2-12).

Response 3-48

The Draft EIR summarizes all proposed project changes, including new and replaced equipment (see EIR, Chapter 2, see pages 2-5 through 2-12). The project description and related environmental analyses provide sufficient data to determine project impacts, e.g., size of boilers, size of cogeneration facility, number valves/flanges, etc. Detailed engineering has not been completed on all portions of the project and vendors have not been selected on all equipment. Therefore, manufacturer equipment specifications are not available for each type of equipment, nor is it necessary for completing an adequate

evaluation of the potential adverse environmental impacts associated with the proposed project.

See Response 3-5 regarding equipment efficiency and Response 3-6 regarding the use of BACT. BACT will be required for construction of the crude oil storage tank and will be determined by SCAQMD pursuant to Regulation XIII, at the time a permit to construct is issued. BACT is determined at the time the permit to construct is issued to ensure that the most current, lowest emitting BACT is applied to the project.

The SCAQMD strongly disagrees with the opinion expressed in this comment that the “SCAQMD is misleading the public and collaborating with the petroleum industry to withhold [sic] information and true facts.” The EIR for the proposed project was prepared consistent with CEQA Guidelines §15121 to inform the public agency decisionmakers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed project. The proposed project does not include a dry or wet scrubber because both dry and wet scrubbers are generally used to control particulate emissions. As noted in Table 4-6 of the EIR, the proposed project is not expected to result in an increase in particulate emissions. In fact, the proposed project is expected to substantially reduce PM emissions, so no secondary particulate control equipment (e.g., wet or dry scrubber) is required.

Response 3-49

See Response 3-48 regarding manufacturer specifications for the proposed project equipment. See also Response 3-6 regarding the use of BACT.

Response 3-50

Although solar power can be used to produce electricity in some instances (primarily on sunny days), it cannot be used for refinery operations, which require sustained electricity loads for long periods of time. Solar power would not be sufficient to operate the refinery on a continuous basis, would not be a dependable source of energy at night or on overcast days, and could not be used to replace the existing cogeneration facility. Unreliable energy sources at the refinery could lead to power outages that result in emergency shutdown of refinery units, and possible upset conditions that can lead to flaring. Therefore, the use of solar power to replace the existing cogeneration unit is not feasible in refinery operations.

Response 3-51

The proposed project will replace the existing cogeneration facility with a new, more efficient cogeneration unit. The proposed project will not result in an increase in electricity purchased from the Los Angeles Department of Water and Power or create significant adverse electricity demand impacts. Therefore, there is no need to mitigate

electricity use since there is no significant adverse increase in electricity use as part of the proposed project.

Response 3-52

PRDs are safety devices that are designed to release built up vapors in the event that the pressure reaches specific levels. PRDs are installed in locations where damage or injury may occur if the pressure reaches certain levels. PRDs are not needed in all locations (e.g., equipment where there is no potential for pressure to build up) and are only installed where needed, based on engineering design. PRDs do not function as emission control devices and, therefore, would not be appropriate for installation or fugitive emissions control. Historically, PRDs have been vented to the atmosphere when elevated pressures occur. As part of the proposed project, existing PRDs, where feasible, are being rerouted to capture the vapors, should an overpressurization occur.

Response 3-53

The proposed project is expected to result in a significant increase in VOC emissions but those emissions will be reduced to less than significant through emission offsets. Since there are no significant operational emissions associated with the proposed project, there is no requirement to evaluate alternative refinery equipment. The technologies listed in this comment have not been used in the petroleum industry and cannot be considered BACT. Also, it is incorrect to assume that the use of the technologies listed in this comment will have no air pollution as additional electricity to run the equipment would be required and electricity generation will produce additional emissions. See also Response 3-2 regarding criteria pollutant emissions.

Response 3-54

The comment is not clear on what is considered a “secondary enclosure.” The proposed project is expected to result in a significant increase in VOC emissions but those emissions will be reduced to less than significant through emission offsets. Since there are no significant operational emissions, following mitigation, associated with the proposed project, there is no requirement to evaluate alternative refinery equipment. As discussed on pages 4-11 through 4-14, all new and modified process components are required to conform to the SCAQMD’s BACT Guidelines. Bellow sealed valves (leakless valves) will be installed on project components, except for certain specified applications for which they are inappropriate, e.g., would pose a safety hazard. The use of flanged connections will be minimized to the extent practicable. Where required for maintenance or other routine operations, flanged connections will be designed in accordance with applicable rules and regulations, and monitoring and control in accordance with an approved inspection and maintenance program.

Response 3-55

As indicated in the EIR, truck emissions are two pounds per day or less for all criteria pollutants, which is less than significant. The proposed project was expected to result in a significant increase in VOC emissions, but those emissions will be reduced to less than significant through emission offsets. The truck traffic associated with the proposed project is limited to a maximum increase of one truck per day to deliver oxygen or ammonia. Since there are no significant operational emissions associated with truck emissions from the proposed project, there is no requirement to mitigate truck emissions.

Response 3-56

The proposed project will not result in an increase in train traffic so mitigation measures for train emissions are not required.

Response 3-57

The Refinery and SRP are RECLAIM facilities that have several existing equipment and proposed new equipment, including the proposed new cogeneration unit and boilers, that currently are or will be regulated under the SCAQMD's Regulation XX - RECLAIM. In accordance with the RECLAIM program, major NOx and SOx emission sources are required to be equipped with continuous emission monitors (CEMs). Data from the CEMs are collected and reported to the SCAQMD on a continuous basis. The public can request access to these data by submitting a Public Records Request in writing.

Response 3-58

As discussed in Response 3-46, mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a)). Since emissions of all criteria pollutants were less than significant after mitigation and TAC impacts were less than significant, there is no requirement to further mitigate emissions or engage in fence line monitoring. See also Response 3-58 regarding continuous monitoring.

Response 3-59

A study of breakdowns, failures or malfunctions in the past 10 years related to the proposed new equipment cannot be completed at this time because the equipment is not constructed and operating at the Refinery. The potential hazard impacts associated with the proposed project were evaluated in Section 4.3 – Hazards and Hazardous Materials and Appendix D of the EIR. The hazard analysis evaluated the potential hazards (fires, explosion overpressure, thermal radiation, release of hazardous chemicals, etc.) associated with the proposed project, regardless of the cause (e.g., breakdown, human error, earthquakes, terrorism, etc.) and assumed “worst-case” scenarios including release of the entire contents of a tank, vessel, etc. Potentially significant impacts were determined for the amine/sour water updates and the new crude oil storage tank and feasible mitigation measures were discussed.

Response 3-60

Flaring activities in the past 10 years would not be reflective of potential flare events in the future because SCAQMD Rule 1118, amended in 2005, prohibits flaring except under specific emergency circumstances. See also Response 3-4 regarding flaring. The proposed project is not expected to result in an increase in non-emergency flaring associated with the proposed project modifications.

Response 3-61

A plan to reduce all categories of emissions to zero or near-zero in the next 10 years is outside the scope of the currently proposed project. Further, if such a plan was feasible, it would have to undergo its own CEQA process and analysis. Such a plan however, is not required because the proposed project is not expected to result in a significant increase in criteria emissions after mitigation associated with the proposed project. As discussed in Response 3-46, mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a)).

