

**APPENDIX I-C**

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**COMMENT LETTERS RECEIVED ON THE DRAFT EIR AND RESPONSES TO  
COMMENTS**

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## **SHELL CARSON FACILITY ETHANOL (E10) PROJECT**

### **COMMENT LETTERS RECEIVED ON THE DRAFT EIR AND RESPONSES TO COMMENTS**

#### **INTRODUCTION**

The Draft Environmental Impact Report (EIR) was circulated for a 45-day public review and comment period, which started on September 21, 2012, and ended November 6, 2012. The Draft EIR contains a detailed project description, the environmental setting for each environmental resource where the Notice of Preparation/Initial Study (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 SCAQMD received three comment letters on the Draft EIR during the public comment period. Responses to the comment letters are presented herein. The comment letters are numbered and individual comments within each letter are bracketed and numbered. The related responses are identified with the corresponding number and are included in the following pages.

<b>Comment Letter</b>	<b>Commentator</b>
#1	Native American Heritage Commission
#2	California Department of Transportation
#3	City of Carson

STATE OF CALIFORNIA

Edmund G. Brown, Jr., 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](http://www.nahc.ca.gov)  
[ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



October 3, 2012

Dr. Steve Smith, Ph.D., Program Supervisor

**South Coast Air Quality Management District**

21865 Copley Drive  
Diamond Bar, CA 91765-4182

Re: SCH#2012101003; CEQA Notice of Completion; draft Environmental Impact Report (DEIR); for the "Shell Carson Facility Ethanol (E10) Project" located in the City of Carson; Los Angeles County, California

Dear Dr. Smith:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604).

1-1

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) 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 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. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

1-2

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

1-2  
Cont'd

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

1-3

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254( r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

1-4

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

2

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", is written over the typed name and title.

Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts  
Los Angeles County  
October 3, 2012**

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th St, Rm. 403  
Los Angeles , CA 90020  
randrade@css.lacounty.gov  
(213) 351-5324  
(213) 386-3995 FAX

Gabrielino Tongva Nation  
Sam Dunlap, Cultural Resources Director  
P.O. Box 86908  
Los Angeles , CA 90086  
samdunlap@earthlink.net  
(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu  
Cindi M. Alvitre, Chairwoman-Manisar  
3094 Mace Avenue, Apt. B Gabrielino  
Costa Mesa, , CA 92626  
calvitre@yahoo.com  
(714) 504-2468 Cell

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

Tongva Ancestral Territorial Tribal Nation  
John Tommy Rosas, Tribal Admin.  
Private Address Gabrielino Tongva  
**tattnlaw@gmail.com**  
310-570-6567

Gabrielino-Tongva Tribe  
Bernie Acuna  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
(619) 294-6660-work  
(310) 428-5690 - cell  
(310) 587-0170 - FAX  
bacuna1@gabrieinotribe.org

Gabrieleno/Tongva San Gabriel Band of Mission  
Anthony Morales, Chairperson  
PO Box 693 Gabrielino Tongva  
San Gabriel , CA 91778  
GTTribalcouncil@aol.com  
(626) 286-1632  
(626) 286-1758 - Home  
(626) 286-1262 -FAX

Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
lcandelaria1@gabrielinoTribe.org  
626-676-1184- cell  
(310) 587-0170 - FAX

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

Distribution of this list does not relieve any person of the 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 applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010041057 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Shell Carson Facility Ethanol (E10) Project; located in the City of Carson; Los Angeles County, California.

