

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

**ATTACHMENT 1: FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS,  
MITIGATION, AND MONITORING, AND REPORTING PLAN TO THE FINAL  
ENVIRONMENTAL IMPACT REPORT FOR  
TESORO LOS ANGELES REFINERY INTEGRATION AND COMPLIANCE PROJECT**

**SCH No. 2014091020**

**May 2017**

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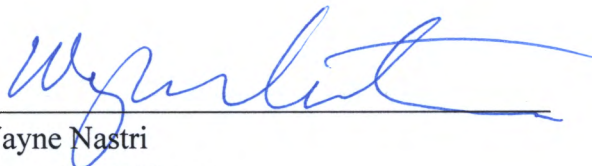
**WHEREAS**, it is necessary that the SCAQMD prepare Findings and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15091 and § 15093, respectively, regarding potentially significant adverse environmental impacts that cannot be mitigated to insignificance for the Tesoro Los Angeles Refinery and Integration Project; and

**WHEREAS**, Findings and a Statement of Overriding Considerations have been prepared and are included in Attachment 1, which is attached and incorporated herein by reference;

**BE IT THEREFORE RESOLVED**, that the Executive Officer adopts the Findings and Statement of Overriding Considerations pursuant to CEQA Guidelines § 15091 and § 15093, respectively, as required by CEQA and which are included in Attachment 1 hereto and incorporated herein by reference.

South Coast Air Quality Management District

Dated: 12 MAY 2017

  
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Wayne Natri  
Executive Officer

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## **1.0 PROJECT DESCRIPTION**

### **1.1 INTRODUCTION**

The Tesoro Refining & Marketing Company LLC (Tesoro) is proposing the Los Angeles Refinery Integration and Compliance Project (proposed project). In June 2013, Tesoro purchased the adjacent BP West Coast Products LLC (BP) Carson Refinery which, as part of the proposed project, will be more fully integrated with the Tesoro Los Angeles Refinery – Wilmington Operations to form the Tesoro Los Angeles Refinery (Refinery). The Refinery includes: (1) the Wilmington Operations located at 2101 East Pacific Coast Highway in the Wilmington District of the City of Los Angeles; and (2) the Carson Operations, which is the former BP Carson Refinery located at 2350 East 223rd Street in the City of Carson.

In addition to further Refinery integration, the proposed project is designed to comply with the federally-mandated Tier 3 gasoline specifications and with State and local regulations mandating emission reductions. The Los Angeles Refinery Integration and Compliance Project is expected to substantially reduce greenhouse gas (GHG), sulfur oxides (SOx), nitrogen oxides (NOx), and carbon monoxide (CO) at the Refinery. This will be accomplished by reconfiguring the combined Refinery complex to enable shutting down the Fluid Catalytic Cracking Unit (FCCU) at the Wilmington Operations, and by reconfiguring the combined Refinery complex to improve the gasoline to distillate production ratio from the integrated Refinery in order to expeditiously respond and adjust to ongoing changes in market demand for various types of petroleum products. Additionally, heat recovery will be optimized by installing new heat exchangers and modifying specified units to further minimize criteria pollutant and GHG emissions. All new and modified stationary sources with emissions increases will be required to comply with Best Available Control Technology (BACT) requirements in South Coast Air Quality Management District (SCAQMD) Rule 1303.

The proposed project was determined to be a “project” as defined by the California Environmental Quality Act (CEQA) and the Public Resources Code (PRC) §21000 et. seq. Specifically, CEQA requires: 1) the potential environmental impacts of proposed projects to be evaluated; and 2) feasible methods to reduce or avoid identified significant adverse environmental impacts of these projects to be identified. The proposed project requires discretionary approvals from the SCAQMD, the City of Carson, and the Alameda Corridor Transportation Authority. The lead agency is the public agency that has the greatest responsibility for carrying out or approving a project which may have a significant effect upon the environment (PRC §21067). In the case of the proposed project, either the SCAQMD or the City of Carson both have discretionary approvals for the proposed project. CEQA Guidelines §15051 (d) (Title 14 of the California Code of Regulations, §15051 (d)) states that where there are two or more public agencies with a substantial claim to be lead agency, the public agencies may by agreement, designate an agency as lead agency. The SCAQMD is lead agency because it has the greatest responsibility for supervising or approving the project as a whole (CEQA Guidelines §15051(b)) and, therefore, has prepared a Final Environmental Impact Report (FEIR) pursuant to CEQA Guidelines §15089 and §15132.

The SCAQMD, as the lead agency for the proposed project, prepared a Draft Environmental

Impact Report (DEIR), which was circulated for a 94-day public review and comment period from March 8, 2016 to June 10, 2016. The SCAQMD also held a public hearing on the Title V permit and public meeting on the DEIR on May 17, 2016. The purpose of the DEIR is to describe the proposed project and to identify, analyze and evaluate any potentially significant adverse environmental impacts that may result from implementing the proposed project. During the comment period and through February 3, 2017, a total of 2,098 comment letters, emails, and cards were received (1,798 in support letters, emails, and cards, and 156 other written comment letters). Verbal comments were received at the public hearing on Title V permit and public meeting on the DEIR (144 verbal comments). The Final Environmental Impact Report (FEIR) was prepared pursuant to CEQA Guidelines §15089 and §15132 and includes the comments and responses to comments on the DEIR in Appendix G.

## **2.0 CERTIFICATION OF THE FEIR**

The Executive Officer of the SCAQMD certifies that it has been presented with the FEIR and that it has reviewed and considered the information contained in the FEIR and the administrative record prior to making the following certifications and findings.

Pursuant to CEQA Guidelines §15090, the Executive Officer certifies that the FEIR has been completed in compliance with the CEQA statutes and guidelines. The Executive Officer certifies the FEIR for the actions described in these findings and in the FEIR, i.e., the proposed project. The Executive Officer certifies that the FEIR reflects his independent judgment and analysis.

### **2.1 ENVIRONMENTAL REVIEW PROCESS**

To fulfill the purpose and intent of CEQA, the SCAQMD, as the lead agency for the proposed project, prepared and released a Notice of Preparation and Initial Study (NOP/IS) to initially identify potentially significant adverse environmental impacts associated with the proposed project to be further analyzed in the DEIR. The NOP/IS was circulated from September 10, 2014 through October 10, 2014, in compliance with the requirement for a minimum comment period of 30 days. The NOP/IS was circulated in Carson and Wilmington and to neighboring jurisdictions, responsible agencies, other public agencies, and interested individuals in order to solicit input on the scope of the environmental analysis to be included in the EIR. A total of 93 comment letters were received on the NOP/IS during the public comment period, 85 of which expressed support for the proposed project. Responses to those comments are provided in Appendix A of the FEIR. The NOP/IS formed the basis for and focus of the technical analyses in the DEIR. The following environmental issues were identified in the NOP/IS as potentially significant and were further addressed in the EIR:

- Air Quality and Greenhouse Gas Emissions,
- Hazards and Hazardous Materials,
- Hydrology and Water Quality,
- Noise,
- Solid and Hazardous Waste, and
- Transportation and Traffic.

The NOP/IS concluded that the proposed project would not create significant adverse environmental impacts to the following areas: aesthetics, agricultural and forestry resources, biological resources, cultural resources, energy, geology and soils, land use and planning, mineral resources, population and housing, public services, and recreation. No comments were received disputing this conclusion. A copy of the NOP/IS is included in Appendix A of the FEIR.

The DEIR for the proposed project was released for a 94-day public review and comment period from March 8, 2016 through June 10, 2016. As with the NOP/IS, the DEIR was circulated to neighboring jurisdictions, responsible agencies, other public agencies, and interested individuals in order to solicit input on the environmental analysis performed. A total of 2,098 comment letters, emails, cards, and verbal comments were received during the public comment period and through February 3, 2017 on the DEIR, 1,798 of which expressed support for the proposed project with the remainder being neutral or in opposition. The SCAQMD also held a public hearing on the Title V permit and public meeting on the DEIR on May 17, 2016. Responses to the comment letters have been prepared and are included in Appendix G of the FEIR. Changes to the proposed project were evaluated and minor modifications have been made to the DEIR such that it is now a FEIR. However, none of the modifications alter any of the conclusions reached in the DEIR or provide new information of substantial importance relative to the DEIR that would require recirculation of the DEIR pursuant to CEQA Guidelines §15088.5. The DEIR considered impacts in the areas of air quality, hazards and hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic. After implementation of all feasible mitigation measures, significant adverse environmental impacts from the proposed project are expected to occur for air quality during construction and significant hazards are expected during operation. However, the impacts on transportation and traffic during construction activities will be reduced to a less than significant level after implementation of mitigation measures. Accordingly, both Findings and a Statement of Overriding Considerations are required for the potentially significant adverse air quality impacts during construction and operational hazard impacts associated with the proposed project per CEQA Guidelines §15091 and §15093, respectively.

The FEIR consists of an NOP/IS (September 9, 2014) and a DEIR (March 2016) with minor revisions. The FEIR includes a project description, the environmental setting, environmental impacts and mitigation measures, cumulative impacts, project alternatives, air emissions calculations and health risk assessment (Appendix B), a worst-case consequence analysis (Appendix C), a noise impact analysis (Appendix D of the FEIR), a traffic impact analysis (Appendix E), a third-party refinery operations review (McGovern Report, Appendix F), responses to comments on the DEIR (Appendix G), and a supplemental health risk assessment (Appendix H). Appendix G consists of comment letters from public agencies and the public, responses to comments, and attachments referenced in the responses to comments. The attachments to Appendix G include marine vessel emission calculations, (Attachment A), SCAQMD Appendix D Cumulative Impacts White Paper (Attachment B), declarations from Douglas Miller, Aaron Meyerle, and Holly Kranzmann (Attachments C, F, and G, respectively), McGovern Response Letter (Attachment D), Attorney General Letter (Attachment E), Quest Consultants Memorandum (Attachment H), and Simmons Energy Conference Slides (Attachment I). The new information added to the FEIR merely clarifies or amplifies or makes

insignificant modifications to the information contained in the DEIR. No significant new information has been added to the FEIR, since public notice of the availability of the DEIR was given, that would require recirculation of the DEIR.

All documents comprising the FEIR for the proposed project are available at the SCAQMD, 21865 Copley Drive, Diamond Bar, California, 91765. These documents can also be obtained by contacting the SCAQMD's Public Information Center at (909) 396-2039 or by accessing the SCAQMD's CEQA webpages at <http://www.aqmd.gov/home/library/documents-support-material/lead-agency-permit-projects>.

When considering a proposed project that has one or more significant adverse effects for approval, a public agency must make one or more written findings for each significant adverse effect, accompanied by a brief rationale for each finding (Public Resources Code §21081 and CEQA Guidelines §15091). The analysis in the FEIR concluded that the proposed project has the potential to generate significant adverse impact on air quality during construction and operational hazards, and less than significant impacts following mitigation on transportation and traffic impacts during construction.

For a proposed project with significant adverse impacts, CEQA requires the lead agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the project. Under CEQA Guidelines §15093(a), "If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" Thus, after adopting the Findings, as discussed above, the agency must adopt a "Statement of Overriding Considerations" to approve a project with significant adverse environmental effects.

The following sections of this document include the Findings, Statement of Overriding Considerations and, pursuant to CEQA Guidelines §15097, a Mitigation, Monitoring, and Reporting Plan.

## **2.2 SUMMARY OF THE PROPOSED PROJECT**

The proposed project is designed to further integrate the Wilmington Operations and Carson Operations. In addition, the proposed project is designed to comply with the new federally-mandated Tier 3 gasoline specifications and with State and local regulations mandating emission reductions.

AS part of the proposed project, the description of the Wilmington Operations Delayed Coker Unit (DCU) H-100 heater in Tesoro's Title V permit will be changed from the manufacturer's guaranteed maximum level of operations (252 mmBtu/hr) to the heater's actual maximum level of operation (302.4 mmBtu/hr). The Wilmington Operations DCU H-100 heater will not be physically modified in any way. Nonetheless, the DEIR made the conservative assumption that the change in permit description would allow Tesoro to increase the maximum operation of the Wilmington Operations DCU H-100 heater from 252 mmBtu/hr to 302.4 mmBtu/hr. The assumed increase in operation of the Wilmington Operations DCU H-100 heater would allow the

Refinery to process up to approximately 6,000 bbl/day more crude oil. To increase crude throughput capacity beyond the 6,000 bbls/day increase, the Refinery would need to physically modify equipment such as the Crude Units or DCUs. No physical modifications to the Crude Units or DCUs are included as part of the proposed project; therefore, crude throughput capacity is constrained, so no other increase in crude capacity will occur.