Response 3-62

Under the requirements of the U.S. EPA's Emergency Planning and Community Right-to-Know, Tesoro must follow specific requirements in the event of an emergency including notification requirements, evacuation procedures, identification of emergency coordinator, etc. Health care facilities are notified in the event of injury or release that will require their services. The proposed project is not expected to result in a significant increase in emissions associated with the proposed project. Since there are no significant health impacts associated with the operation of the proposed project, there is no requirement for additional mitigation measures.

Response 3-63

Contrary to the comment, the proposed project does not contain any provision that would require Tesoro to increase the amount of NOx and SOx RTCs beyond current levels. As discussed in the EIR (see page 2-6), currently, the actual annual NOx emissions at the Refinery exceed the annual NOx allocation. In order to comply with the RECLAIM program requirements, Tesoro has been purchasing NOx RECLAIM trading credits (referred to as RTCs) from the market to comply with the facility's annual allocation requirement. In lieu of continuing to purchase credits, the proposed project would reduce NOx emissions at the Refinery by replacing the existing cogeneration unit with a new cogeneration unit and replacing four existing steam boilers with two new steam boilers. Therefore, the proposed project would provide NOx emission reductions at the Refinery, reduce local impacts, and minimize the need to purchase NOx emission RTCs in the future. As shown in Table 4-6 of the EIR, the proposed project will also result in a reduction in SOx emissions from the new boilers and cogeneration unit as compared to

the existing Refinery operations. As discussed in Response 3-46, mitigation measures as suggested by the commentator are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a))

Response 3-64

See Response 3-38 regarding conducting a public health survey. See also Response 3-63 regarding the purchase of RTCs.

Response 3-65

See Response 3-38 regarding conducting a public health survey. See also Response 3-63 regarding the purchase of RTCs. Also note that the proposed project will not result in an increase in particulate matter emissions from the Refinery during operation, but will actually substantially reduce particulate emissions. Therefore, the suggested public health mitigation measures such as air purification systems would not be required for mitigation since there are no significant adverse impacts from particulate emissions.

Response 3-66

CEQA requires that the impacts of a proposed project be evaluated before the project is approved. Soil contamination associated with the proposed project cannot be determined at this time as the equipment is not yet constructed and operating. Air quality modeling was used to predict the potential air quality and related deposition of contaminants into the soil as part of the HRA. Human exposure to contaminants in soil was assumed via dermal exposure, soil ingestion for children, and absorption via the homegrown vegetable pathway. Based on the results of the HRA, the health impacts associated with the proposed project are less than significant and no further evaluation or mitigation measures are required. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”). See Response 3-38 for additional information on the HRA.

Response 3-67

See Response 3-63 regarding the purchase of RTCs.

Response 3-68

See Response 3-63 regarding purchase of RTCs.

Response 3-69

See Response 3-63 regarding the purchase of RTCs.

Response 3-70

See Response 3-62 regarding providing Refinery information to the local community.

Response 3-71

Under the requirements of the U.S. EPA's Emergency Planning and Community Right-to-Know, Tesoro must follow specific requirements in the event of an emergency including notification requirements, evacuation procedures, identification of emergency coordinator, etc. Health care facilities are notified in the event of injury or release that will require their services.

Response 3-72

The proposed project will increase sulfur removal, but the amount of sulfur removed is in the parts per million range so that no noticeable increase in the amount of sulfur generated or stored is expected. Sulfur is stored in molten (fluid) form and stored within tanks until it is sold as a product. Therefore, there is no outdoor storage of sulfur in dry form at Tesoro.

Response 3-73

See Response 3-8 regarding the heat island issue. There would also be no related increase in insects or fungus. With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions.

Response 3-74

Contrary to the comment, mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a)). Noise impacts were determined to be less than significant because project-related noise would be less than background noise levels at the residential areas, i.e., the closest residents are located about one-half mile away from proposed project noise sources (see the Draft EIR, Appendix A, page 2-28). Therefore, mitigation measures, such as those identified in this comment, are not required for noise associated with the proposed project. As discussed in Response 3-4, no increase in flaring is expected from the proposed project. Flaring will also be minimized throughout the Refinery as required by SCAQMD Rule 1118.

Response 3-75

See Response 3-8 regarding the appropriate meteorological data and the potential for heat island impacts. Since a heat island effect is not expected to be generated by the proposed project, no "insect vector growth" as suggested in the comment would occur. As

discussed in the EIR (see EIR, Appendix A, page 2-10), no significant adverse impacts on other biological resources were identified so no mitigation measures are required. With regard to the following alleged deficiencies, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, Response 3-3 regarding GHG emissions, and Response 3-4 regarding flaring emissions.

Response 3-76

Mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a)). Biological impacts were determined to be less than significant because all construction and operational activities will occur within the confines of the existing Refinery/SRP. Previous development and operation of the Refinery/SRP has left the proposed sites within the confines of the Refinery and SRP devoid of habitat (see the Draft EIR, Appendix A, page 2-10). The commentator has not provided any information to dispute these conclusions. Therefore, mitigation measures are not required and not proposed for biological impacts associated with the proposed project.

Response 3-77

The potential impacts of the proposed project on the CalARP, RMP, and PSM requirements are discussed on page 4-31 and 4-32. The details of the revisions, if any, to the RMP are not currently known. Any revisions would need to be completed within six months of the operation of the new or modified equipment and the revisions will need to be reviewed and approved by the City of Los Angeles Fire Department. A public version of the RMP is available from the City of Los Angeles Fire Department. Because of the confidential information contained within a PSM review, there is no requirement that such reviews be made available to the public.

As discussed in Response 3-4, new equipment proposed in this project will only be vented to the flare in emergency situations. The proposed project will replace older, existing equipment with new equipment, improving overall operating efficiency and reducing the potential for equipment malfunctions that may result in flaring. Therefore, the proposed project is expected to decrease, rather than increase the potential for breakdowns, and malfunctions at the Refinery. By replacing the existing cogeneration facility with new cogeneration units, the proposed project is expected to minimize the Refinery's reliance on electricity produced by the Los Angeles Department of Water and Power and reduce the potential for power outages. Also see Response 3-71 regarding community notification.

Response 3-78

The potential hazard impacts associated with the proposed project were evaluated in Section 4.3 – Hazards and Hazardous Materials and Appendix D of the EIR. The hazard analysis evaluated the potential hazards (fires, explosion overpressure, thermal radiation,

release of hazardous chemicals, etc.) associated with the proposed project, regardless of the cause (e.g., breakdown, human error, earthquakes, terrorism, etc.). Potentially significant impacts were determined for the amine/sour water updates and the new crude oil storage tank and feasible mitigation measures were evaluated. EIRs are required to evaluate the potential significant adverse impacts of a proposed project on the environment. There is no requirement to do a study of breakdowns, failures or malfunctions related to the Refinery as it is not part of the proposed project. Further, such information is not relative to most components of the proposed project as some old equipment being replaced with new equipment or completely new equipment is being installed.