**Native American Contacts  
Los Angeles County  
October 3, 2012**

Gabrieleno Band of Mission Indians  
Andrew Salas, Chairperson  
P.O. Box 393                      Gabrielino  
Covina                      , CA 91723  
(626) 926-4131  
gabrielenoindians@yahoo.  
com

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

**Distribution of this list does not relieve any person of the 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 applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010041057 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Shell Carson Facility Ethanol (E10) Project; located in the City of Carson; Los Angeles County, California.**

**RESPONSES TO COMMENT LETTER NO. 1  
(Native American Heritage Commission, October 3, 2012)**

**1-1** This comment identifies the Native American Heritage Commission (NAHC) as a trustee agency for the protection and preservation of Native American cultural resources. The comment also identifies laws and regulations pertinent to protecting Native American cultural resources. No further response is necessary.

**1-2** This comment refers to the CEQA Guidelines requirement to address archaeological and historical resources in CEQA documents. SCAQMD staff is aware of these requirements and the CEQA document for the Shell Carson Ethanol (E10) Project complies these requirements and with all other relevant CEQA requirements. Further, an EIR was prepared for the proposed project because of potential significant impacts identified for the topics of air quality, biological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic. However, as indicated in the Notice of Preparation and Initial Study (NOP/IS) no significant adverse cultural resources impacts, including archaeological resources, were identified for the proposed project.

This comment describes the legal requirements associated with Sacred Sites and recommends the SCAQMD to request the NAHC to conduct a Sacred Lands File search to identify Native American cultural resources within the area of potential effect (APE). However, SCAQMD believes that an additional Sacred Lands File search is unnecessary, because a previous search was conducted in 2007 for the affected facility and no cultural resources had been recorded, as explained on page 2-13 of the IS and in Chapter 4, Subsection 4.10.3 – Cultural Resources of the Draft EIR:

“All construction and operational activities that would occur as a result of implementing the proposed project would occur within the confines of the existing Carson Facility. The proposed project would be consistent with the zoning requirements for the facility. The areas within the facility where construction for the proposed project would take place have previously been disturbed. No human remains or cultural artifacts were discovered when the existing two-lane truck loading rack was constructed in 2003. Additionally, a cultural resources records search for the Carson Facility was conducted at the South Central Coastal Information Center at California State University, Fullerton, in September 2007. The records search found that no cultural resources had been recorded within the Carson Facility.

While the likelihood of encountering previously unknown cultural or paleontological resources during the construction of the proposed project is low, the potential does exist that buried resources may be uncovered. Any such impact would be reduced to less than significant by using the following construction practices that would avoid adverse impacts on cultural resources if they are discovered and by complying with all laws and regulations:

- Shell Carson will require cultural resources training for construction workers involved in excavation activities. This training will help workers identify the kinds

of resources that could be uncovered, and the appropriate steps to take should such resources be discovered.

- Shell Carson will require that construction cease if potential Native American cultural resources are exposed during excavation and will require that a representative of the Gabrielino/Tongva tribe will be available prior to restarting construction to monitor further excavation activities, assess findings, and help develop a mitigation plan.
- Shell Carson will require that construction cease and will contact the Los Angeles County Coroner's office if human remains are unearthed. The remains will be evaluated with respect to origin and disposition. Shell Carson will notify the Native American Heritage Commission if the remains are determined to be of Native American descent.

Based upon these considerations, significant cultural resources impacts are not expected from construction and operation of the proposed project.”

SCAQMD staff is aware of the exemption from the Public Records Act requirements relative sacred sites. However, since discovery of sacred sites as indicated above is not anticipated for the proposed project, there is no need for the SCAQMD to make a Public Records Act request for any sacred site data.

Lastly, this comment recommends the SCAQMD to make early contact with the list of Native American Contacts included as an attachment to the NAHC letter, to identify potential impacts to Native American cultural resources and to work with these contacts to identify any concerns regarding the proposed project. The SCAQMD maintains a specific list of Native American contacts that includes contacts previously provided by the NAHC for other SCAQMD lead agency projects. At the time of release of the NOP/IS for public review and comment, all of the Native American contacts included in the attachment to the NAHC letter were provided a copy of the Notice of Preparation for the Draft EIR. They were also provided a copy of the Notice of Completion of the Draft EIR at the time of release of the Draft EIR for public review and comment. The SCAQMD did not receive any comments from contacts on the NAHC list.