Modifications will be made to recover diesel and jet fuel boiling point range material, also known as distillate, from gas oil that is currently fed to the FCCUs at both Wilmington and Carson Operations. This will enable the remaining gas oil feed from the Wilmington Operations FCCU to be diverted via the proposed interconnecting piping to the Carson Operations FCCU, while maintaining the same overall level of transportation fuels production. In addition, facilities will be added to remove impurities such as sulfur, nitrogen compounds, and organic acids from distillates in order to make on-specification products. The modifications will be designed so that the combined Refinery operates within the existing capacity of the Sulfur Recovery Plants (SRPs). Following project completion, when the diesel and jet range material are recovered and the remaining gas oil feed is diverted to the Carson Operations FCCU, the FCCU at Wilmington Operations will be shut down and the Refinery will be integrated as one operating Refinery.

The proposed project consists of the following components at the Wilmington and Carson Operations:

Wilmington Operations:

- Wilmington Operations FCCU Shutdown,
- Hydrocracker Unit (HCU) Modifications,
- DCU Feed Heater Increased Heater Rating and Associated Increase in Crude Oil Processing Capacity,
- Catalytic Reformer Unit (CRU)-3 Modifications,
- Propane Sales Treating Unit (PSTU),
- Hydrotreater Units 1 and 2 (HTU-1 and 2) Modifications,
- HTU-4 Modifications,
- New Sulfuric Acid Regeneration Plant (SARP), and
- Wilmington Replacement Crude Oil Tanks and Other Tank Modifications;

Carson Operations:

- No. 51 Vacuum Unit Modifications,
- Carson Operations FCCU Modifications,
- New Wet Jet Treater,
- HCU Modifications
- Light Hydrotreating Unit (LHU) Modifications,
- Naphtha Hydrodesulfurization Unit Modifications,
- Naphtha Isomerization Unit Modifications,
- Alkylation Unit Modifications,
- Mid-Barrel Distillate Treater Modifications,

- Steam System Balance Modifications, and
- New Crude Tankage;

Supporting Equipment:

- Interconnecting Pipelines,
- Electrical Connection to Wilmington Operations, and
- Liquefied Petroleum Gas (LPG) Rail Unloading Modifications.

### **2.2.1 Construction of the Proposed Project**

Construction activities for the proposed project were originally expected to commence in 2016, but to ensure all comments were thoroughly addressed, preparation of the FEIR took longer than expected and the permitting process was extended as a result. Construction activities are now scheduled to begin in the first half of 2017 and are expected to be completed by March 2021. Most construction activities are expected to be completed by the middle of 2019. Construction activities associated with the crude oil storage tanks are not expected to be completed until March 2021. Construction work shifts are expected to last about ten hours per day during most portions of the construction schedule. During normal construction periods, one work shift per day is expected beginning at 7:00 a.m. and ending at 5:30 p.m. During Refinery turnaround periods, two work shifts are expected and work may be conducted 24 hours per day. Shifts would operate from 6:00 a.m. to 6:00 p.m. and 6:00 p.m. to 6:00 a.m.

### **2.2.2 Operation of the Proposed Project**

Construction of the project will not affect where the Refinery obtains crude oil. The Refinery will continue to purchase crude oil from multiple sources. The sources will continue to vary over time based upon price, quality, and other factors. The project is not designed to enable the Refinery to change its feedstock or crude oil blend. The Refinery will continue its practice of seeking cost-effective crude oils that can be blended with other crude oils and feedstocks to create the necessary blends suitable for Refinery operations (see Section 2.5.4.1 and Appendix F of the FEIR for additional details).

Once construction of the proposed project is completed, the number of permanent Refinery employees and the volume of traffic will remain substantially the same. Construction of SARP will decrease traffic in the area because spent sulfuric acid is currently transported off-site for recycling. While truck transport will continue, installing the SARP will eliminate approximately 6,000 acid transport truck trip miles per year that are currently used to transport spent and regenerated sulfuric acid to and from Wilmington Operations due to the reduced distance traveled. Additionally, while there will be no daily increase over baseline peak day activity of coke transport trucks to the Port of Long Beach, annual coke production may increase as a result of the potential increase of up to 6,000 bbl/day in crude oil processed at the Wilmington Operations DCU. Therefore, the annual coke truck trips to the Port are expected to increase by a total of 1,460 trips.

## **2.3 ABSENCE OF SIGNIFICANT NEW INFORMATION**

CEQA Guidelines §15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the DEIR but before certification of the FEIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The FEIR incorporates minor modifications that have been made since the DEIR was completed. To facilitate identifying the changes in the FEIR, modifications to the document are included as underlined text and text removed from the document is indicated by ~~striketrough~~. To avoid confusion, minor formatting changes are not shown in underline or striketrough mode. None of the modifications alter any conclusions reached in the DEIR, or provide or reflect any significant new information within the meaning of CEQA §15088.5.

Based on the foregoing reasons, and the information contained in the FEIR and in the record of SCAQMD's proceedings, including the comments on the DEIR and the responses, no significant new information has been added to the FEIR since public notice of the availability of the DEIR was given that would require recirculation of the DEIR.

## **2.4 DIFFERENCES OF OPINION REGARDING THE IMPACTS OF THE PROJECT**

The Executive Officer recognizes that the proposed project involves a number of environmental issues and that a range of opinion exists with respect to those issues. The Executive Officer has acquired an understanding of the range of opinion by its review of the DEIR, the comments received on the DEIR and the responses to those comments in the FEIR. Additionally, the Executive Officer has its own experience and expertise in assessing air quality effects and in administering its regulatory and permitting programs. The Executive Officer has reviewed and considered, as a whole, the evidence and analysis presented in the DEIR, the analysis presented in the comments on the DEIR, the analysis presented in the FEIR, and the expert opinions of SCAQMD staff addressing those comments. The Executive Officer has gained a comprehensive and well-rounded understanding of the environmental issues presented by the proposed project. In turn, this understanding has enabled the Executive Officer to make its decisions after weighing and considering the various viewpoints on these important issues. The Executive Officer accordingly certifies that its findings are based on full appraisal of all of the information contained in the FEIR, as well as the evidence and other information in the record.

## **2.5 IMPACTS AND MITIGATION MEASURES**

This section provides the written analysis and conclusions for the Executive Officer regarding the environmental impacts of the proposed project and the mitigation measures proposed in the FEIR to be adopted by the Executive Officer. In making these findings, the Executive Officer

has considered the opinions of other members of the public, including opinions that may disagree with some of the analysis used in the EIR. The Executive Officer finds that the appropriate methodology for calculating effects and determining significance is a judgment within the discretion of the Executive Officer; the method of analysis used in the FEIR is supported by substantial evidence in the record, including the expert opinions of the SCAQMD staff and its retained consultants; and the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the proposed project.

Table 1 summarizes the FEIR’s conclusions regarding the project’s environmental impacts. A full explanation of these environmental findings and conclusions can be found in the FEIR. These findings hereby incorporate by reference the discussion and analyses in the FEIR supporting the FEIR’s determinations regarding the proposed project’s impacts and mitigation measures designed to address those impacts.

**TABLE 1**  
**Summary of Environmental Impacts**

Impact	Project-Specific Impact	Cumulative Impact
<b>Air Quality</b>		
Regional construction VOC and NOx emissions	Significant	Significant
Regional construction emissions for CO, SOx, PM10, and PM2.5	Not significant	Not significant
Localized construction impacts for 1-hour NO <sub>2</sub>	Significant	Significant
Localized construction impacts for CO, annual NO <sub>2</sub> , PM10, and PM2.5	Not significant	Not significant
Regional operational VOC, CO, NOx, SOx, PM10, and PM2.5, emissions	Not significant	Not significant
Localized operational impacts for CO, NO <sub>2</sub> , SO <sub>2</sub> , PM10, and PM2.5	Not significant	Not significant
Operational cancer & non-cancer health risk impacts	Not significant	Not significant
Construction cancer & non-cancer health risk impacts	Not significant	Not significant
GHG impacts	Not significant	Not significant
<b>Hazards and Hazardous Materials</b>		
Construction excavation impacts	Not significant	Not significant
Operational hazard impacts associated with the Naphtha Isomerization Unit, new crude tanks, SARP, and Interconnecting Pipelines	Significant	Significant



**TABLE 1**  
**Summary of Environmental Impacts (Concluded)**

<b>Impact</b>	<b>Project-Specific Impact</b>	<b>Cumulative Impact</b>
Operational hazard impacts associated with the HCU, DCU Fresh Feed Heater, CRU-3, PSTU, HTU-1, HTU-2, No. 51 Vacuum Unit, Carson Operations FCCU, Wet Jet Treater, LHU, Alkylation Unit, Mid-Barrel Distillate Treater, Steam System, Electrical Connection to Wilmington Operations, and LPG Rail Unloading Rack	Not significant	Not significant
<b>Hydrology and Water Quality</b>		
Water demand during construction	Not significant	Not Significant
Water demand during operation	Not significant	Not significant
Wastewater discharge during construction	Not significant	Not significant
Wastewater discharge during operation	Not significant	Not significant
<b>Noise</b>		
Construction noise	Not significant	Not significant
Operational noise	Not significant	Not significant
<b>Solid and Hazardous Waste</b>		
Solid and hazardous waste impacts during construction	Not significant	Not significant
Solid and hazardous waste impacts during operation	Not significant	Not significant
<b>Transportation and Traffic</b>		
Construction transportation and traffic	Mitigated to less than significant	Not significant

Notes:

NO<sub>2</sub> = nitrogen dioxide

NO<sub>x</sub> = nitrogen oxides

PM10 = particulate matter less than 10 microns in diameter

PM2.5 = particulate matter less than 2.5 microns in diameter

SO<sub>x</sub> = sulfur oxides

VOC = volatile organic compounds

### 3.0 FINDINGS

CEQA prohibits a public agency from approving or carrying out a project for which a CEQA document has been completed which identifies one or more significant adverse environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding (CEQA Guidelines §15091).

The FEIR concluded that the proposed project, after mitigation, may result in the following significant adverse environmental impacts:

- Air quality, including project-specific and cumulatively considerable VOC and NO<sub>x</sub> emissions during construction and NO<sub>2</sub> concentrations during construction above the localized significance thresholds; and,
- Hazards and hazardous materials, including project-specific and cumulatively considerable off-site impacts from flash fire the Naphtha Isomerization Unit, a pool fire in the area of the new crude tanks, a toxic cloud arising from the SARP, and a flash fire associated with the Interconnecting Pipelines under "worst-case" scenarios for each unit, respectively.

These findings provide the written analysis and conclusions of the SCAQMD regarding the environmental impacts of the proposed project and the mitigation measures included in the FEIR as part of approving the proposed project. In making these findings, the Executive Officer has considered comments from members of the public and public agencies have been considered. See Table 2 for detailed summaries of the SCAQMD's findings and conclusions regarding suggested mitigation measures and alternatives from the public and public agencies.

Table 2 sets forth findings for the significant adverse impacts identified in the EIR that cannot be reduced to insignificance, those that can be mitigated to less than significant, and the rationale for each finding. The findings are supported by substantial evidence in the record.

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment**

The SCAQMD received comment letters on the DEIR suggesting that the SCAQMD adopt additional mitigation measures or analyze other alternatives. The table below contains summaries of suggested measures and alternatives and an explanation of the SCAQMD’s decision, after thorough consideration, to accept or reject the recommendation. Additional detail can be found in the comments and responses to comments in Appendix G to the FEIR, at the specified comment numbers.

Comment#	Alternative or Mitigation Proposed	Finding
21.5	<p><i>Biomass/Green Alternatives:</i> The EIR should analyze a “green alternative” to the proposed project that would be dedicated to collecting and refining feedstock for, and exporting, biomass-based alternative “green” fuels, such as biodiesel and renewable diesel.</p>	<p>An alternative involving the production of biofuels and biomass-based fuels is outside the scope of the proposed project and would not accomplish any project objectives. The proposed project objectives to further integrate the Carson and Wilmington Operations existing processes do not include creation of a new process unit and associated infrastructure for biofuels (see DEIR Section 2.2). Biofuels are regulated separately from petroleum fuels. Therefore, the production of biofuels would need to be segregated from the normal operations of the Refinery in order to properly manage biofuels. The production of biofuels does not occur at the Refinery. Therefore, the infrastructure to receive and process biofuels feedstocks is not present at the Refinery.</p> <p>The proposed project involves the further integration of the existing Tesoro Carson and Wilmington Operations. The Refinery processes a petroleum crude oil blend that is constrained by regulatory requirements and the Refinery’s configuration. A change towards biofuels and biomass-based alternative fuels, as suggested in the comment, would involve modifications in refining processes that are outside the scope of the proposed project (e.g., adding storage for feedstocks and products and installing a process unit and all support equipment, or isolating and reconfiguring an existing unit and support equipment, which would alter the Refinery configuration and its ability to maintain transportation fuel production levels). Such a process unit change cannot be incorporated “within the scope of the project proposed,” as suggested.</p>
70.13	<p><i>“No Storage Increase” Alternative:</i> The EIR should examine an alternative “that would eliminate the increases in storage and lessen the threat of explosions.”</p>	<p>An alternative that eliminated increases in crude oil storage was not included because such an alternative would only meet some of the proposed project objectives. CEQA only requires consideration of alternatives “which would feasibly attain most of the basic objectives of the project.”<sup>1</sup> An “EIR [i]s not required to analyze the effects of a project that [the proponent] did not propose, or to analyze the effects of an alternative that would not feasibly attain most of the basic objectives of the project.”<sup>2</sup></p> <p>A primary objective of the proposed project is to “[i]mprove the efficiency of water-borne crude oil receipt and marine vessel unloading,” and the proposed project will accomplish this objective by increasing storage tank capacity to allow marine vessels to unload crude oil more quickly. The proposed alternative does not convey how it would otherwise improve the efficiency of water-borne crude oil receipt and marine vessel unloading. Thus, the suggested alternative would not feasibly attain a primary project objective.</p>

<sup>1</sup> CEQA Guidelines, § 15126.6(a).