As noted in Response 3-77, the proposed project is expected to decrease, rather than increase the potential for breakdowns, and malfunctions at the Refinery. See Response 3-71 regarding public notification requirements in the event of an emergency.

Response 3-79

EIRs are required to evaluate the potential significant adverse impacts of a proposed project on the environment. Discussions of violations, fines, penalties, court orders, and legal actions do not provide information on the potential impacts of new/modified equipment, therefore, there is no requirement to include such information as part of an EIR.

As noted in Response 3-77, the proposed project is expected to decrease, rather than increase the potential for breakdowns, and malfunctions at the Refinery.

Response 3-80

The SCAQMD strongly disagrees with the opinion expressed in this comment that the cumulative impact analysis is inadequate. As discussed in the EIR, page 5-1, the cumulative impact analysis typically includes projects within about one mile of the proposed project. Where the Port projects have components that would have impacts within about one mile of the Refinery, they were included as part of the cumulative analysis, e.g., the Pacific LA Marine Crude Oil Terminal, ICTF Modernization and Expansion Project, SCIG Project, Interstate 710 Freeway project, and ACTA projects including the Schuyler Heim Bridge Replacement SR-47 Project. Per the requirements of CEQA Guidelines §15064(h)(4), the “mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable.”

The air quality construction impacts for the Tesoro proposed project are considered cumulatively considerable, as defined by CEQA Guidelines §15064(h)(1), for NOx emissions because they exceed the applicable project-specific significance threshold, but are not cumulatively considerable for CO, VOC, SOx, PM10, and PM2.5. Further, air quality impacts associated with the operation of the proposed project are not cumulatively

considerable as the proposed project will result in a reduction in CO, NO_x, SO_x, PM₁₀ and PM_{2.5} emissions (see Table 5-3 of the Draft EIR).

The cumulative construction significant traffic impacts associated with the proposed project are cumulatively considerable on the I-710 Freeway and not cumulatively considerable for traffic impacts at local intersections near the Refinery. Further, traffic impacts associated with the operation of the proposed project are not cumulatively considerable as a maximum of one truck trip per day is associated with the proposed project (see EIR, pages 5-26 and 5-27). Including additional projects located further away from the Tesoro Refinery/SRP would not change the conclusions of the cumulative traffic analysis because of the localized nature of the traffic impacts. Therefore, no further cumulative analyses are required.

Response 3-81

The Draft EIR for the proposed project was submitted to the State Clearinghouse for review by State Agencies. A 45-day public comment period is consistent with the requirements in CEQA Guidelines §15105(a) for documents submitted to the State Clearinghouse. A copy of the EIR was delivered to the commentator via overnight mail on January 22, 2009 and the commentator prepared and submitted two comment letters that contained extensive comments. Thus, the request for an extension of the comment period is neither necessary nor warranted.

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

Wilmington YMCA Program Center
1121 North Avalon
Wilmington, California 90744
Phone (310) 522-2100 Fax (310) 522-2109
www.ymcala.org

March 5, 2009

Ms. Barbara Radlein
C/o Office of Planning, Rule Development, and Area Sources/CEQA
21865 Copley Drive
Diamond Bar, CA 91765

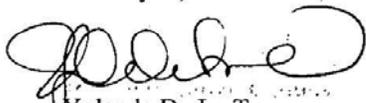
Dear Ms. Radlein,

We are writing in support of the Tesoro Los Angeles Refinery reliability projects. As the Wilmington YMCA, it is very difficult to get support from business neighbors that do not have an interest for the well being of our youth and families. Very few businesses get involved and truly make a difference for our families. We are blessed to have a few neighbors that do care-one being Tesoro Los Angeles Refinery.

It is for this reason that we support the upgrades and reliability changes Tesoro will be doing to make our families and neighborhood safer in their process operations. This project is a win-win for all of us that live and work in the community. Tesoro will invest several hundred millions dollars on the project that will reduce emissions and bring jobs to this area. By improving their reliability, we understand there will less flaring, unless needed to act as a safety mechanism. Additionally, Tesoro has been a good neighbor as they work tirelessly with community members to promptly address any concerns regarding environmental and safety issues.

We believe both Tesoro and the AQMD have made an excellent effort to keep the community informed of this project. We urge the AQMD to certify the EIR for the construction this project.

Thank you,



Yolanda De La Torre
Executive Director
Wilmington YMCA



*We build strong kids, strong families,
strong communities.*

4-1

**COMMENT LETTER NO. 4
WILMINGTON YMCA PROGRAM CENTER
MARCH 5, 2009**

Response 4-1

The SCAQMD understands that the Wilmington YMCA supports the proposed Tesoro Reliability Improvement and Regulatory Compliance Project. Thank you for your comments.



Regional Hispanic Chamber Of Commerce

Office Address: 355 E. Ocean Blvd., Suite 101 • Long Beach, CA 90802

Mailing Address: P.O. Box 32474 • Long Beach, CA 90832

Tel: 1-866-927-5557 • Fax: 562-685-0542

www.RegionalHispaniccc.org • Info@RegionalHispaniccc.org



March 6, 2009

**RHCC
Executive Board**

Sandy Cajas
President

Carlos Galvan Jr.
Chairman

Andy Perez
VP of Communications

Andy Torres
VP Community Relations

Ricardo Tejada
VP of Finance

Rick A. Radillo J.D.
Treasurer

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Board of Directors**

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L'Opera Restaurant

Max Ordonez
Urban Associates

Miguel Baera
Sevilla Restaurant

David Lopez
Wells Fargo Bank

Edward Voyset
LB Petroleum Club

Luis Martinez
Martinez Sign Inc.

Ena Alcaraz
State Farm

**2009 RHI
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Gloria Yonzunza Franco
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Administration

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Southern California Edison

Fred Lona
The Hilton Corporation

Roberto Villegas
State Farm

David Gonzalez
City of Long Beach

Ms. Barbara Redlein
C/o Office of Planning, Rule Development, and Area Sources/CEQA
21865 Copley Drive
Diamond Bar, CA 91765

RE: Comments on Tesoro Los Angeles Refinery Reliability Project

Dear Ms. Redlein,

The Regional Hispanic Chamber of Commerce's mission is to advocate, promote and facilitate the success of businesses in southern California and its trade areas. Tesoro is one of the members of our chamber that we are proud of. Over a year ago Tesoro presented their reliability improvement projects throughout the Wilmington and Long Beach neighbors. They not only met with chambers of commerce's, schools, elected officials, and organizations, but also their neighbors. We support Tesoro efforts to reduce Nitrogen Oxides (NOX) and Sulfur Oxides (SOX) emissions at the refinery by replacing old and higher emitting turbines and boilers with newer and cleaner equipment. We are also happy to learn that Tesoro will install the Best Available Control Technology (BACT) on this equipment. By improving refinery reliability, the project should result in less flaring.

During these hard economic times, bringing this project is beneficial for all as jobs will be created to support this project as well as a large investment towards a project that will reduce emission. We would like to thank you AQMD for holding the Notice of Preparation of the EIR at the YMCA in Wilmington. This meeting provided a forum for residents to raise any concerns that should be address in the Environmental Impact Report (EIR). In addition, the outreach efforts by Tesoro to inform the community of this proposed project at an early stage last year was informative and helped us understand the project and associated environmental issues.