**1-3** This comment recommends the SCAQMD to consult with tribes and interested Native American consulting parties on the NAHC list if the proposed project is subject to the requirements of the National Environmental Policy Act (NEPA). The proposed project is not under federal jurisdiction and, therefore, is not subject to the requirements in NEPA. However, as mentioned in Response to Comment 1-2, the SCAQMD evaluated the potential for impacts to Native American sites and concluded that such sites would not be adversely affected by the proposed project. Further, the SCAQMD provided a Notice of Completion of the Draft EIR of the proposed project to all of the parties included on the NAHC's contact list on September 21, 2012.

This comment also recommends that the confidentiality of historic properties be protected pursuant to the both California and federal requirements. No historic properties were

identified that would be affected by the proposed project. Thus, the recommended confidentiality protections do not apply to this project. However, as indicated in Response to Comment 1-2, there is no need for additional data on “historic properties of religious and cultural significance.”

**1-4** This comment cites PRC §5097.98, California Government Code §27491 and Health and Safety Code §7050.5, which all include provisions for handling an accidental discovery of archaeological resources during construction. As explained in Responses to Comment 1-2 and 1-3, the proposed project is not expected to have any impact on historic properties of religious and cultural significance, human remains, or Native American cemeteries because a Sacred Lands File search conducted in 2007 for the affected facility did not identify any cultural resources. As a result, no impacts to historical, archaeological or paleontological resources (per CEQA Guidelines §15064.5) are expected as a result of implementation of the proposed project. Thus, with no impacts to historical, archaeological or paleontological resources, no mitigation measures, such as “avoidance of the site” per CEQA Guidelines §15370 (a), are required.

Lastly, this comment recommends the SCAQMD to conduct a consultation between tribes, lead agencies, project proponents, and their contractors regarding the proposed project. As noted in Response to Comment 1-2, the SCAQMD maintains a comprehensive list of Native American contacts in the southern California region. The Native American contacts on this list receive notices for all projects where the SCAQMD is lead agency, including the proposed project. With regard to Native American tribes and organizations contacted about the proposed project, refer to Response to Comment 1-2.

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7, REGIONAL PLANNING  
IGR/CEQA BRANCH  
100 MAIN STREET, MS # 16  
LOS ANGELES, CA 90012-3606  
PHONE: (213) 897-9140  
FAX: (213) 897-1337



*Flex your power  
Be energy efficient* 2-4

November 1, 2012

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

IGR/CEQA No. 120943AL-DEIR  
Shell Carson Facility Ethanol (E10) Project  
Vic. LA-405 / PM 9.556, LA-710 / PM 10.823  
SCH #: 2010041057

Dear Ms. Barbara:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. Shell Oil Products US (Shell) is proposing a project at its Carson Distribution Facility to increase the Carson Facility's capacity to store on-site either 100 percent pure or denatured ethanol and load ethanol into tanker trucks that deliver the ethanol to gasoline blending and distribution terminals for the southern California market.

2-1

Caltrans concurs that construction of the proposed project would result in one temporary adverse impact at the intersection of Wilmington Avenue and I-405 Southbound On/Off-Ramps. A mitigation measure that would remove the temporary adverse impact at this location would be the modification of the construction traffic management plan to include the following change to construction worker routes:

2-2

All construction related traffic exiting the project site to go south on I-405 will be required to use the I-710 Southbound On-Ramp at Susana Road (taking Wilmington Boulevard northbound and Del Amo Boulevard eastbound). Shell will develop a method to inform the construction workers and monitor the required routing plan prior to the commencement of construction on site.