<sup>2</sup> *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1509.

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
77.3	<p><i>Reclaimed Water Alternative:</i> The EIR should evaluate an alternative that minimizes consumption of fresh/potable water by increasing use of reclaimed water to the maximum extent possible.</p>	<p>The total water demand from the proposed project is less than the SCAQMD’s CEQA significance threshold (see DEIR Section 4.4.2.1.2). Because there is no potential for a significant impact, there is no obligation to analyze an alternative to reduce water demand or to otherwise mitigate water demand. The approximately 190,000 gallons-per-day figure is only a 1% increase in water use and, as explained in DEIR Section 4.4.2.1.2, the incremental increase in water demand is expected to be produced by Tesoro’s privately-owned wells.</p>
77.4	<p><i>Alternative Without Bakken and Heavy Canadian Crude Oil:</i> The EIR should consider an alternative that does not facilitate use of Bakken or heavy Canadian crude oil.</p>	<p>The proposed project will not cause any increased use of Bakken or heavy Canadian crude oil; therefore, evaluating the alternative suggested in this comment is not required.</p>
81.121	<p><i>Alternative with all of the following features:</i></p> <ul style="list-style-type: none"> <li>• No increased refinery crude oil throughput above baseline</li> <li>• No storage tank expansions</li> <li>• No Bakken or Canadian crude oil above baseline, set by a permit condition</li> <li>• No increased hazards and no increases in explosive and acutely hazardous materials use</li> <li>• Additional emissions reductions in the refinery to offset or present potential increases from flaring, heaters, the crude oil switch, and all sources</li> <li>• Evaluation of funding for local zero carbon alternative energy mitigation measures</li> </ul>	<p>The objectives of the proposed project are not defined in the narrow manner described in the comment. The objectives are listed in the DEIR on pages 2-3 to 2-4 in the Project Description chapter and again on pages 6-1 to 6-2 in the Project Alternatives chapter. The DEIR first states each general objective of the proposed project then explains the specific way by which the proposed project will achieve each objective, but the subsequent explanatory phrases are not intended as the objectives themselves. The descriptions of how the Refinery proposed to achieve the objectives were not the objectives themselves.</p> <p>The SCAQMD need not consider the suggested “hybrid” alternative because it fails to feasibly attain many of the proposed project’s objectives, and does not identify the impacts that it would lessen or avoid.<sup>3</sup> Long-term operational air quality impacts are not expected to be adverse, and indeed would provide beneficial local air quality impacts by reducing overall localized emissions of operational CO, NOx, and SOx, as well as GHG emissions. Therefore, the proposed project is not expected to have long-term adverse environmental impacts on air quality. Accordingly, there was no need to analyze alternatives incorporating zero carbon alternative energy mitigation measures, or the other modifications that the comment states should have been analyzed.</p> <p>The DEIR was not required to analyze an alternative like the one described in the comment because it fails to meet many of the proposed project’s objectives, and thus is not feasible. By precluding storage tank expansion, construction of a SARP to regenerate sulfuric acid on-site, addition of a Wet Jet Treater to improve jet fuel quality, and the upgrading of existing LPG rail facilities to enable fast unloading of railcars, the suggested alternative would not attain two of the proposed project’s fundamental objectives—improving the efficiency of water-borne crude oil receipt and marine vessel unloading and increasing overall Refinery processing efficiency.</p>

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<sup>3</sup> CEQA Guidelines § 15126.6(a).

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
86.24	<p><i>Limited Synergies Alternative:</i> Only make changes necessary to achieve synergies to reduce GHGs and emissions, as purportedly required by a “settlement agreement with the Attorney General”</p>	<p>The DEIR established seven objectives for the proposed project, and CEQA requires consideration of alternatives “which would feasibly attain most of the basic objectives of the project.”</p> <p>For further context regarding communications with the Attorney General, see Master Response 13. There is no agreement that would affect the proposed project. The May 17, 2013 letter referenced in the comment from the Attorney General to the CEC does not state that there was an agreement to install any particular equipment, reach any specific goals in emission reductions, or shut down the Wilmington Operations FCCU. The only agreements the letter states were reached with Tesoro were that Tesoro maintain CARBOB capacity for 3 years, maintain the ARCO brand, and not eliminate jobs for a period of two years. Therefore, there was no need to analyze the alternative suggested by the comment. Furthermore, the proposed project’s GHG impacts were found be less than significant; therefore, there is no need to analyze alternatives that would lessen or avoid GHG impacts.</p>
86.25	<p><i>Crude Oil Alternative:</i> Limit deviations from current crude slate baseline</p>	<p>Alternatives that limit the Refinery to a particular crude oil slate are not required because the proposed project will not enable a change in the types of crude oils processed at the Refinery beyond what is occurring in the baseline (see Master Response 4).</p> <p>Moreover, as explained in Response G1-78.157 the crude oil storage tanks and associated fugitive emissions were analyzed in the DEIR based on a worse-case hybrid analysis of crude oil properties currently and previously processed at the Refinery, including Bakken and Canadian crude oil. Therefore, limiting the types of crude oils processed at the Refinery would not reduce any of the proposed project impacts that were found to be significant.</p>
78.83	<p><i>Construction Air Quality Mitigation:</i> Require use of all available electric construction equipment.</p>	<p>The DEIR presents a conservative construction analysis. In order to avoid underestimating emissions from construction, only equipment that the Refinery has full control over was included in the mitigated emissions analysis. This includes the use of electric welders where grid power is available. The use of this assumption in the DEIR, however, does not mean that electrified equipment will not be used elsewhere. On the contrary, Mitigation Measure A-1 requires the inclusion of Best Management Practices in the Construction Management Program. Best Management Practice 7 requires the use of electric power in lieu of diesel power. Therefore, all equipment will be electrified where feasible and available, including the use of power tools.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.84, 78.248	<p><i>Construction Air Quality Mitigation:</i> The DEIR’s 1,000-foot buffer zone mitigation measure is inadequate because (1) it should include construction equipment, (2) 1,000 feet is arbitrary, and (3) there is no enforcement or verification requirement.</p>	<p>The mitigation measure is properly limited to trucks because no offsite construction is planned within 1,000 feet of sensitive receptor locations, so the measure would only apply to trucks as opposed to other construction vehicles.</p> <p>The 1,000-foot buffer zone is not an arbitrary distance. The buffer zone follows the recommendations outlined in the Los Angeles County Metro Green Construction Policy. Also, the health risk impacts from construction are less than significant for sensitive receptors and offsite workers, including the residential receptors within the proposed 1,000-foot buffer zone.</p> <p>Provisions for establishing and enforcing the buffer zone will be included in the Construction Management Program (see Section 4.2.3 of the DEIR).</p>
78.85, 78.249	<p><i>Construction Air Quality Mitigation:</i> For mitigation measures A-2 through A-8 for construction equipment and generator requirements, (1) if a compliant engine is not available, all available engines should be equipped with retrofit controls; (2) the search radius should be 1,000 miles; and (3) on-site stationary source equipment should be modified to reduce NOx and VOC emissions during construction.</p>	<p>The retrofit of contractor’s equipment with add-on controls was not found to be feasible. Specifically, refineries have experienced safety issues (fires) and equipment performance issues with retrofit controls. For safety reasons, these requirements cannot be imposed on a contractor. The mitigation measures in the DEIR are more restrictive and thus more beneficial than the language in the proposed measure, which more vaguely allows avoiding mitigation where not “feasible”. The DEIR specifically limits the project proponent's discretion to make a determination that the cleanest equipment is not feasible or available, to those instances defined in the mitigation measure itself.</p> <p>The 200-mile radius included in the mitigation measure covers the Los Angeles and San Diego metropolitan areas, which are highly urbanized areas with heavy construction. If the requisite equipment is available, it will most likely be found in the metropolitan areas that are within 200 miles of the proposed project. Extending the search radius to 1,000 miles is not expected to change the limitations brought on by availability and feasibility. There are several scenarios where using non-local equipment would adversely affect the local, regional, and global environments. The most obvious is equipment brought from up to 1,000 miles away would add construction equipment and the associated emissions to the Basin as well as incur the transportation emissions for the delivery. This is especially true for short duration jobs.</p> <p>As suggested, Mitigation Measure A-9 requires NOx reductions from stationary sources during the construction period.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.87	The Chevron Refinery Modernization Project EIR incorporated many additional mitigation measures to reduce that project's significant hazards impacts from accidents. Dr. Fox includes the list of feasible measures in Exhibit 30 to her comments and recommends that these measures be included in a revised DEIR.	Compliance with regulatory programs and requirements are considered appropriate mitigation under CEQA. Additionally, the Chevron FEIR hazard mitigation measures were reviewed and those related to safety plans and inspections are functionally equivalent to HHM-1 of the DEIR that requires early implementation of safety requirements, such as Process Safety Management (PSM) hazards assessments and updates to the Risk Management Plan (RMP), Hazardous Materials Business Plan, and Spill Prevention Control and Countermeasure Plan. Other mitigation measures required in the Chevron FEIR are specific to the Chevron Richmond Refinery and thus are not applicable to or necessary for the proposed project.
78.212	<i>Air Quality Mitigation:</i> Use zero-leak fugitive components; retrofit geodesic domes on floating roof tanks; and use cable-suspended, full-contact floating roofs on gasoline storage tanks.	Since VOC emissions from the operation of the proposed project will be less than significant, no additional mitigation measures to reduce VOC emissions from tanks are required. VOC emission calculations for the new and existing storage tanks were based on conservative assumptions to ensure that emissions were not underestimated. Thus, the emissions represented in the DEIR are conservative, yet still below the SCAMQD's CEQA significance thresholds.  Existing storage tanks will continue to comply with all enforceable product, vapor pressure, and throughput limitations required by the Title V permit. New and modified storage tanks will be required to comply with current BACT as well as to maintain compliance with similar product, vapor pressure and throughput limitations once permits are evaluated and issued for the storage tanks.