We urge the AQMD to certify the EIR for the construction this project.

Thank you,

Sandy Cajas
Sandy Cajas

President

5-1



**COMMENT LETTER NO. 5
REGIONAL HISPANIC CHAMBER OF COMMERCE
MARCH 6, 2009**

Response 5-1

The SCAQMD understands that the Regional Hispanic Chamber of Commerce supports the approval of the proposed Tesoro Reliability Improvement and Regulatory Compliance Project. Thank you for your comments.

Coalition For A Safe Environment

P.O. Box 1918, Wilmington, California 90748
wilmingtoncoalition@prodigy.net 310-834-1128

March 6, 2008

Steven Smith
Program Supervisor

Ms. Barbara Radlein
Air Quality Specialist

Office of Planning, Rule Development & Area Sources/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182
bradlein@aqmd.gov
909-396-2716 Office
909-396-3324 Fax

Re: Tesoro Reliability Improvement & Regulatory Compliance Project –
Draft Environmental Impact Report & Draft Health Risk Assessment

Su: Request For Public Hearing & Extension of Public Comment Period

Dear Ms. Radlein:

I would like to submit this request to the South Coast Air Quality Management District and Tesoro Oil Refinery to conduct a public hearing to discuss the Tesoro Reliability Improvement & Regulatory Compliance Project and to request a 90 extension of the public comment period:

1. Draft Environmental Impact Report
2. Draft Health Risk Assessment

6-1

The Coalition For A Safe Environment (CFASE) is a non-profit community based Environmental Justice Organization with members in over 20 cities in Southern California. The majority of our members live in Wilmington, San Pedro, Carson and Long Beach.

It has come to our organizations attention that no public hearing or meeting is going to be held to discuss the significant public health and environmental impacts of this project which is not acceptable. We request that a meeting be held in Wilmington and West Long Beach as soon as possible to discuss in detail the project. We are concerned with the following and other project details that are being submitted in our separate public comment letter:

6-2

1. The Health Risk Assessment significantly underestimated resident and worker cancer and non-cancer public health impacts.

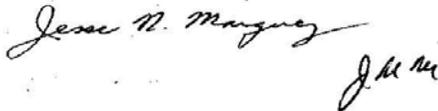
6-3

APPENDIX F – RESPONSE TO COMMENTS

- | | |
|---|------|
| 2. The amount of Volatile Organic Compounds that will be released daily and annually will have a significant impact on our communities' residents, children and workers health. | 6-4 |
| 3. The buying of NOX air pollution credits outside of Wilmington in order to not reduce NOX air pollution at the Tesoro Wilmington facility is not acceptable. | 6-5 |
| 4. No public health survey was conducted in Wilmington or West Long Beach to determine the existing resident's health problems caused by Tesoro current manufacturing operations. | 6-6 |
| 5. Tesoro has underestimated and underreported its existing equipment and facility air pollution emissions. | 6-7 |
| 6. Tesoro is not proposing to use the Best Available Air Pollution Control Technology. | 6-8 |
| 7. Tesoro is not proposing to use the best non-polluting equipment technology or designs. | 6-9 |
| 8. The cancer risk and non-cancer risks are not acceptable. No one's life or health should be put at risk for private business corporate profits. | 6-10 |
| 9. Tesoro failed to include numerous mitigation measures to protect residents, school children and the elderly health such as: HVAC air purification systems, fence-line monitoring equipment etc. | 6-11 |
| 10. Tesoro as mitigation for its NOX and SOX emissions and in lieu of purchasing RECLAIM credits could purchase new clean alternative fuel school buses for the Los Angeles Unified School District serving Wilmington and Carson and the Long Beach Unified School District. | 6-12 |

Please advise me of your decision as soon as possible. We have also attached other community resident letters of request for a public hearing with this letter.

Cordially,



Jesse N. Marquez
Executive Director
jnmarquez @ prodigy.net
310-704-1265

**COMMENT LETTER NO. 6
COALITION FOR A SAFE ENVIRONMENT
MARCH 6, 2009**

Response 6-1

The Draft EIR for the proposed project was submitted to the State Clearinghouse for review by State Agencies. A 45-day public comment period is consistent with the requirements in CEQA Guidelines §15105(a) for documents submitted to the State Clearinghouse. A copy of the EIR was delivered to the commentator via overnight mail on January 22, 2009, and the commentator prepared and submitted two comment letters that contained extensive comments. Thus, the request for an extension of the comment period is neither necessary nor warranted.

Response 6-2

In accordance with CEQA Guidelines §15082 (c)(1), a public scoping meeting was held on February 28, 2008 at the Wilmington YMCA located at 1121 N. Avalon Boulevard, Wilmington, California. At this public meeting, a description of the proposed project was provided and the scope of the EIR was discussed. A public question and comment period was held and public comments were received. Responses to these comments were prepared and are included in Appendix A of the Final EIR.

In accordance with CEQA Guidelines §15202 (a), CEQA does not require formal hearings at any stage of the environmental review process. Further, since there are no substantial changes proposed to the project since the release of the Draft EIR, a public hearing for the proposed project will not further facilitate the purposes and goals of CEQA (CEQA Guidelines §15202 (c)). Thus, additional public meetings and additional time to review the CEQA document are not warranted.

Response 6-3

With regard to the following alleged deficiencies in the HRA, refer to the comments noted. See Response 3-1 regarding not including all TACs, Response 3-2 regarding criteria pollutant emissions, and Response 3-4 regarding flaring emissions. See Response 3-7 regarding fugitive emissions. See Responses 3-10, 3-13, and 3-15 regarding carcinogenic health impacts. See Response 3-16 regarding non-carcinogenic health impacts and see Response 3-19 regarding cumulative health impacts.

Response 6-4

The potential health impacts of volatile organic compound emissions (VOCs), which contribute to regional ozone concentrations, have been evaluated in the EIR. The

proposed project was expected to result in a significant increase in VOC emissions but those emissions will be reduced to less than significant through emission offsets. See Response 3-2 for a further discussion of criteria pollutant emission impacts. The overall impacts of the proposed project on carcinogenic and non-carcinogenic health impacts have been evaluated per the Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk (OEHHA, 2003). The carcinogenic and non-carcinogenic health impacts were determined to be less than significant (see EIR Section 4.2 and Volume II, HRA).

Based on the air quality modeling and related assumptions, the cancer risks to the Maximum Exposed Individual Worker (MEIW) and the Maximum Exposed Individual Resident (MEIR) were calculated to be 3.14×10^{-6} , and 6.76×10^{-6} , respectively, or less than ten per one million. This result does not exceed the cancer risk significance threshold of ten per one million. The highest acute hazard index for the proposed project is estimated to be 0.508, while the highest chronic hazard index for the proposed project is estimated to be 0.0846. The acute and chronic hazard indices for the proposed project do not exceed the relevant significance threshold of 1.0, therefore, no significant adverse acute or chronic health impacts are expected. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”). Since there are no significant operational emissions and no significant increase in carcinogenic and non-carcinogenic health risk associated with the proposed project, no significant adverse health impacts are expected from the proposed project.