The proposed project is estimated to generate a total of 288 daily (24-hour) truck trips (144 inbound/144 outbound), of which 12 trips (six inbound/six outbound) would occur during the morning and evening peak hours. After applying the PCE factor of 2.0, the proposed expansion is estimated to generate a total of 576 net new daily PCE trips, of which 24 PCE trips (12 inbound/12 outbound) would occur during the morning and evening peak hours.

2-3

Caltrans has concurred that the proposed project would not result in a significant traffic impact at state highway system under both existing plus project and future (Year 2012) plus project conditions.

*"Caltrans improves mobility across California"*

Ms. Barbara Radlein  
November 1, 2012  
Page 2 of 2

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan. 2-4

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from the Department. It is recommended that large size truck trips be limited to off-peak commute periods. 2-5

If you have any questions, please feel free to contact Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 120943AL.

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

*"Caltrans improves mobility across California"*

**RESPONSES TO COMMENT LETTER NO. 2**  
**(California Department of Transportation, November 1, 2012)**

**2-1** This comment summarizes the purpose of the proposed project. No further response is necessary.

**2-2** In this comment Caltrans concurs with the conclusion in Chapter 4, Subsection 4.7.2.1 – Construction Impacts of the Draft EIR, that construction of the proposed project may cause a significant adverse impact to traffic at the Wilmington Avenue/I-405 South-bound On-/Off-Ramp intersection during the P.M. peak period. The comment also suggests that a mitigation measure be included to require all construction related traffic that intends to travel south on the I-405 Freeway when leaving the facility to travel north on Wilmington Avenue to Del Amo Boulevard, east on Del Amo Boulevard to the Southbound I-710 Freeway, and south on the I-710 Freeway to the southbound I-405 Freeway. This requirement, which will be implemented by Shell, is already included in mitigation measure T-1 in Chapter 4, Subsection 4.7.3 – Mitigation Measures of the Draft EIR. Potential impacts on traffic during construction of the proposed project with implementation of mitigation measure T-1 were analyzed in Chapter 4, Subsection 4.7.4 – Level of Significance after Mitigation of the Draft EIR, and it was concluded that the traffic impacts after mitigation would be less than significant.

**2-3** This comment summarizes the net increase in tanker truck trips during operation of the proposed project and concurs with the conclusions in Chapter 4, Subsection 4.7.2.2 – Operational Impacts of the Draft EIR that operation of the proposed project would not cause significant adverse traffic impacts. No further response is necessary.

**2-4** This comment recommends the proposed project to be designed to discharge clean run-off water because storm water run-off is a sensitive issue in Los Angeles and Ventura counties. As discussed on page 2-24 of the Initial Study for the proposed project, the Carson Facility, which is located in Los Angeles county, has an existing storm water capture system, which diverts and holds storm water in a retention/detention basin. The Carson Facility generally discharges storm water to the sanitary sewer system. During major storm events, water is occasionally discharged to the Dominguez Channel, which is located adjacent to the Carson Facility. The areas within the facility where the proposed new single-lane truck loading rack, the proposed ethanol loading rack operations building expansion and the proposed new gasoline storage tank will be constructed are currently connected to the existing storm water management system and will continue to be connected to the existing system after construction is completed. Based on these factors, the proposed project will not cause a significant impact to the on-site storm water drainage system or storm water management system.

Construction associated with the proposed project will occur within the boundaries of the on-site storm water drainage system, and any runoff occurring will continue to be handled by the Carson Facility's storm water management system prior to discharge. Storm water runoff will be collected and discharged in accordance with the Carson Facility's discharge permit terms and conditions.

Based on these factors, construction and operation of the proposed project will not cause discharge of untreated storm water and will not cause discharge of storm water runoff onto state highway facilities.

**2-5** This comment recommends the truck trips handling the transportation of heavy construction equipment and materials via oversized transport vehicles to be limited to off-peak commute periods. As stated in Chapter 2, Subsection 2.10.2 – State Approvals of the Draft EIR, SCAQMD staff is aware that any deliveries of heavy construction equipment which require the use of oversized transport vehicles on state highways will require a California Department of Transportation permit. Additionally, mitigation measure A-11 requires development of a Construction Emission Management Plan, which includes scheduling deliveries to avoid peak hour traffic conditions.