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.244	<p>The DEIR concluded that the impacts of the proposed project on hazards associated with the Naphtha Isomerization Unit, new crude tanks, SARP, and interconnecting piping are significant and would remain significant after mitigation. Thus, all feasible mitigation is required.</p> <p>The proposed mitigation requires: (1) an Emergency Action Plan; (2) compliance with Process Safety Management (PSM) requirement; and (3) development of a Risk Management Plan (RMP). These programs are required by existing federal and state regulations. Thus, they are not mitigation as they are required in the baseline.</p> <p>Further, these programs were in place at Chevron at the time of the August 2012 accident discussed above, and the 2010 accident at Tesoro’s Anacortes refinery. They obviously did not prevent these catastrophic accidents. Further, the U.S. Chemical Safety and Hazard Investigation Board concluded that these programs were not effective at preventing refinery accidents in its analysis of the Tesoro Anacortes accident. The recent Chevron FEIR incorporated many additional mitigation measures to improve these programs, which should be required for the proposed project. This mitigation program is attached to my comments as Exhibit 30.</p>	<p>Compliance with regulatory programs and requirements is considered appropriate mitigation under CEQA. The Refinery is inspected for personal and process safety by CalOSHA (typically once per year) for CalARP compliance by the Unified Program Agency – the Los Angeles City and County Fire Departments (every two to three years), and a PSM/RMP by multiple agencies including U.S. EPA, SCAQMD, Los Angeles City Fire Department, Los Angeles County Fire Department, and CalOSHA (every three years). In addition, the SCAQMD has its own enforcement inspectors that routinely inspect the Refinery for compliance with SCAQMD Rules and Regulations.</p> <p>Other mitigation measures required in the Chevron FEIR are specific to the Chevron Richmond Refinery and thus are not applicable to, or necessary for, the proposed project. Therefore, the comment has not identified additional effective mitigation measures that should be incorporated into the proposed project to reduce significant impacts.</p>



**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.246	<p><i>Construction Air Quality Mitigation:</i> Use electrical equipment such as pumps, jack hammers, augers, and trucks where available, and do not allow any exception to the use of electric equipment.</p>	<p>The proposed project will already implement this mitigation to the extent feasible, and modification to the mitigation measures is not necessary.</p> <p>The DEIR presents a conservative construction analysis. In order to avoid the underestimation of emissions from construction, only equipment that the Refinery has full control over was included in the mitigated emissions analysis. This includes the use of electric welders where grid power is available.</p> <p>The use of this assumption in the DEIR, however, does not mean that electrified equipment will not be used elsewhere. On the contrary, Mitigation Measure A-1 requires the inclusion of Best Management Practices in the Construction Management Program. Best Management Practice 7 requires the use of electric power in lieu of diesel power. Therefore, all equipment will be electrified where feasible and available, including the use of power tools. To reinforce the Best Management Practice 7, Mitigation Measure A-5 will be revised to include use of electric power tools when feasible and available.</p> <p>The suggested mitigation is infeasible as to some equipment because some items, such as the pumps used for hydrotesting and excavators, simply cannot be electrified. The available portable electric pumps are not big enough and cannot move enough liquid for the construction applications at the Refinery.</p> <p>The Refinery does not own or operate the equipment that will be used during the construction of the proposed project. However, The Refinery contractually obligates the contractors and subcontractors to provide the cleanest equipment whenever feasible and available, as defined in the DEIR in Mitigation Measures A-3 and A-7.</p> <p>The definition of the acceptable exceptions in the Mitigation Measure A-5 is actually more restrictive than the suggested “where available or feasible” language.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.247, 78.252, 78.254	<p><i>Construction Air Quality Mitigation:</i> Lower the maximum idling time for off-road vehicles to 3 minutes; require the construction contractor to maintain a written idling policy that is distributed to all employees and subcontractors; post signs in designating queuing areas and/or job sites to remind drivers and operators of the idling limit; on-site construction manager should enforce the idling limit; use idle-reduction technology when vehicles are parked or stationary</p>	<p>Mitigation measures that require compliance with regulatory programs and requirements are appropriate under CEQA. Further, while Mitigation Measure A-4 does mirror the CARB regulation on idling, including the requirement to have a written idling plan, it also imposes additional conditions and mechanisms beyond what is required under the regulation to enforce the five-minute idling regulation. For example, the mitigation measure requires contractors to sign contracts and post signage onsite to promote and remind operators of the idling regulation. The Construction Management Program includes the Refinery operator monitoring contractors and onsite construction and operations for health, safety, and environmental compliance, including the five-minute idling rule.</p> <p>Changing idling limits may actually generate more emissions. Diesel engines have an optimal operating temperature. Idling an engine allows the engine to maintain operating temperatures. Therefore, changing the idling limits may generate more emissions due to the startup emissions and additional idling required to bring the equipment to operating temperatures. The reduction of idling from five minutes to three minutes is not necessarily environmentally beneficial.</p> <p>All equipment used during construction will be the cleanest equipment feasible and available. The Refinery’s contractors will use trucks with idle reduction technology when available and feasible.</p> <p>Therefore, no changes to Mitigation Measure A-4 are required.</p>
78.250	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Implement EPA’s National Clean Diesel Program</li> <li>• Replace diesel- or gasoline-powered equipment with the lowest emitting feasible replacement: electric or gasoline-powered equipment</li> <li>• Use cranes rated at 200 hp or greater and equipped with Tier 4 or equivalent engines</li> <li>• Use electric fleet or alternative fueled vehicles where feasible</li> </ul>	<p>The suggested mitigation has been imposed to the extent feasible.</p> <p>The EPA Clean Diesel Program is a grant program open to non-profit organizations, which is not available to Tesoro. Therefore, the EPA Clean Diesel Program is not a feasible mitigation measure.</p> <p>Mitigation measures A-5 and A-6 require the use of electrical equipment, where electricity is available in construction areas. Due to the flammability of gasoline, its use in Refinery construction equipment is limited for safety reasons.</p> <p>Mitigation Measure A-7 requires the use of Tier 4 off-road equipment for equipment greater than 50 hp. Therefore, cranes greater than 200 hp are included in Mitigation Measure A-7.</p> <p>All equipment used during construction will use the cleanest equipment feasible and available.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.251	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Use alternative diesel fuels in existing engines</li> <li>• Convert part of construction truck fleet to natural gas</li> <li>• Include “clean construction equipment fleet” in all construction contracts</li> <li>• Fuel off-road and portable diesel-powered equipment with ARB-certified motor vehicle diesel fuel</li> <li>• Use on-road, heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road diesel engines, and comply with State on-road regulation</li> </ul>	<p>The suggested construction mitigation measures have been imposed to the extent feasible.</p> <p>Alternative fuels can only be used in equipment designed to accommodate such fuels and could be detrimental to the equipment if used improperly. Therefore, the use of alternative fuels will be at the discretion of the contractors who maintain the equipment. The proposed project will comply with all state and federal clean diesel regulations.</p> <p>Electric vehicles are not widely available in the California construction industry. The proposed project includes many different activities over a large geographic area and over a long construction period. It is unreasonable to expect the many different contractors that will work on the proposed project and that are not directly controlled by Tesoro, to meet “clean construction equipment fleet” requirements or to replace vehicles with an electric fleet due to the high costs and limited availability of this equipment. All equipment used during construction will use the cleanest equipment feasible and available, which could include the use of alternatively fueled equipment and the use of on-road diesel in construction equipment.</p> <p>Mitigation Measure A-3 requires that on-road heavy duty diesel trucks comply with 2007 on-road emission standards for NOx and PM as suggested in the comment.</p>
78.253, 78.254	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Do not locate staging and queuing areas within buffer zone established by health risk assessment to protect sensitive receptors</li> <li>• Minimize number of construction equipment operating simultaneously through efficient management practices to ensure smallest practical number is operating at any time</li> <li>• Engine size of construction equipment shall be the minimum practical size</li> <li>• Install catalytic converters on gasoline-powered equipment</li> </ul>	<p>The health risk impacts from construction at receptor locations (sensitive or worker) are below the CEQA health risk thresholds. Therefore, no additional mitigation is required.</p> <p>Coordinating construction activities for the proposed project is complex because it includes many different activities, conducted by different companies, over a large geographic area and over a long construction period. A limitation of the number of construction equipment operating simultaneously is not practical given the logistics of the proposed project.</p> <p>The appropriately sized equipment will be used to perform each task. Any additional or larger-sized equipment will not be used unless there are no other feasible options.</p> <p>Mitigation Measure A-1 requires the maintenance of the Construction Management Program, which is designed to implement mitigation measures, implement applicable best management practices, use the cleanest equipment available, and manage equipment use efficiently. All equipment, including gasoline-powered equipment, will use the cleanest technology (i.e., catalytic converters) whenever feasible and available.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.254	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Construction worker trips shall be minimized by providing options for carpooling and by providing for lunch onsite</li> </ul>	<p>The workforce employed for this project is temporary and will not be comprised of employees of the Refinery. Therefore, the Refinery cannot impose carpooling requirements on another workforce. Furthermore, allowing vendors onsite for lunch could compromise the security at the Refinery. However, the Refinery does provide space and shelter for the workforce to eat packed lunches onsite and the on-site cafeteria is available to the general public, including proposed project workers. Therefore, this mitigation measure was found to be infeasible.</p>
78.255	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Use new or rebuilt equipment</li> <li>• Maintain construction equipment in working order and have it checked by an ASE-certified mechanic before operation</li> <li>• Use low rolling resistance tires on long haul class 8 tractor-trailers</li> </ul>	<p>The suggested mitigation has been implemented to the extent feasible. The equipment used during construction is not the property of the Refinery. However, the Refinery will contractually require the contractors and subcontractors to use the cleanest fleet feasible and available, a requirement that includes consideration of various aspects of equipment such as low-resistance tires for long haul deliveries.</p> <p>The vendors will also be contractually obligated to maintain the equipment according to the manufacturer specifications as required in the Best Management Practices included in the Construction Management Program in Mitigation Measure A-1. The requirement for an ASE certified mechanic to perform the equipment checks is unnecessary and unduly burdensome for the contractors. ASE is the acronym for Automobile Service Excellence. ASE certification is applicable to the automotive industry and was developed to enable independent automobile service shops to maintain automobiles under manufacturer's warranty in lieu of requiring all maintenance to be performed at automobile dealerships. ASE certification is not required, nor applicable to maintenance of construction equipment. Equipment operators or field supervisors will perform the required equipment checks. Therefore, the requested mitigation is already part of Mitigation Measure A-1.</p>
78.256	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Use diesel-electric and hybrid construction equipment.</li> </ul>	<p>The suggested mitigation has been implemented to the extent feasible. The equipment used during construction is not the property of the Refinery. However, the Refinery will contractually require the contractors and subcontractors to use the cleanest fleet feasible and available.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
78.257	<p>To assure the construction mitigation program is carried out all off-road diesel-powered equipment should be tested to assure tailpipe emissions do not exceed 20% opacity for more than 3 minutes in any hour. Any equipment found to exceed 20% opacity must be repaired immediately. A visual inspection of all in-operation equipment must be made at least daily by the contractor and witnessed monthly or more frequently by the SCAQMD, and a periodic summary of the visual survey results must be submitted by the contractor throughout the duration of the project to the SCAQMD. The summary should include the quantity and type of vehicles inspected and dates.</p>	<p>Only VOC and NOx construction emissions are significant; therefore, additional PM mitigation is not required to control opacity.</p> <p>Mitigation Measure A-1 requires as part of the Construction Management Program, the implementation of the Best Management Practices, which require the equipment to be maintained according to manufacturer's specifications. Maintenance in accordance with manufacturer's specifications would require that the equipment meet the opacity (density of airborne PM) requirements in SCAQMD Rule 401. While compliance requirements can be imposed as mitigation measures, compliance with regulations may also be considered part of the proposed project. The SCAQMD has enforcement personnel who inspect facilities and enforce SCAQMD Rules and Regulations.</p>
78.264	<p><i>Air Quality/Health Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Add measures “to protect workers from direct contact with the LNAPL and from exposure to vapors”</li> </ul>	<p>Since the proposed project will not cause significant impacts to soil and groundwater or to workers and residents from disturbance of contaminated soil or groundwater, this mitigation measure is not required. The Refinery has implemented ongoing remedial programs under Los Angeles RWQCB Cleanup and Abatement Orders CAO 90-121, CAO 88-70 and CAOR4-2011-0037, has procedures in place for proper handling and disposal of contaminated soil and groundwater, when encountered, and will follow all applicable rules and regulations that limit worker exposure to soil and groundwater contamination. Any contaminated soil or groundwater encountered during construction of the proposed project will be managed in accordance with existing Management Plan for Excavated Soil in place at the Refinery that complies with the applicable laws and regulations. As such, the DEIR fully assessed the impacts of the proposed project on geology and soils and hazards and hazardous materials and appropriately concluded the impacts to be less than significant.</p>
86.45	<p><i>Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• To mitigation VOC emissions, the mitigation should require the “shutdown of additional equipment at the refinery, or installation of control technology to reduce operational emissions from the new components”</li> </ul>	<p>Since the operational VOC emissions resulting from the proposed project were found to be less than significant, no additional mitigation measures are required.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
90.13	<p><i>Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Add a PM-2.5 requirement to revised permit; require continuous monitoring at the stack source of PM-10 and PM-2.5 that citizens can track via a website.</li> </ul>	<p>Limits on PM are imposed on the Wilmington Operations DCU H-100 heater in the draft Title V permit to ensure that PM emissions do not increase from recent levels. Localized increases in PM emissions remain below CEQA significance thresholds. Since PM2.5 is a subset of PM10, the proposed PM10 limit for DCU H-100 heater will also restrict PM2.5. Further, there is no PM10 or PM2.5 CEMS available for a process heater stack that is approved by the SCAQMD. For PM emissions, periodic source testing satisfies the applicable periodic monitoring requirements of local rules, including SCAQMD Rule 3004(a)(4)(c) regarding periodic monitoring requirements (see Response G1-79.9). Periodic source testing will be required by the draft Title V permit, and results of source tests are available from the SCAQMD. Since the emissions of PM10 and PM2.5 were not found to be significant, no additional mitigation is required.</p>
90.15	<p><i>Water Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Additional language is needed in the Draft EIR to mandate an increasingly larger fraction of recycled and gray water use, as input to these operations, instead of fresh potable water use.</li> </ul>	<p>Since the total water demand from the proposed project is less than the SCAQMD’s significance threshold, no additional mitigation is required. As explained in Section 4.4.2.1.2 of the DEIR, the incremental increase in water demand for the proposed project is expected to be supplied by Tesoro’s privately-owned wells. Additionally, the Refinery uses a considerable amount of recycled water as shown in Table 3.4-1 of the DEIR.</p>
90.16	<p><i>Wastewater and Stormwater Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Prohibit commingling discharge stormwater with treated process water and require that noncompliant wastewater be retreated in the wastewater treatment system for additional removal of contaminants</li> </ul>	<p>Prohibiting the discharge of stormwater commingled with treated process water is not related to the proposed project and is not required under CEQA. Stormwater from the Refinery is regulated by the National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Boards with oversight by the State Water Resources Control Board (SWRCB). The NPDES permit has stringent limits and controls water pollution by regulating discharge points, including points where stormwater commingled with treated process water that discharge pollutants to the Dominguez Channel. The proposed project is not expected to have operational discharges to the Dominguez Channel, and will comply with all applicable stormwater discharge requirements. The discharge point allowing stormwater commingled with treated process water to be discharged is regulated by the NDPEs permit</p> <p>Further, as explained in the DEIR on page 1-20, wastewater discharge that does not comply with existing Los Angeles County Sanitation District (LACSD) permit limitations is returned to the wastewater treatment system for further treatment. Therefore, the additional mitigation as suggested in the comment is not required since the Refinery is already subject to the LACSD permit limits. The Refinery will continue to meet the existing wastewater discharge limits after the proposed project is constructed and no modifications to current industrial wastewater discharge permits is required as a result of the proposed project. Since there were no significant impacts associated with wastewater discharge, no mitigation measures are required.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
90.17	<p><i>Wastewater and Stormwater Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Lower water demand by requiring additional conservation measures, on-site wastewater treatment, and on-site recycling and wastewater reclamation</li> </ul>	<p>Since the total water demand from the proposed project is less than the SCAQMD’s CEQA significance threshold, no mitigation measures are required.</p>
90.18	<p><i>Waste Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Require periodic waste testing and waste assessment</li> </ul>	<p>Since significant adverse solid or hazardous waste impacts are not expected, no mitigation measures are required. Landfills in southern California and hazardous waste disposal facilities in California have the capacity to accept the solid or hazardous waste that is expected to be generated from the proposed project.</p>
106.7, 106.9, 106.12	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Require use of Zero Emission On-Road Electric Mobile Vehicles.</li> </ul>	<p>The suggested mitigation has been implemented to the extent feasible and required. The DEIR presents a conservative construction analysis. The DEIR only includes equipment that the Refinery has full control over in the mitigated emissions analysis. The conservative analysis in the DEIR does not mean that electrified equipment will not be used. On the contrary, Mitigation Measure A-1 requires the inclusion of Best Management Practices in the Construction Management Program including on-road mobile sources. Best Management Practice 7 requires the use of electric power in lieu of diesel power where available; therefore, all equipment will be electrified where feasible and available.</p>
106.10, 106.16	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Require zero emissions vehicles and equipment regardless of whether a government agency provides part of the cost to retrofit, repower or purchase vehicles or equipment</li> </ul>	<p>As indicated in DEIR Air Quality Construction Mitigation Measure Exception 2 on page 4-38, exception from the mitigation measures shall be allowable if, “The contractor has been awarded funding by SCAQMD or another agency that would provide some or all of the cost to retrofit, repower, or purchase a piece of equipment or vehicle, but the funding has not yet been provided due to circumstances beyond the contractor’s control, and the contractor has attempted in good faith and due diligence to lease or short-term rent the equipment or vehicle that would comply with this policy, but that equipment or vehicle is not available for lease or short-term rental within 200 miles of the project site, and the contractor has submitted documentation to the Refinery showing that the requirements of this Exception provision apply.” The suggestion that the economic cost of a mitigation measure is not relevant to an agency’s decision as to whether to require the mitigation is inaccurate. CEQA only requires “feasible” mitigation measures (CEQA Guidelines, § 15126.4(a)), feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Pub. Res. Code § 21061.1.) The economic cost of a mitigation measure is thus a consideration that might render certain mitigation infeasible. Exception 2 provides the details of when the SCAQMD will consider the measure infeasible.</p> <p>Further, the intent of government funding is to accelerate penetration of emerging technologies into the marketplace. Therefore, if the equipment in question is available to receive funding and cannot be located within 200 miles of the Refinery, it would not be considered common in the marketplace or commercially available and relief from the mitigation is warranted.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
106.11	<p><i>Noise Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Electric vehicles and equipment are also 70% to 90% near noiseless and are therefore a noise mitigation co-benefit.</li> </ul>	<p>Since no significant adverse impacts associated with noise are expected from the proposed project, no mitigation measures are required.</p>
106.13, 106.14, 106.15, 106.18	<p><i>Construction Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Require use of Zero Emission Electric Off-Road Vehicles or Equipment.</li> </ul>	<p>Mitigation Measure A-1 requires the inclusion of Best Management Practices in the Construction Management Program including on-road mobile sources. Best Management Practice 7 requires the use of electric power in lieu of diesel power where available; therefore, all equipment will be electrified where feasible and available. Mitigation Measure A-3 requires the use of the newest fleet for construction activities.</p> <p>Additionally, Mitigation Measures A-5 and A-6 require the use of electrical equipment, where electricity is available in construction areas.</p> <p>There is no supporting information to demonstrate that electric off-road vehicles are commercially available for the specific construction activities and needs of the proposed project. The proposed project is located throughout the entire Refinery and requires the equipment to be mobile throughout the entire Refinery. Electric construction equipment is limited in range by the length of the power connection. The lines needed to power construction equipment introduce safety hazards that limit the distance the equipment can operate from the power source. Therefore, use of electric equipment is not always feasible.</p> <p>Additionally, electric equipment available is typically much smaller in capacity (horsepower, load, volume, etc.) and are not always appropriate for the proposed project. At this time, no commercially available non-drayage off-road vehicles have been identified. However, the proposed project will use the cleanest off-road equipment feasible and available.</p> <p>Mitigation measures were not excluded solely on the grounds that the technology had not yet received governmental agency approval, certification, or validation.</p>
106.17	<p><i>Noise Mitigation:</i></p> <ul style="list-style-type: none"> <li>• Electric vehicles and equipment are also 70% to 90% near noiseless and are therefore a noise mitigation co-benefit.</li> </ul>	<p>Since no significant adverse impacts associated with noise are expected from the proposed project, no mitigation measures are required.</p>