Response 6-5

See Response 3-63 regarding the purchase of RTCs.

Response 6-6

The environmental setting or baseline for TACs and the related cancer risk is provided in the EIR (Section 3.2.4.5 – Toxic Air Contaminants, pages 3-7 through 3-9). The existing cancer risk for the area is based on the SCAQMD’s MATES-II and MATES-III projects, which indicate that the average carcinogenic risk in the district is about 1,200 per one million people. This means that 1,200 people out of one million are susceptible to developing cancer from exposure to TACs over a 70-year exposure period.

CEQA requires that the impacts of a proposed project be evaluated before the project is approved. The public health impacts associated with the proposed project cannot be determined by doing a public health survey as the equipment is not yet constructed and operating. Air quality modeling must be used to predict the potential air quality and related public health impacts of a project before it is built. Conservative assumptions have been used in the air quality model in order to minimize the potential for underestimating impacts including conservative emission calculations, exposure assumptions, cancer potency slopes, reference exposure levels, and meteorological data,

which are expected to over estimate health risk rather than underestimate health risk. HRA protocols and procedures have been developed and approved for use by the SCAQMD (see Risk Assessment Procedures for Rules 1401 and 212). Use of this methodology is required by the SCAQMD and is the normal and accepted practice when preparing CEQA documents. Based on the results of the HRA, the health impacts associated with the proposed project are less than significant and no further evaluation or mitigation measures are required. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

Response 6-7

The emissions from the existing equipment at the Refinery are based on data provided in the Annual Emission Reports for reporting years 2005/2006 and 2006/2007 as submitted by Tesoro to the SCAQMD and shown in Table 3-3 of the EIR (see page 3-7). The Annual Emission Reports are based on actual refinery operations and vary depending on actual throughput, maintenance activities which may result in the shutdown of units for repair/maintenance, catalyst life, operational characteristics and so forth. The SCAQMD audits the Annual Emission Reports for accuracy. No evidence has been provided to demonstrate that the emission estimates reported in Table 3-3 are underestimated.

Response 6-8

See Response 3-5 regarding equipment efficiency and Response 3-6 regarding the use of Best Available Control Technology (BACT).

Response 6-9

See Response 3-5 regarding equipment efficiency and Response 3-6 regarding the control equipment (BACT) included as part of the proposed project.

Response 6-10

See Response 6-4 regarding the analysis of health risk impacts. The proposed project cancer and non-cancer risks were determined to be less than significant.

Response 6-11

The proposed project health impacts were evaluated and determined to be less than significant (see Section 4.2 of the EIR). The proposed project was expected to result in a significant increase in VOC emissions during project operations but those emissions will be reduced to less than significant through emission offsets. Mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines

§15126.4(a)). Therefore, mitigation measures are not required and are not proposed for health risks associated with the proposed project.

The proposed project construction emissions were determined to be significant; therefore, a number of mitigation measures were imposed on the proposed project and will be enforced through permit conditions (see EIR, pages 4-24 and 4-25). Mitigation measures include developing a construction emission management plan, limiting construction equipment and truck idling to five minutes, using electricity wherever possible, maintaining construction equipment, suspending construction activities during first stage smog alerts, developing and implementing a fugitive dust emission control plan, and using lower VOC content coatings.

Response 6-12

See Response 3-63 regarding the purchase of RTCs. Contrary to the comment, the proposed project will reduce the amount of NOx RTCs purchased by Tesoro.



City of La Quinta

P.O. Box 1504
LA QUINTA, CALIFORNIA 92247-1504
78-495 CALLE TAMPICO
LA QUINTA, CALIFORNIA 92253

(760) 777-7000
FAX (760) 777-7101

January 26, 2009

Ms. Barbara Radlein
Office of Planning Rule Development
And Area Sources/CEQA
South Coast Air Quality Management District
21-865 Copley Drive
Diamond Bar, California 91765-4182

Re: Draft Environmental Impact Report
Project Title: Tesoro Reliability Improvement and
Regulatory Compliance Project

Dear Ms. Radlein:

The above named project is not within the jurisdiction of the City of La Quinta and, therefore, we have no comments.

If you have any questions, or need further information, regarding this matter please call me at (760) 777-7125.

Sincerely,

WALLY NESBIT
Principal Planner

7-1



**COMMENT LETTER NO. 7
CITY OF LA QUINTA
JANUARY 26, 2009**

Response 7-1

The SCAQMD understands that the Tesoro Reliability Improvement and Regulatory Compliance Project is not within the jurisdiction of the City of La Quinta (City) and the City has no comments on the Draft EIR at this time.



February 25, 2009

Ms. Barbara Radlein, Environmental Officer
(c/o Office of Planning, Rule Development and Area Sources/CEQA)
21865 Copley Drive
Diamond Bar, CA 91765-4182

Dear Ms. Radlein:

SUBJECT: CITY OF SEAL BEACH COMMENTS RE: "DRAFT ENVIRONMENTAL IMPACT REPORT - TESORO RELIABILITY AND REGULATORY COMPLIANCE PROJECT (SCH NO. 2008021099)"

This document was not able to be reviewed by the City Council due to the close of comments prior to the next available City Council meeting. Therefore, the following comments reflect the official position of the City of Seal Beach on this environmental document.

The City of Seal Beach has reviewed the above referenced Draft Environmental Impact Report (DEIR) and wishes to indicate its support of the proposed project due to the identified reductions in cumulative impacts of toxic air contaminants and greenhouse gas emissions within the region. The City particularly notes that the proposed project will result in a cumulative decrease of 61,334 metric tons/year of GHG emissions

8-1

The City of Seal Beach has commented on various projects within the general region of the Ports of Long Beach and Los Angeles over the past several years regarding the impacts of air pollutants, and particularly toxic air contaminants. Many studies and environmental documents indicate adverse impacts to the residents of our community from the many transportation and port-related projects within this heavily industrialized region of Los Angeles County.

Among the previous documents that the City has commented on are the following:

- "2005 Draft Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach", State of California Air Resources Board.

APPENDIX F – RESPONSE TO COMMENTS

City of Seal Beach Comment Letter re:
Draft Environmental Impact Report – Tesoro Reliability
And Regulatory Compliance Project
(SCH 2008021099)
February 25, 2009

- "Draft EIS/EIR – Long Beach LNG Import Project (SCH No. 2003091130)", Federal Energy Regulatory Commission and Port of Long Beach.
- "Draft EIS/EIR – Middle Harbor Redevelopment Project (SCH No. 2004091010)", Port of Long Beach.
- "Draft Environmental Impact Report – Haynes Generating Station Repowering Project, Long Beach", Los Angeles Department of Water and Power.
- "Notice of Preparation of a Draft Environmental Impact Report – Haynes Generating Station Units 5 & 6 Repowering Project, Long Beach", Los Angeles Department of Water and Power.
- "Draft Environmental Impact Report 37-03 – Long Beach Airport Terminal Improvement Project (SCH No. 200309112)", City of Long Beach.

8-1
cont.

The Environmental Quality Control Board considered and discussed this DEIR on February 25, 2009 and authorized the Chairman to sign this letter, representing the official comments of the City of Seal Beach.