## CITY OF CARSON

November 6, 2012

VIA FACSIMILE AND EMAIL ONLY

Barbara Radlein  
Planning, Rule Development and Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Fax: (909) 396-3324, Email: bradlein@aqmd.gov

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SHELL CARSON  
FACILITY ETHANOL (E10) PROJECT  
20945 S. WILMINGTON AVENUE, CARSON, CA**

Dear Ms. Radlein:

Thank you for the opportunity to comment on the draft environmental impact report (EIR) for the Shell Carson Facility Ethanol (E10) Project. As mentioned in my letter to you dated May 18, 2010, the City of Carson granted approval of Design Overlay Review (DOR) No. 764-01 for a truck loading facility and platform on September 17, 2002. On May 23, 2006, the City approved a modification (Modification No. 1) to increase the maximum number of truck trips per day from 150 to 180 and setting the maximum monthly average to 150 truck trips per day. The E10 Project is expected to further increase the number of truck trips, which requires a second modification to the original permit.

3-1

The City acknowledges the South Coast Air Quality Management District's (SCAQMD) role in preparing and certifying the EIR. The City intends to rely on the certified EIR in order to process the modification to DOR No. 764-01. As such, please continue to keep us posted on any future activities, including certification of the EIR, changes to any mitigation measures, additional issues that may arise during the final EIR process, and approval of permits.

3-2

Once again, thank you for the opportunity to participate. If you have any questions on this matter please contact me at (310) 952-1700, extension 1327 or email [jsigno@carson.ca.us](mailto:jsigno@carson.ca.us).

Sincerely,

John F. Signo, AICP  
Senior Planner

**RESPONSES TO COMMENT LETTER NO. 3**  
**(City of Carson, November 6, 2012)**

- 3-1** This comment states that the City of Carson previously approved a modification to the Design Overlay Review (DOR) for Shell Carson's truck loading facility that would increase the maximum number of truck trips per day from 150 to 180 and setting the maximum monthly average to 150 truck trips per day. The comment also states that the proposed project would need an additional increase in the number of daily truck trips and that an additional modification to the DOR would be needed. As indicated in Chapter 2, Section 2.9 –Operation of the Proposed Project of the Draft EIR, operation of the proposed project is anticipated to increase the maximum daily number of tanker trucks loaded with ethanol to 276 trucks per day, which would generate 552 one-way tanker truck trips per day. As indicated in the comment, DOR 764-01 currently limits the maximum daily number of tanker trucks loaded with ethanol to 180 trucks per day and the monthly average to 150 tanker trucks per day. Therefore, as indicated in the comment, SCAQMD staff acknowledges that a modification will be required to the DOR, subject to discretionary approval from the City of Carson, to allow for the increase to a maximum of 276 trucks per day associated with the proposed project.
- 3-2** The comment states that the City of Carson intends to use the analysis in the EIR to process a second modification to DOR No. 764-01. Also, the comment requests SCAQMD to notify the City of Carson regarding future activities involving the proposed project, such as certification of the EIR, changes to mitigation measures, new issues that may arise, and permit approvals. The SCAQMD is in the process of finalizing the EIR. While the SCAQMD does not anticipate any substantial changes to the project description or mitigation measures, some minor changes to the EIR may be made throughout the document in strikeout/underline format for ease of identification. Upon certification, a copy of the Final EIR along with a Mitigation, Monitoring, and Reporting Plan, Findings, and a Statement of Overriding Considerations will be made available for downloading from SCAQMD's website at: <http://www.aqmd.gov/ceqa/nonaqmd.html>. As requested, the SCAQMD will contact the City of Carson regarding the availability of these documents and the status of SCAQMD permit issuance.