**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Continued)**

Comment#	Alternative or Mitigation Proposed	Finding
106.20	<p><i>Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>Require Vapor Recovery Units (VRUs) on storage tanks to reduce VOC/GHG emissions</li> </ul>	<p>Since the proposed project will not result in a significant air quality impact during operation, no mitigation measures are required. Moreover, the existing vapor recovery system is considered as BACT for emissions control of fixed roof storage tanks. Storage tanks associated with the proposed project are of two types—fixed roof and floating roof tanks. As explained in Response G1-106.19, a floating roof “floats” on top of and in contact with the surface of the liquid product in a tank and thus do not have a vapor space that vents when additional product is added, or due to temperature increases. Since there is no vapor space where vapors can be recovered from, a VRU cannot be used on a floating roof tank. There will be only one tank in the proposed project that will be a fixed roof storage tank connected to the existing vapor recovery system after the project completion. The existing vapor recovery system achieves 99 percent control efficiency and is considered BACT for emissions control of the connected fixed roof storage tanks. A vapor recovery system and VRU both serve the same purpose which is to recover vapors from fixed roof storage tanks. Since the vapors are already recovered by the existing vapor recovery system and a blanket gas is added to fill the empty space in the fixed roof tank to protect the stored material and reduce hazards, it is not possible to install a VRU in addition to the existing vapor recovery system.</p> <p>Further, VRUs are not an “off-the-shelf” technology. They are complicated systems that must be custom designed for each facility in order to meet recovered vapor flow rate, density, moisture content, heat value, as well as the removal of contaminants of the gas collected. VRUs must also be designed to appropriately store and then dispense the recovered gases to appropriate locations where the recovered gases will be recycled, sold for use as product, or otherwise used as a fuel gas within a refinery.</p>
106.22	<p><i>Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>Require use of on-dock electric motor pumps to pump petroleum products from marine vessels.</li> </ul>	<p>Since the proposed project does not result in a significant increase of marine vessel emissions, mitigation measures, such as electric on-dock pumps, are not required.</p> <p>In addition, the requested measure does not eliminate a significant emission impacts. The on-board pumps on a marine vessel are designed to lift the crude oil out of the hold of the marine vessel, while the on-dock pumps are designed to assist or boost the flow through pipelines and into the storage tank and compensate for pressure created as the tank is filled. Currently, Tesoro's Berth 121 at Marine Terminal 1 is the only marine oil terminal in the world that has cold ironing capability. Cold ironing means that a marine vessel can completely shut down its main engine and allow its pumps to be run by shore side electricity. Cold ironing was installed at Marine Terminal 1 as a technology demonstration, along with two dedicated crude oil tankers. Cold Ironing is used when unloading the two crude oil tankers. Marine Terminal 1 would be used by the proposed project to offload crude oil into the new Carson Crude Terminal storage tanks. However, even with cold ironing, the on-board pumps on the marine vessel are still being used (via electric power from the dock) while electric on-dock pumps merely supplement the on-board pumps.</p>

**TABLE 2 – Findings on Mitigation Measures and Alternatives Suggested as Part of Public Comment (Concluded)**

Comment#	Alternative or Mitigation Proposed	Finding
106.23	<p><i>Air Quality Mitigation:</i></p> <ul style="list-style-type: none"> <li>Require AMECS-Advanced Marine Exhaust Capture System technology to capture and treat exhaust from marine vessels unloading petroleum products on-dock</li> </ul>	<p>Since the proposed project does not result in a significant increase of marine vessel emissions, no mitigation is required.</p> <p>In December 2007, CARB approved the "Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port" Regulation. The purpose of this regulation is "to reduce emissions from diesel auxiliary engines on container ships, passenger ships, and refrigerated-cargo ships while berthing at a California Port". However, fleets in other ocean-going vessel categories including tankers are not subject to this regulation. In October 2015, CARB approved AMECS as an alternative control technology to cold ironing under this specific regulation. Since tankers are excluded from this regulation, CARB has not approved AMECS for use on tankers. CARB is researching amendments to the At-Berth regulation and the possible inclusion of other vessel types, in the regulation. The CARB research includes investigating the potential use of emission control systems, fuel switching or boiler design changes, and the use of booster pumps as possible methods of reducing emissions from tanker marine vessels. The feasibility and applicability of the additional control methods has not yet been determined and regulation amendments have not yet been proposed. Meetings with the regulated community are anticipated to occur in 2017.</p>

### **3.1 POTENTIALLY SIGNIFICANT IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE**

The FEIR identified six potentially significant adverse environmental impacts that cannot be reduced to a level of insignificance: (1) air quality regional VOC and NO<sub>x</sub> emissions associated with construction activities; (2) localized 1-hour NO<sub>2</sub> concentrations during construction; (3) operational hazard impacts associated with the Naphtha Isomerization Unit, new crude tanks, SARP, and Interconnecting Pipelines; (4) cumulative air quality regional VOC and NO<sub>x</sub> emissions associated with construction, (5) cumulative air quality localized 1-hour NO<sub>2</sub> concentrations associated with construction; and (6) cumulative operational hazard impacts associated with the Naphtha Isomerization Unit, new crude tanks, SARP, and Interconnecting Pipelines. The FEIR also identified one potentially significant adverse environmental impact that can be reduced to a level of insignificance—traffic associated with construction activities.

#### **3.1.1 Construction Emissions of VOC and NO<sub>x</sub> Would Exceed SCAQMD Regional Significance Thresholds**

**Finding:** The Executive Officer finds that (1) project-specific VOC and NO<sub>x</sub> emissions during construction activities are expected to exceed the SCAQMD regional significance thresholds; (2) mitigation measures were incorporated into the project that would reduce the significant regional adverse construction air quality impacts, but not to insignificance; (3) such mitigation measures are within the jurisdiction of the SCAQMD; and, (4) no feasible measures were identified that would mitigate this significant adverse construction VOC and NO<sub>x</sub> air quality impact to insignificance. The air quality analysis showed that no other criteria pollutant emissions during construction would exceed any of the applicable regional significance thresholds.