Thank you for your consideration of the comments of the City of Seal Beach. Please do not hesitate to contact Mr. Lee Whittenberg, Director of Development Services, City Hall, 211 Eighth Street, Seal Beach, 90740, by telephone at (562) 431-2527, extension 1313, or by e-mail at whittenberg@ci.seal-beach.ca.us if you have any questions regarding these comments.

Sincerely,



Mario Voce, Chairman
Environmental Quality Control Board

Distribution:

- Seal Beach City Council
- Seal Beach Planning Commission
- Seal Beach Environmental Quality Control Board
- City Manager
- Director of Development Services

**COMMENT LETTER NO. 8
CITY OF SEAL BEACH
FEBRUARY 25, 2009**

Response 8-1

The SCAQMD understands that the City of Seal Beach supports the Tesoro Reliability Improvement and Regulatory Compliance Project because of the reductions in toxic air contaminants and greenhouse gas emissions.

03/13/2009 14:07 SCAQMD → 917146326754

NO. 024 D001



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

March 10, 2009

Ms. Barbara Radlein
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182

Post-it® Fax Note	7671	Date	3-12-09	# of pages	5
To	Debbie Bryant Stearns	From	B Radlein		
Co./Dept.	EAI	Co.	SCAQMD		
Phone #	714.632.8521	Phone #	909.396.2716		
Fax #	714.632.6954	Fax #			

Subject: Tesoro Reliability Improvement and Regulatory Compliance Project
SCH#: 2008021099

Dear Ms. Barbara Radlein:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 5, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

9-1

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

03/13/2009

14:07

SCAQMD → 917146326754

NO. 024 0002

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008021099
Project Title Tesoro Reliability Improvement and Regulatory Compliance Project
Lead Agency South Coast Air Quality Management District

Type EIR Draft EIR
Description The purpose of the Tesoro Improvement and Regulatory Compliance Project is to improve the reliability of refinery operations and to comply with regulatory requirements. The proposed project includes the following changes to the Refinery: 1) install a new fuel gas treatment unit; 2) replace an existing cogeneration system with a new, more efficient cogeneration system; 3) replace multiple, existing steam boilers with new, more efficient equipment; 4) modify the Delayed Cooking Unit (DCU), the Hydrocracking Unit (HU), and the Fluid Catalytic Cracking Unit (FCCU) to increase recovery of liquefied petroleum gas (LPG); 5) modify the existing coke handling, screening, and loading system; 6) modify existing Hydrotreating Unit (HTU) No. 2 in order to comply with the revised California Air Resources Board's gasoline specifications (revised CARB Phase III); 7) upgrade the existing amine/sour water system to improve hydrocarbon removal efficiency; 8) connect certain existing atmospheric pressure relief devices (PRDs) to the existing flares to prevent direct atmospheric releases; 9) recover and treat sour gas from the spent acid storage tank and the LPG sulfur extraction unit; 10) modify the coke drum blowdown system; 11) modify heater number H-101 at the DCU; and 12) install a new crude oil storage tank. The proposed project at the Sulfur Recovery Plant will modify an existing Claus Unit to improve sulfur recovery.

Lead Agency Contact

Name Ms. Barbara Radlein
Agency South Coast Air Quality Management District
Phone (909) 396-2716
email
Address 21865 Copley Drive
City Diamond Bar
State CA **Zip** 91765-4182
Fax

Project Location

County Los Angeles
City Carson
Region
Lat / Long
Cross Streets Pacific Coast Highway/Alameda Street and Alameda Street/Sepulveda Boulevard
Parcel No.
Township

Range	Section	Base
-------	---------	------

Proximity to:

Highways 1, 103, 47, 710, 110
Airports
Railways BNSF and UPRR
Waterways Dominguez Channel, Port of Long Beach
Schools multiple
Land Use M2 Heavy industrial

Project Issues Toxic/Hazardous; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Major Industrial Projects; Integrated Waste Management Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

03/13/2009 14:07 SCAQMD → 917146326754

NO. 024 0003

**Document Details Report
State Clearinghouse Data Base**

Date Received 01/20/2009 *Start of Review* 01/20/2009 *End of Review* 03/05/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

**COMMENT LETTER NO. 9
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
MARCH 10, 2009**

Response 9-1

The SCAQMD has received the correspondence from the State Clearinghouse and the Native American Heritage Commission (see Comment Letter No.1) and has responded to these comments (see Responses 1-1 through 1-7 in Appendix F of the Final EIR for the Tesoro Reliability Improvement and Regulatory Compliance Project Draft EIR).

COMMENT LETTER NO. 10

The SCAQMD received the same letter from 57 different individuals. The comments in the first letter on page F-78 are bracketed and numbered. The numbering of the responses applies to all of the remaining comment letters as well because they are identical. The responses to these letters are found at the end of the letters (see page F-135).

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

Ms. Barbara Radlein
Office of Planning, Rule Development & Area Sources/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182

March 5, 2009

bradlein@aqmd.gov
909-396-2716 Office
909-396-3324 Fax

Re: Tesoro Reliability Improvement & Regulatory Compliance Project –
Draft Environmental Impact Report & Draft Health Risk Assessment

Su: Public Comments & Request For Public Hearing

Dear Ms. Radlein:

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- 1. Draft Environmental Impact Report
- 2. Draft Health Risk Assessment

10-1

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- 8. Tesoro failed to include numerous mitigation measures to protect residents, school children and the elderly health such as: HVAC air purification systems, fence-line monitoring equipment etc.

10-2

10-3

10-4

10-5

10-6

10-7

10-8

Sincerely,

1623 E. Robidoux St.
Wilmington, Ca. 90744

APPENDIX F – RESPONSE TO COMMENTS

Ms. Barbara Radlein
Office of Planning, Rule Development & Area Sources/CEQA
South Coast Air Quality Management District
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Sincerely

Kennedy Tanaka
1623 E. Robidoux St.
Wilmington CA. 90744

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Sincerely


1510 W. Redwood
Wilmington Ca 90744

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1549 E 2nd St
Wilmington, Ca 90744

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Sincerely

Elena Rodriguez
2464 Seabright Ave
Long Beach CA 90810

APPENDIX F – RESPONSE TO COMMENTS

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Sincerely

Job Cananena
1530 E. Robidoux ST.
Wilmington, CA. 90747

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

Ms. Barbara Radlein
Office of Planning, Rule Development & Area Sources/CEQA
South Coast Air Quality Management District
21865 Copley Drive
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Sincerely

Ernest Rivera
2145 W. 16th STREET
LONG BEACH, CA 90813

APPENDIX F – RESPONSE TO COMMENTS

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Sincerely

Robert Alfred Daniels
1510 E. Rubidoux St.
Wilmington, CA 90744

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

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Office of Planning, Rule Development & Area Sources/CEQA
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Tony Rivera
TONY RIVERA
2145 W 16th St.
Long Beach Ca. 90813

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Sincerely
Jacoma Landa
2129 W 16th st
Long Beach Ca 90813

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J. Malton
2129 W 16th St
Long Beach Ca. 90813

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1357 Dawson ave # 7
Long Beach Ca. 90804

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South Coast Air Quality Management District
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Martha Mercado
1022 Flint Ave
Wilmington Ca - 90744

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1537 E. Dennis St
Wilmington Ca. 90741

TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

Ms. Barbara Radlein
Office of Planning, Rule Development & Area Sources/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182

March 5, 2009

bradlein@aqmd.gov
909-396-2716 Office
909-396-3324 Fax

Re: Tesoro Reliability Improvement & Regulatory Compliance Project –
Draft Environmental Impact Report & Draft Health Risk Assessment

Su: Public Comments & Request For Public Hearing

Dear Ms. Radlein:

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8. Tesoro failed to include numerous mitigation measures to protect residents, school children and the elderly health such as: HVAC air purification systems, fence-line monitoring equipment etc.