**Explanation:** The project-specific construction emissions of VOC and NO<sub>x</sub> are expected to exceed the applicable SCAQMD regional significance threshold (see FEIR Subsection 4.2.2.1). An analysis of potential mitigation measures was conducted to determine if construction VOC and NO<sub>x</sub> emissions could be mitigated to less than the applicable regional significance threshold. The analysis identified nine feasible mitigation measures that could reduce VOC and NO<sub>x</sub> emissions, but would not reduce the level to less than significant. The nine measures are described in Section 6.1 below, and further information on the analysis of measures suggested by the public and public agencies, is provided in Table 2. Though these measures would not reduce construction emissions below the SCAQMD's VOC and NO<sub>x</sub> significance thresholds, no other feasible mitigation measures or project alternatives have been identified that would reduce the construction impacts to less than significant. Further, the construction emission calculations were based on conservative assumptions and have likely overestimated actual emissions. In addition, the construction emissions would not have a long-term adverse air quality impact because these emissions will cease following the completion of construction. Therefore, construction air quality impact of VOC and NO<sub>x</sub> emissions are expected to remain significant and unavoidable regionally following mitigation.

### **3.1.2 Construction NO<sub>2</sub> Emissions Would Exceed the SCAQMDs Localized Significance Threshold for 1-hour NO<sub>2</sub>**

**Finding:** The Executive Officer finds that (1) project-specific 1-hour NO<sub>2</sub> construction emissions are expected to exceed the applicable SCAQMD localized significance threshold for ambient air quality concentration; (2) mitigation measures were incorporated into the project that would reduce the significant localized adverse construction air quality impacts, but not to insignificance; (3) such mitigation measures are within the jurisdiction of the SCAQMD; and, (4) no feasible measures were identified that would mitigate this significant adverse air quality construction impacts to insignificance. The air quality analysis showed that no other criteria pollutant emissions during construction would exceed any of the applicable localized significance thresholds.

**Explanation:** The project-specific construction emissions of NO<sub>2</sub> are expected to exceed the applicable SCAQMD localized significance threshold for the federal and state 1-hour NO<sub>2</sub> standard during peak construction activities (see FEIR Subsection 4.2.2.1.2). An analysis of potential mitigation measures was conducted to determine if construction NO<sub>2</sub> emissions could be mitigated to less than the applicable localized significance threshold. The analysis identified nine feasible mitigation measures that could reduce NO<sub>x</sub> emissions, but would not reduce the level to less than significant. The nine measures (Measures A1 through A9) are described in Section 6.1 below, and further information on the analysis of measures suggested by the public and public agencies, is provided in Table 2. Though these measures would not reduce construction emissions below the applicable localized significance threshold, no other feasible mitigation measures or project alternatives have been identified that would reduce the construction impacts to less than significant. Therefore, construction air quality impact of NO<sub>2</sub> emissions is expected to remain significant and unavoidable locally following mitigation.

### **3.1.3 Hazards Associated with the Proposed Project Could Result in Significant Hazard Impacts During Operation**

**Finding:** The Executive Officer finds that: (1) operational hazard impacts associated with the Naphtha Isomerization Unit from a flash fire, new crude tanks from a pool fire, SARP from a toxic cloud, and Interconnecting Pipelines from a flash fire under "worst-case" scenarios for each unit, respectively; (2) one mitigation measure was incorporated into the project that would reduce the significant adverse hazard impacts, but not to insignificance; (3) such mitigation measure is within the jurisdiction of the SCAQMD; and, (4) no feasible measures or project alternatives were identified that would mitigate this significant adverse hazard impacts to insignificance.

**Explanation:** The hazard analysis is based on conservative assumptions that likely overestimate the hazard impacts assuming a worst-case release. Additionally, because of design standards, maintenance and inspection requirements, and regulatory requirements, the likelihood of catastrophic failures or process upsets are greatly reduced. One feasible mitigation measure was identified—early compliance with all application hazardous materials rules and regulations—and it is described in Section 6.4 below. Further information on the analysis of measures suggested by the public and public agencies is provided in Table 2. While there are a number of rules,

regulations, and laws applicable to the Refinery that serve to reduce the potential adverse hazard impacts, no additional feasible mitigation measure or project alternatives have been identified that could reduce the hazards impacts to less than significant. Therefore, hazard impacts are expected to remain significant and unavoidable following mitigation.

### **3.1.4 Cumulative Construction VOC and NOx Emissions Associated with the Proposed Project Would Exceed SCAQMD Regional Significance Thresholds**

**Finding:** The Executive Officer finds that: (1) project-specific mitigation measures were incorporated into the proposed project that would reduce significant adverse cumulative construction air quality impacts for regional VOC and NOx emissions, but not to less than significant; (2) such project-specific mitigation measures are within the jurisdiction of the SCAQMD; (3) no additional feasible mitigation measures were identified in the FEIR for the proposed project that would mitigate significant adverse cumulative construction air quality impacts for regional VOC and NOx emissions to less than significant; and, (4) in spite of implementing construction air quality impacts mitigation measures for the proposed project, cumulative construction air quality impacts for regional VOC and NOx emissions remain significant.

**Explanation:** Project-specific construction air quality impacts for VOC and NOx emissions were concluded to be significant and, cumulatively considerable as defined by CEQA Guidelines §15064 (h)(1). As a result, construction air quality impacts are concluded to be cumulatively significant. An analysis of potential mitigation measures was conducted to determine if cumulative construction VOC and NOx emissions could be mitigated to less than the applicable regional significance threshold. Tesoro does not have any authority to control construction emissions from the non-Tesoro owned/operated projects that were considered in the cumulative impacts analysis. For the cumulative projects listed where the SCAQMD is the lead agency, feasible mitigation measures will be imposed. However, most of the cumulative projects identified have another entity or agency (e.g., the City of Carson, City of Los Angeles, or City of Long Beach) acting as lead agency and implementing feasible mitigation measures. The construction emission calculations were based on conservative assumptions and assumed that all related projects were under construction at the same time, which will likely overestimate actual emissions. In addition, the construction emissions will not have a long-term adverse air quality impact because these emissions will cease following the completion of construction.

Nine feasible mitigation measures were identified that could reduce significant VOC and NOx construction impacts from the proposed project, but would not reduce the emissions to less than significant. The nine measures are described in Section 6.1 below, and further information on the SCAQMD's analysis of measures suggested by the public and public agencies, is provided in Table 2. Although these measures would not reduce construction emissions below the applicable SCAQMD VOC and NOx construction air quality regional significance thresholds, no other feasible mitigation measures or project alternatives have been identified that would reduce the cumulative construction impacts to less than significant. Therefore, cumulative construction air quality impacts of VOC and NOx emissions are expected to remain significant and unavoidable regionally following mitigation.

### **3.1.5 Cumulative Construction NO<sub>2</sub> Emissions Associated with the Proposed Project Would Exceed the SCAQMD Localized Significance Threshold for 1-hour NO<sub>2</sub>**

**Finding:** The Executive Officer finds that: (1) project-specific mitigation measures were incorporated into the proposed project that would also reduce significant adverse cumulative construction air quality impacts for localized 1-hour NO<sub>2</sub> concentrations, but not to less than significant levels; (2) such project-specific mitigation measures are within the jurisdiction of the SCAQMD; (3) no additional feasible mitigation measures were identified for the proposed project that would mitigate significant adverse cumulative construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations to less than significant; and, (4) after mitigation, cumulative construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations remain significant.

**Explanation:** Project-specific construction air quality impacts for localized 1-hour NO<sub>2</sub> concentrations were concluded to be significant and, cumulatively considerable as defined by CEQA Guidelines §15064 (h)(1). As a result, construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations are concluded to be cumulatively significant. An analysis of potential mitigation measures was conducted to determine if cumulative construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations could be mitigated to less than the applicable localized significance threshold. For the cumulative projects listed where the SCAQMD is the lead agency, feasible mitigation measures will be imposed. However, most of the cumulatively-related projects identified in the FEIR have another entity or agency (e.g., the City of Carson, City of Los Angeles, or City of Long Beach) acting as lead agency and responsible for implementing feasible mitigation measures. The construction emission calculations were based on conservative assumptions and assumed that all related projects were under construction at the same time, which will likely overestimate actual emissions. Nine feasible mitigation measures were identified that could reduce significant construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations from the proposed project, but would not reduce the emissions to less than significant. The nine measures are described in Section 6.1 below, and further information on the analysis of measures suggested by the public and public agencies, is provided in Table 2. Although these measures would not reduce construction emissions below the applicable SCAQMD's localized significance threshold for 1-hour NO<sub>2</sub> concentrations, no other feasible mitigation measures or project alternatives have been identified that would reduce the cumulative construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations to less than significant. Therefore, cumulative construction air quality impacts to localized 1-hour NO<sub>2</sub> concentrations are expected to remain significant and unavoidable following mitigation.

### **3.1.6 Cumulative Hazards Impacts Associated with Operation of the Proposed Project**

**Finding:** The Executive Officer finds that: (1) a project-specific mitigation measure was incorporated into the proposed project that would reduce significant adverse cumulative hazard impacts associated with the operation of the Naphtha Isomerization Unit, new crude tanks, SARP, and Interconnecting Pipelines, but not to less than significant levels; (2) such project-specific mitigation measures are within the jurisdiction of the SCAQMD; (3) no additional feasible mitigation measures were identified for the proposed project that would mitigate significant adverse cumulative hazard impacts to less than significant levels; and, (4) in spite of

implementing a mitigation measure for the proposed project, cumulative hazard impacts remain significant.

**Explanation:** All significant project-related hazards could extend off-site and, therefore, were determined to be cumulatively considerable as defined by CEQA Guidelines §15064 (h)(1). As a result, hazards impacts are concluded to be cumulatively significant. An analysis of potential mitigation measures was conducted to determine if cumulative impacts could be mitigated to less than the applicable significance threshold. The only other cumulative project that has the potential for off-site hazards, based on the available environmental information, is the Shell Carson Facility E10 Project (#22 in Table 5.1-1 of the DEIR), which is over one mile away from any of the proposed project hazards. Although the project-related hazard impacts would generally be limited to industrial areas, they are not expected to overlap with hazards from cumulative projects. Nonetheless, hazard impacts from the proposed project would make a cumulatively considerable contribution to a significant adverse cumulative hazard impact. The SCAQMD, as the lead agency for the Shell Carson E10 Project imposed mitigation for that project. However, the hazard impacts from the Shell Carson E10 Project and the proposed project were expected to remain significant after mitigation. No additional feasible mitigation measures were identified to further reduce the significant adverse hazard impacts. As both the proposed project and the Shell Carson E10 Project are under the jurisdiction of the SCAQMD, all feasible mitigation has been imposed on both projects. Therefore, cumulative hazard impacts are expected to remain significant and unavoidable following mitigation.

### **3.2 POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF INSIGNIFICANCE**

The FEIR identified one potentially significant adverse environmental impact that can be reduced to a level of insignificance: construction traffic and transportation. One intersection, Interstate 405/Wilmington Avenue Southbound Ramps, was found to have potentially significant impacts during the morning peak travel period. One mitigation measure, to implement a traffic management plan to address the significant adverse construction traffic impacts generated by the proposed project prior to the completion of the interstate improvements, has been imposed to require construction traffic to avoid the intersection during morning peak travel period by traveling either outside the morning peak travel time or along alternative routes. The impacts of the proposed project on traffic and transportation are expected to be less than significant following implementation of mitigation.

### **3.3 IMPACTS ASSOCIATED WITH ALTERNATIVES**

The FEIR includes an evaluation of five potential alternatives to the proposed project. The FEIR examines the environmental impacts of each alternative in comparison with the proposed project and the relative ability of each alternative to achieve the project objectives. The FEIR also summarizes the criteria used to identify a range of reasonable alternatives for review and describes proposals that were considered but were concluded to not merit additional, more-detailed review because they did not present viable alternatives to the proposed project.

In making these findings, the Executive Officer certifies that he has independently reviewed and considered the information on alternatives provided in the FEIR, including the information provided in comments on the DEIR and the responses to those comments in the FEIR. The FEIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the FEIR is incorporated in these findings by reference.

### **3.3.1 Description of Project Objectives**

CEQA Guidelines §15124 (b) requires an EIR to include a statement of objectives, which describes the underlying purpose of the proposed project. The purpose of the statement of objectives is to aid the lead agency in identifying alternatives and the decision-makers in preparing findings and a statement of overriding considerations, if necessary. The objectives of the proposed project include the following:

- Improving process efficiency through integration while maintaining the overall production capability of transportation fuels. Making process modifications that improve efficiency and enable shutdown of the Wilmington Operations FCCU prior to the next scheduled FCCU turnaround, currently anticipated to occur in 2017, providing substantial emission reductions and reducing carbon intensity.
- Recovering and upgrading distillate range material from FCCU feeds. (The project proposes to achieve this objective by modifying 51 Vacuum Unit, and the HCU at Carson Operations, and the HTU-4 and HCU modifications at Wilmington Operations. Recovering distillate from FCCU feed enables shut down of the Wilmington Operations FCCU since the Carson Operations FCCU has sufficient capacity to process the FCCU feed that remains after distillate recovery.)
- Complying with federal, state, and local rules and regulations. (The project proposes to achieve this objective by: (1) meeting the U.S. EPA Tier 3 gasoline specifications; and, (2) reducing Refinery NO<sub>x</sub>, SO<sub>x</sub>, and GHG emissions through proposed process modifications that improve efficiency, enable shutdown of the Wilmington Operations FCCU, and lower carbon intensity.)
- Improving financial viability for the newly integrated Tesoro Los Angeles Refinery. (The project proposes to achieve this objective by: (1) reducing future operating, capital, turnaround, and environmental compliance costs, primarily by shutting down the Wilmington Operations FCCU; (2) improving electrical supply reliability; (3) improving integrated Refinery transportation fuel production flexibility between gasoline and distillate products to respond to changes in market demand, including the capability to produce 100 percent of the refinery gasoline production as CARB compliant gasoline; and, (4) continuing to provide sustainable local jobs and tax revenue for the community.)
- Integrating Carson and Wilmington Operations. (The project proposes to achieve this objective by installing the Interconnecting Pipelines to allow efficient transfer of



hydrocarbons between the facilities to allow gasoline blending optimization, process unit feedstock optimization, and increased diesel production.)

- Increasing overall Refinery processing efficiency. (Tesoro proposes to achieve this objective by: (1) adding a SARP at the Wilmington Operations to regenerate sulfuric acid on-site; (2) adding a Wet Jet Treater to improve jet fuel quality; (3) upgrading and adding facilities to recover and treat propane for commercial sales; and, (4) upgrading existing LPG rail facilities to enable fast unloading of railcars.)
- Improving efficiency of water-borne crude oil receipt and marine vessel unloading. Unloading crude oil from marine vessels without delay will reduce vessel emissions at the Port of Long Beach. (Tesoro proposes to achieve this objective by constructing six new 500,000 barrel tanks at the Carson Crude Terminal and replacing two existing 80,000 barrel crude oil tanks at the Wilmington Operations with two 300,000 barrel tanks. Piping within the Carson Crude Terminal will be installed to connect the six new 500,000 barrel tanks to existing pipelines to the Carson Operations and Marine Terminal 1. The two new 300,000 barrel tanks will be connected to existing pipelines from the Wilmington Long Beach Terminal. Within the confines of the Wilmington Operations, the existing 12-inch diameter piping will be replaced with 24-inch diameter piping to connect the replacement tanks to the Wilmington Operations.)

### **3.3.2 Project Alternatives That Would Eliminate the Potentially Significant Adverse Impacts are Not Available**

***Finding:*** The FEIR describes and evaluates five alternatives to the proposed project. The Executive Officer finds that the proposed project would best achieve the project objectives. The Executive Officer finds that the alternatives are unable to achieve the project objectives to the same degree as the proposed project. The Executive Officer further finds that, on balance, none of the alternatives is “environmentally superior” to the proposed project, and none have environmental advantages that are sufficiently great to justify approval of such an alternative instead of the proposed project in light of each such alternative’s inability to satisfy the proposed project objectives to the same degree as the proposed project. Accordingly, the Executive Officer has decided to approve the proposed project.

In making this decision, the Executive Officer finds that when compared to the alternatives described and evaluated in the FEIR, the proposed project provides a reasonable balance between fully satisfying the project objectives and reducing potential environmental impacts to an acceptable level. The Executive Officer further finds and decided that the proposed project should be approved, rather than one of the other alternatives.

***Explanation:*** Potential adverse environmental impacts from five project alternatives were analyzed and their relative merits were compared to the proposed project. Alternatives evaluated in the FEIR for the proposed project include: Alternative 1 – No Project Alternative; Alternative 2 – New FFHDS Fractionator at Carson Operations and a new Diesel Hydrotreater at Wilmington Operations; Alternative 3 – New Gasoline Hydrotreater at Carson Operations;

Alternative 4 – Interconnecting Pipeline and New Gasoline Hydrotreater at Carson Operations; and, Alternative 5 – Alternative Construction Schedule. No feasible project alternatives were identified that would attain most of the basic objectives of the proposed project, as described in Section 3.2.1, and generate fewer or less severe environmental impacts than those of the proposed project, as shown in Table 3.

Only Alternative 1, the No Project Alternative would eliminate all significant adverse impacts that would be caused by the proposed project. The No Project Alternative would continue the operation of the Wilmington and Carson Operations under their current configurations and it would not achieve any of the proposed project objectives such as: (1) improving the efficiency of the Refinery, allowing the shutdown of the Wilmington Operations FCCU; (2) reducing overall emissions from the Refinery, including GHG emissions; (3) recovering and upgrading distillate range materials from FCCU feeds; (4) complying with federal, state, and local regulations; (5) improving the financial viability of the Refinery; (6) better integration of the Carson and Wilmington Operations; and, (7) improving the efficiency of water-borne crude oil receipt and marine vessel unloading. Not only would Alternative 1 not achieve any of the proposed project objectives, but because portions of Alternative 1 do not include the regulatory compliance projects, it may not be considered a feasible alternative as the Tesoro Refinery would be in violation of regulatory mandates if the regulatory compliance project components are not implemented. Although Alternative 1 would eliminate all the significant and less than significant impacts that would occur under the proposed project, the locally beneficial impacts of the proposed project would also be eliminated. The Wilmington Operations FCCU would not be shut down because none of the Refinery modifications needed for that to occur would be implemented. Finally, the beneficial aspects of the proposed project associated with reduced annual ship emissions due to the increased crude offloading rate would also be eliminated. Similarly, the overall reduction in wastewater generated during operation of the proposed project (79,344 gpd reduced) would not occur. Consequently, Alternative 1 would continue current operational emissions, which would be substantially higher than operational emissions under the proposed project as the local emission reduction benefits associated with the proposed project would not be achieved. Therefore the No Project Alternative is not considered “environmentally superior”.

Alternative 2 would result in significant adverse impacts to air quality during construction and hazards during operation and would require the construction of two additional new refinery units (FFHDS Fractionator and Diesel Hydrotreater). Construction of the new Refinery units would potentially result in higher air quality, water quality, hazard, and operational hazardous waste impacts than the proposed project. Alternative 2 would not reduce any of the potentially significant proposed project impacts to less than significant. Impacts to other environmental topic areas analyzed were generally equivalent to impacts in those same areas that would be generated by the proposed project. Alternative 2 would achieve most the objectives of the proposed project, including: (1) improving the efficiency of the Refinery, allowing the shutdown of the Wilmington Operations FCCU; (2) reducing overall emissions from the Refinery, including GHG emissions; (3) recovering and upgrading distillate range materials from FCCU feeds; (4) complying with federal, state, and local regulations; (5) improving the financial viability of the Refinery; (6) better integration of the Carson and Wilmington Operations; and, (7) improving the efficiency of water-borne crude oil receipt and marine vessel unloading.

However, Alternative 2 would not achieve the objectives of reducing overall emissions from the Refinery as much as would the proposed project.

Alternative 3 would result in significant adverse impacts to air quality during construction and would result in greater operational GHG and criteria pollutant emissions associated with the two new heaters as compared to the proposed project. In addition, Alternative 3 also would result in significant adverse hazard impacts during operation. Alternative 3 would have greater impacts than the proposed project on operational air quality, wastewater, and hazardous waste impacts and it would not reduce any of the potentially significant adverse impacts of the proposed project to less than significant. Impacts to other environmental topic areas analyzed were generally equivalent to impacts in those same areas that would be generated by the proposed project. Alternative 3 would achieve most the objectives of the proposed project, including: (1) improving the efficiency of the Refinery, allowing the shutdown of the Wilmington Operations FCCU; (2) reducing overall emissions from the Refinery, including GHG emissions; (3) recovering and upgrading distillate range materials from FCCU feeds; (4) complying with federal, state, and local regulations; (5) better integration of the Carson and Wilmington Operations; and, (6) improving the efficiency of water-borne crude oil receipt and marine vessel unloading. Alternative 3 would require the installation of two new heaters, which means that this alternative would not achieve as effectively as the proposed project the objective of reducing overall emissions from the Refinery as a whole, including GHG emissions.

Alternative 4 would result in significant adverse impacts to air quality during construction and hazards during operation; however, the impacts are expected to be less than the proposed project. Alternative 4 would eliminate the significant construction air quality impacts from VOC emissions and most of the hazard impacts. NOx emissions associated with the construction phase would remain significant under Alternative 4. The hazard impacts associated with the Interconnecting pipelines would remain significant under Alternative 4; however, Alternative 4 would eliminate the potentially significant hazards associated with Naphtha Isomerization Unit, new crude tanks, and SARP. Alternative 4 would have greater impacts than the proposed project on operational air quality, TAC emissions, and wastewater impacts as the FCCU would not be shut down under Alternative 4. Alternative 4 would not reduce any of the potentially significant adverse impacts of the proposed project to less than significant. Alternative 4 would not accomplish the major objectives of the proposed project. Alternative 4 would meet the objective of better integration of the Carson and Wilmington Operations by constructing the Interconnecting Pipelines and complying with federal, state, and local regulations. However, Alternative 4 would not meet any of the other objectives of the proposed project including: (1) improving the efficiency of the Refinery, allowing the shutdown of the Wilmington Operations FCCU; (2) reducing overall emissions from the Refinery, including GHG emissions; (3) recovering and upgrading distillate range materials from FCCU feeds; and, (4) improving the efficiency of water-borne crude oil receipt and marine vessel unloading. The beneficial aspects of the proposed project associated with reduced ship emissions due to the increased crude offloading rate would also be eliminated.

Alternative 5 would ultimately result in the same impacts as the proposed project in the areas of hazards, hydrology and water quality, noise, traffic and transportation, and solid and hazardous waste. Alternative 5 would reduce the peak construction emission impacts associated with the

proposed project, but the construction emission impacts associated with NO<sub>x</sub> would remain significant. Due to delay in the certification of the FEIR and approval of the proposed project, the construction of the proposed project has been delayed (expected to be by one year). Therefore, dates mentioned in Alternative 5 would shift accordingly.

Under Alternative 5 the Wilmington Operations FCCU would be shut down in 2022 instead of 2017, resulting in four additional years of operating the FCCU, which means that emissions from the FCCU would be unchanged from 2017 through 2022 and overall emissions during the construction phase would be substantially greater than what they would be under the proposed project. Alternative 5 would ultimately result in the same hazard impacts as the proposed project as all project components would be included in Alternative 5. Therefore, hazard impacts would remain significant. After all components of the proposed project are completed in 2022, Alternative 5 would have the same potentially less than significant and significant adverse environmental impacts as the proposed project. Alternative 5 would achieve most the objectives of the proposed project, although there would be an approximately five-year delay in achieving some of the objectives, which would include: (1) improving the efficiency of the Refinery, allowing the shutdown of the Wilmington Operations FCCU; (2) reducing overall emissions from the Refinery, including GHG emissions; (3) recovering and upgrading distillate range materials from FCCU feeds; (4) better integration of the Carson and Wilmington Operations; and, (5) improving the efficiency of water-borne crude oil receipt and marine vessel unloading. Alternative 5 would not achieve the objective of improving the efficiency and enabling shutdown of the Wilmington Operations FCCU by 2017. It also would delay a significant amount of local emission reductions, resulting in an additional five years of operation at increased rates. Under Alternative 5, it is assumed that the project components that would allow for the compliance with the U.S. EPA Tier 3 gasoline sulfur requirements would occur prior to 2018 so this objective would be achieved.

***Summary of Findings Regarding Alternatives:*** For all the foregoing reasons, the Executive Officer has decided to approve the proposed project based on the conclusion that (1) the alternatives are infeasible and (2) on balance, other than the No Project Alternative, the alternatives are not environmentally superior to the proposed project. The Executive Officer finds that the range of alternatives evaluated in the FEIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially reduce the proposed project's environmental effects, while accomplishing most, if not all, of the project objectives. The Executive Officer finds that the alternatives analysis is sufficient to inform the Executive Officer and the public regarding the tradeoffs between the degree to which alternatives to the proposed project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the project proponent's ability to achieve the project objectives.