Sincerely

Socorro Morin
1530 E Denny St
Wilmington Ca. 90744

APPENDIX F – RESPONSE TO COMMENTS

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Sincerely
2129 W 16th St
Long Beach Ca, 90813

Ben Maldonado

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1510 W Robedoux St Wilmington Ca
90744

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Martha Maldonado
1549 E 'L' st
Wilmington Ca 90714

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Wilmington Ca 90714

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Julio M. Conill
5210. AVALOW #105
Wilmington Ca. 90744

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Yadira M. Murolo
61 N Gulf Ave.
Wilmington CA 90744

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Lenzo Con Ho
521 N. Avalon #105
Wilmington Ca. 90744

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For. J. Merrill
611 N. Bu/F Ave
Wilmington CA 90744

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Carla L. Ponce
1148 Mc Donald Ave
Wilmington, CA 90744

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Edward Mora
613 N. Gulf Ave
Wilmington, Ca 90744

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Maria Altamirano

APPENDIX F – RESPONSE TO COMMENTS

Ms. Barbara Radlein
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South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182

March 5, 2009

bradlein@aqmd.gov
909-396-2716 Office
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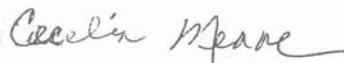
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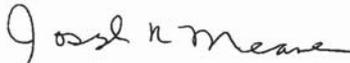
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JESSE ARREOLA

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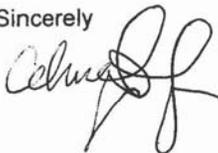
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Sincerely



TESORO RELIABILITY IMPROVEMENT AND REGULATORY COMPLIANCE PROJECT

Ms. Barbara Radlein
Office of Planning, Rule Development & Area Sources/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182

March 5, 2009

bradlein@aqmd.gov
909-396-2716 Office
909-396-3324 Fax

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Maria Delazar

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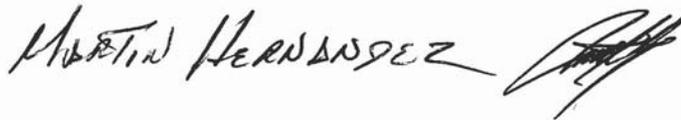
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Herlinda Romero

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Maria Orozco

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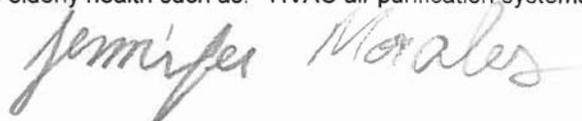
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Marcia @ Perez

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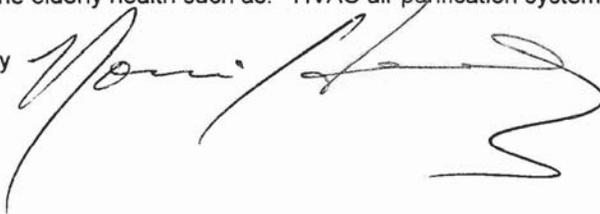
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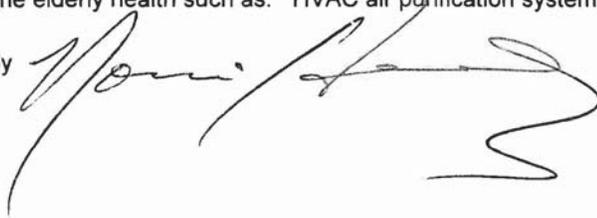
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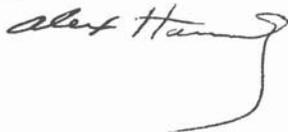
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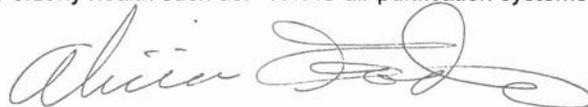
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COMMENT LETTER NO. 10
PUBLIC COMMENTS AND REQUEST FOR PUBLIC HEARING
MARCH 5, 2009

Response 10-1

In accordance with CEQA Guidelines §15082(c)(1), a public scoping meeting was held on February 28, 2008 at the Wilmington YMCA located at 1121 N. Avalon Boulevard, Wilmington, California. At this public meeting, a description of the proposed project was provided and the scope of the EIR was discussed. A public question and comment period was held and public comments were received. Responses to these comments were prepared and are included in Appendix A of the Final EIR.

In accordance with CEQA Guidelines §15202 (a), CEQA does not require formal hearings at any stage of the environmental review process. Further, since there are no substantial changes proposed to the project since the release of the Draft EIR, a public hearing for the proposed project will not further facilitate the purposes and goals of CEQA (CEQA Guidelines §15202 (c)). Thus, additional public meetings and additional time to review the CEQA document are not warranted.

Response 10-2

The potential health impacts of volatile organic compound emissions (VOCs), which contribute to regional ozone concentrations, have been evaluated in the EIR. The proposed project was expected to result in a significant increase in VOC emissions but those emissions will be reduced to less than significant through emission offsets. See Response 3-2 for a further discussion of criteria pollutant emission impacts. The overall impacts of the proposed project on carcinogenic and non-carcinogenic health impacts have been evaluated per the Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk (OEHHA, 2003). The carcinogenic and non-carcinogenic health impacts were determined to be less than significant (see EIR Section 4.2 and Volume II, HRA).

Based on the air quality modeling and related assumptions, the cancer risks to the Maximum Exposed Individual Worker (MEIW) and the Maximum Exposed Individual Resident (MEIR) were calculated to be 3.14×10^{-6} , and 6.76×10^{-6} , respectively, or less than ten per one million. This result does not exceed the cancer risk significance threshold of ten per one million. The highest acute hazard index for the proposed project is estimated to be 0.508, while the highest chronic hazard index for the proposed project is estimated to be 0.0846. The acute and chronic hazard indices for the proposed project do not exceed the relevant significance threshold of 1.0, therefore, no significant adverse acute or chronic health impacts are expected. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to

be conservative (i.e., “worst-case”). Since there are no significant operational emissions and no significant increase in carcinogenic and non-carcinogenic health risk associated with the proposed project, no significant adverse health impacts are expected from the proposed project.

Response 10-3

Contrary to the comment, the proposed project does not contain any provision that would require Tesoro to increase the amount of NO_x and SO_x RTCs beyond current levels. As discussed in the EIR (see page 2-6), currently, the actual annual NO_x emissions at the Refinery exceed the annual NO_x allocation. In order to comply with RECLAIM regulations Tesoro has been purchasing NO_x RECLAIM trading credits (referred to as RTCs) from the market to comply with the facility’s annual allocation requirement. In lieu of continuing to purchase credits, the proposed project would reduce NO_x emissions at the Refinery by replacing the existing cogeneration unit with a new cogeneration unit and replacing four existing steam boilers with two new steam boilers. Therefore, the proposed project would provide NO_x emission reductions at the Refinery, reduce local impacts, and minimize the need to purchase NO_x emission RTCs in the future. As shown in Table 4-6 of the EIR, the proposed project will also result in a reduction in SO_x emissions from the new boilers and cogeneration unit as compared to the existing Refinery.

Response 10-4

The environmental setting or baseline for toxic air contaminants and the related cancer risk is provided in the EIR (Section 3.2.4.5 – Toxic Air Contaminants, pages 3-7 through 3-9). The existing cancer risk for the area is based on the SCAQMD’s MATES-II and MATES-III projects, which indicate that the average carcinogenic risk in the district is about 1,200 per one million people. This means that 1,200 people out of one million are susceptible to developing cancer from exposure to TACs over a 70-year exposure period.

CEQA requires that the impacts of a proposed project be evaluated before the project is approved. The public health impacts associated with the proposed project cannot be determined by doing a public health survey as the equipment is not yet constructed and operating. Air quality modeling must be used to predict the potential air quality and related public health impacts of a project before it is built. Conservative assumptions have been used in the air quality model in order to minimize the potential for underestimating impacts including conservative emission calculations, exposure assumptions, cancer potency slopes, reference exposure levels, and meteorological data, which are expected to over estimate health risk rather than underestimate health risk. HRA protocols and procedures have been developed and approved for use by the SCAQMD (see Risk Assessment Procedures for Rules 1401 and 212). Use of this methodology is required by the SCAQMD and is the normal and accepted practice when preparing CEQA documents. Based on the results of the HRA, the health impacts associated with the proposed project are less than significant and no further evaluation or

mitigation measures are required. Further, as explained in the EIR (see page 4-18), TAC emission reductions associated with the proposed project were not included in the HRA, therefore, the health risks estimated for the proposed project are expected to be conservative (i.e., “worst-case”).

Response 10-5

The emissions from the existing equipment at the Refinery are based on the Annual Emission Reports for reporting years 2005/2006 and 2006/2007 as submitted by Tesoro to the SCAQMD and shown in Table 3-3 of the EIR (see page 3-7). The Annual Emission Reports are based on actual refinery operations and vary depending on actual throughput, maintenance activities which may result in the shutdown of units for repair/maintenance, catalyst life, operational characteristics and so forth. The SCAQMD audits annual emission fee reports for accuracy. No evidence has been provided to demonstrate that the emission estimates reported in Table 3-3 are underestimated.

Response 10-6

The emission estimates are accurate because they are based on the manufacturer specifications and engineering estimates for the new equipment. The storage tank emissions are based on the size, characteristics of the material stored, and expected throughput using the U. S. EPA approved TANKS model. The SCAQMD permits to construct/operate will be based on these manufacturer specifications and engineering estimates and will include enforceable permit conditions that limit the emissions to those evaluated in the permit engineering review. The emissions evaluated in the EIR are based on maximum rated design and the permit conditions will limit the equipment to the emissions evaluated in the EIR (or less). Any increase in the emissions over the allowable permit limits would be a violation of the permit conditions. Therefore, the emissions are not expected to be any greater than evaluated in the EIR. The storage tank will undergo engineering review to make sure that it complies with the SCAQMD best available control technology (BACT) requirements and will not approve tank designs that do not comply with BACT requirements. BACT associated with each of the major project components is discussed on pages 4-13 and 4-14 of the Draft EIR.

BACT, by definition, is control equipment with the lowest achievable emission rate (LAER). BACT controls emissions to the greatest extent feasible for the new and modified emission sources. The SCAQMD determines BACT for various types of equipment in different services and within different industries. All new and modified process components are required to conform to the SCAQMD’s BACT Guidelines (available at <http://www.aqmd.gov/bact/BACTGuidelines.htm>). Major emission sources that are subject to New Source Review (as is the proposed project at Tesoro) are required by the Clean Air Act to meet the LAER standards which are determined for major sources such as the Tesoro Refinery at the time the permit is issued, with little regard for cost, and pursuant to U.S. EPA’s LAER policy as to what has been achieved in practice. The Part B BACT and LAER determinations for major facilities outlined by the SCAQMD are only examples of past determinations that help in determining LAER for

new permit application projects. BACT/LAER determinations change and evolve as new technologies and new uses of existing technologies are used in practice.

Response 10-7

See Response 10-2 regarding the analysis of health risk impacts. The proposed project cancer and non-cancer risks were determined to be less than significant.

Response 10-8

The proposed project health impacts were evaluated and determined to be less than significant (see Section 4.2 of the EIR). The proposed project was expected to result in a significant increase in VOC emissions during project operations but those emissions will be reduced to less than significant through emission offsets. Mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines §15126.4(a)). Therefore, mitigation measures are not required and are not proposed for health risks associated with the proposed project.

The proposed project construction emissions were determined to be significant, therefore, a number of mitigation measures were imposed on the proposed project and will be enforced through permit conditions (see EIR, pages 4-24 and 4-25). Mitigation measures include developing a construction emission management plan, limiting construction equipment and truck idling to five minutes, using electricity wherever possible, maintaining construction equipment, suspending construction activities during first stage smog alerts, developing and implementing a fugitive dust emission control plan, and using lower VOC content coatings.

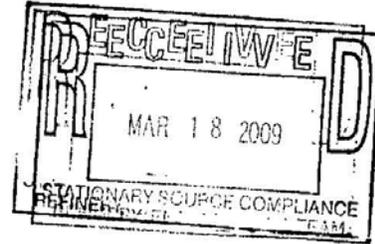
Post Office Box 90

Wilmington, California 90748



March 11, 2009

Ms. Sawsan Andrawis
Air Quality Engineer
Engineer and Compliance Office
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182



RE: Comments on Tesoro Los Angeles Refinery Reliability Project

Dear Ms. Sawsan:

Our Wilmington Chamber of Commerce supports the issuance of "permits to construct" for Tesoro Refining and Marketing Company, Facility ID #800436 located at 2101 E. Pacific Coast Highway, Wilmington, CA 90744.

This support is specific for application #493279, the Hydrocracking Unit and #494382, the Flare Gas Recovery System. We were fortunate to attend the public scoping meeting at the Wilmington YMCA, February 28, 2008 and have had an opportunity to discuss these projects with Key Management at their Wilmington facility.

There are obvious benefits to our air quality and efficiencies for the refinery. It is our sincere hope that you can expedite these permits so these advantages are not delayed.

Sincerely,

Dan Hoffman
Executive Director

11-1

310.834.8586 • Fax 310.834.8887

**COMMENT LETTER NO. 11
WILMINGTON CHAMBER OF COMMERCE
MARCH 11, 2009**

Response 11-1

The SCAQMD understands that the Wilmington Chamber of Commerce supports the modifications to the Hydrocracker Unit and the fuel gas recovery system because of the air quality benefits.