**TABLE 3**  
**Environmental Impacts of Alternatives**  
**as Compared to Proposed Project**

<b>ENVIRONMENTAL TOPIC</b>	<b>Proposed Project</b>	<b>Alt. 1<sup>(a)</sup></b>	<b>Alt. 2<sup>(b)</sup></b>	<b>Alt. 3<sup>(c)</sup></b>	<b>Alt.4<sup>(d)</sup></b>	<b>Alt.5<sup>(e)</sup></b>
<b>Air Quality</b>						
Construction	S	NS(-)	S(=)	S(=)	S(-)	S(-)
Operation	NS	NS(+)	NS(+)	NS(+)	NS(+)	NS(+)
Toxic Air Contaminants	NS	NS(+)	NS(+)	NS(+)	NS(=)	NS(+)
<b>Hazards</b>						
Construction Hazards	NS	NS(-)	NS(=)	NS(=)	NS(=)	NS(=)
Operational Hazards	S	NS(-)	S(+)	S(+)	S(-)	S(=)
Transportation Hazards	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(=)
<b>Hydrology/Water Quality</b>						
Water Demand Construction	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(-)
Wastewater Construction	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(=)
Water Demand Operation	NS	NS(-)	NS(=)	NS(=)	NS(+)	NS(=)
Wastewater Operation	NS	NS(+)	NS(+)	NS(+)	NS(+)	NS(+)
<b>Noise</b>						
Construction Noise	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(-)
Construction Vibration	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(-)
Operational Noise	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(=)
Operational Vibration	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(=)
<b>Solid/Hazardous Waste</b>						
Construction Solid Waste	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(=)
Construction Haz. Waste	NS	NS(-)	NS(=)	NS(=)	NS(-)	NS(=)
Operation Solid Waste	NS	NS(=)	NS(=)	NS(=)	NS(=)	NS(=)
Operation Haz. Waste	NS	NS(-)	NS(+)	NS(+)	NS(-)	NS(=)
<b>Transportation/Traffic</b>						
Construction	MNS	NS(-)	MNS(=)	MNS(=)	MNS(-)	MNS(-)

## Alternatives:

- 1 No Project
- 2 New FFHDS Fractionator at Carson Operations and New Diesel Hydrotreater at Wilmington Operations
- 3 New Gasoline Hydrotreater at Carson Operations
- 4 Interconnecting Pipelines and New Gasoline Hydrotreater at Carson Operations
- 5 Alternative Construction Schedule

## Notes:

- S = Significant, mitigation applied by impacts remain significant  
NS = Not Significant  
MNS = Mitigated, Not Significant  
(-) = Potential impacts are less than the proposed project.  
(+) = Potential impacts are greater than the proposed project.  
(=) = Potential impacts are approximately the same as the proposed project.  
(a) None of the objectives are met.  
(b) Alternative 2 does not achieve the objectives of reducing overall emissions from the Refinery.  
(c) Alternative 3 does not achieve the objectives of reducing overall emissions from the Refinery.  
(d) Alternative 4 does not achieve the objectives of improving efficiency of the Refinery, reducing overall emissions from the Refinery, recovering and upgrading distillate range materials from FCCU feeds, or improving efficiency of water-borne crude receipts.  
(e) Alternative 5 does not achieve the objectives of improving the efficiency and enabling shutdown of the Wilmington Operations FCCU by 2017. Operational emission reduction benefits would be delayed by five years. Other project objectives would be achieved but delayed due to the schedule.

### **3.4 FINDINGS CONCLUSION**

Changes or alterations have been incorporated into the proposed project to mitigate or minimize the potentially significant adverse environmental effects associated with project-specific traffic impacts during construction to less than the applicable significance threshold. No additional feasible mitigation measures or alternatives were identified that could further reduce the project-specific regional VOC and NO<sub>x</sub> air quality impacts during construction, project-specific localized 1-hour NO<sub>2</sub> concentrations during construction, hazard impacts during operation, cumulative regional air quality VOC and NO<sub>x</sub> emissions associated with construction, cumulative localized 1-hour NO<sub>2</sub> concentrations associated with construction, and cumulative hazard impacts during operation of the proposed project. In response to comments, Mitigation Measure A-5 was revised to include additional equipment (power tools) to be electrically driven (see Mitigation Measure A-5). No additional feasible mitigation measures or alternatives to the proposed project, other than those already included in the FEIR, have been identified that can further mitigate the potentially significant adverse project impacts on air quality during construction and hazards during operation of the proposed project while meeting the basic objectives of the proposed project. There were various other measures and alternatives suggested during the comment period, and they have been reviewed and it has been determined that they are either infeasible or inapplicable as summarized on Table 2 of these findings. In summary, no additional feasible mitigation measures or alternatives were identified that could further reduce the significant project-specific and cumulative environmental impacts identified here. The proposed project also achieves the project objectives, as described in Section 3.3.1, more effectively than the project alternatives analyzed. Upon certification of the FEIR for the proposed project, all feasible mitigation measures identified in the FEIR will be required to be implemented as set forth in the Mitigation, Monitoring, and Reporting Plan.

The proposed project is intended to achieve the project objectives as described above in Subsection 3.3.1 and Section 2.2 of the FEIR. Based on achieving the project objectives described in Subsection 3.3.1, the Executive Officer finds that the proposed project achieves the best balance between minimizing potential adverse environmental impacts and achieving the overall project objectives. The Executive Officer further finds that all of the findings presented here are supported by substantial evidence in the record. Upon certification, the record of approval for this proposed project, i.e., the Notice of Determination, will be posted and recorded by the Los Angeles County Clerk.

### **4.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

If significant adverse impacts of a proposed project remain after incorporating feasible mitigation measures, or no feasible measures to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the proposed project outweigh the unavoidable, significant, adverse environmental effects if it is to approve the project. In accordance with CEQA Guidelines §15093, the Executive Officer has, in determining whether or not to approve the proposed project, balanced the economic, social, technological, and other project benefits against its unavoidable environmental risks, and finds that each of the benefits of the proposed project set forth below outweigh the significant adverse environmental effects that are not mitigated to less than significant levels. This statement of overriding considerations is based on

the Executive Officer’s review of the FEIR, response to comments, and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the proposed project. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the proposed project, as set forth below, has been prepared. Pursuant to CEQA Guidelines §15093(c), a Statement of Overriding Considerations will be included in the record of the project approval and will also be noted in the Notice of Determination.

Having reduced the potential effects of the proposed project through all feasible mitigation measures as described previously in this attachment and balancing the benefits of the proposed project against its potential unavoidable adverse impacts on air quality during construction and hazards during operation, the Executive Officer finds that the following legal requirements and benefits of the proposed project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. The proposed project would further integrate the Tesoro Los Angeles Refinery Carson and Wilmington Operations by improving process efficiency through integration while maintaining the overall production capability of transportation fuel.
2. Making process modifications that improve the efficiency of the Refinery will enable the shutdown of the Wilmington Operations FCCU, which is a major source of emissions.
3. The proposed project including the shutdown of the Wilmington Operations FCCU would reduce CO emissions from the Refinery by 589.28 lb/day.
4. The proposed project including the shutdown of the Wilmington Operations FCCU would reduce local emissions from the Refinery of the following pollutants in the following amounts: 529.81 lb/day NO<sub>x</sub>, 248.15 lb/day SO<sub>x</sub>, 65.29 lb/day PM<sub>10</sub>, and 65.56 lb/day PM<sub>2.5</sub>, and 68,175 metric tons/year CO<sub>2</sub>equivalent. These are considered “local” rather than “regional” or “global” because Tesoro may receive, and someone may ultimately use, emission reduction credits, RECLAIM trading credits, and/or GHG allowances from those local emission reductions. Nonetheless, these reductions will benefit the local community.
5. The proposed project would also improve the efficiency of water-borne crude oil receipts by improving the unloading rate of crude oil deliveries at the Long Beach Marine Terminal and improving operational efficiency at Marine Terminal 1, which reduces the time the marine vessels spend in the Port. These modifications will provide a reduction in criteria pollutants, toxic air contaminants, and CO<sub>2</sub>equivalent emissions from marine vessels.
6. The proposed project would allow Tesoro to comply with the federally-mandated U.S. EPA Tier 3 gasoline specifications which limit the sulfur content in gasoline to 10 parts per million (ppm) which limits SO<sub>x</sub> and particulate emissions from mobile sources that use the fuel.

7. The proposed project would maintain the available regional supply of transportation fuels.
8. The proposed project would reduce vehicle miles traveled associated with the transport of spent sulfuric acid from the refinery for regeneration as spent sulfuric acid would be treated at the new Sulfuric Acid Regeneration Plant of the Wilmington Operations.
9. The proposed project would reduce hazards associated with operation of the Wilmington Operations FCCU.
10. Implementing Mitigation Measure HHM-1 would require early compliance with regulatory requirements to ensure modifications and new equipment comply with regulations.

In balancing the benefits of the overall project described above with the proposed project's unavoidable and significant adverse environmental impacts, the Executive Officer finds that the proposed project's benefits individually and collectively outweigh the unavoidable adverse impacts, such that these impacts are acceptable. The Executive Officer further finds that substantial evidence presented in the FEIR supports adopting the FEIR despite the proposed project's potential adverse impacts.

## **5.0 RECORD OF PROCEEDINGS**

Upon certification, the record of approval for this proposed project, i.e., the Notice of Determination, will be sent to the Los Angeles County Clerk to be recorded and posted. The record of approval for the proposed project and all documents and other materials related to this proposed Project may be found at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, 91765. The Custodian of the Record is the Deputy Executive Officer of the Planning, Rule Development, and Area Source division.

## **6.0 MITIGATION, MONITORING, AND REPORTING PLAN**

When a public agency conducts an environmental review of a proposed project in conjunction with approving it, the lead agency shall adopt a program for monitoring or reporting on the measures it has imposed to mitigate or avoid significant adverse environmental effects pursuant to the requirements of CEQA Guidelines §15097 and PRC §21081.6. PRC §21081.6 states in part that when making the findings required by §21081(a):

“... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.”



Enforcement of the mitigation, monitoring, and reporting requirements described in this plan is primarily the responsibility of the SCAQMD as the lead agency under CEQA. The mitigation measures discussed herein are primarily the responsibility of Tesoro to implement. To certify compliance, documentation that mitigation measures have been implemented will be maintained by Tesoro to ensure potential environmental impacts are mitigated in accordance with the performance standards in the FEIR.

## **6.1 AIR QUALITY IMPACTS AND MITIGATION MEASURES**

Construction-related emissions of VOC and NO<sub>x</sub> would exceed the applicable SCAQMD regional significance thresholds for daily construction emissions. Emission sources include worker vehicles, heavy construction equipment, and grading/construction activities. The mitigation measures identified in the following discussion are intended to minimize the emissions associated with these emission sources.

### **Construction Mitigation Measures**

The proposed project is expected to have significant adverse air quality impacts during the construction phase. While the construction schedule of the proposed project spans approximately five years, most of the project construction will be completed in the first two years to facilitate the retiring of the Wilmington Operations FCCU. While construction emissions are significant, once the Wilmington FCCU is shut down, the local emissions benefit from the shutdown is far greater than the temporary localized construction emissions. Therefore, the following mitigation measures will be imposed on the project to reduce emissions associated with construction activities from heavy construction equipment and worker travel.

- A-1 Maintain the Construction Management Program for the proposed project that shall, at a minimum, incorporate the following mitigation measures and Best Management Practices.

#### On-Road Mobile Sources:

- A-2 Prohibit vehicles from idling longer than five minutes at the Refinery as contract conditions with construction companies and by posting signs on-site, except as provided in the exceptions in the applicable CARB regulations regarding idling.
- A-3 All on-road heavy-duty diesel trucks or equipment with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with EPA 2007 on-road emission standards for PM and NO<sub>x</sub> (0.01 gram per brake horsepower - hour (g/bhp-hr) and at least 0.2 g/bhp-hr, respectively).

#### Off-Road Mobile Sources:

- A-4 Prohibit construction equipment from idling longer than five minutes at the Refinery as contract conditions with construction companies and by posting

signs on-site, except as provided in the exceptions in the applicable CARB regulations regarding idling.

- A-5 The project proponent shall survey and document the proposed project's construction areas and identify all construction areas that are served by electricity. This documentation shall be provided as part of the Construction Management Program. Electric welders shall be used in all construction areas that are demonstrated to be served by electricity. Electric power tools shall be used in areas when feasible and available.
- A-6 The project proponent shall survey and document the proposed project's construction areas and identify all construction areas that are served by electricity. This documentation shall be provided as part of the Construction Management Program. On-site electricity rather than temporary power generators shall be used in all construction areas that are demonstrated to be served by electricity.
- A-7 For off-road construction equipment rated greater than 50 hp, the project proponent shall use equipment that meets Tier 4 off-road emission standards at a minimum. Any emissions control device used by the Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. The project proponent shall provide documentation in the Construction Management Program or associated subsequent status reports as information becomes available that equipment rated greater than 50 hp equipped with Tier 4 engines are not available.
- A-8 Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.

#### Exceptions

Mitigation Measures A-2 through A-7 for on-road and off-road construction equipment and portable electric generator requirements shall apply unless any of the following circumstances exist and the project proponent and its contractor provides a written finding consistent with project contract requirements that:

- 1) The project proponent and its contractor intends to meet the requirements of these mitigation measures as to a particular vehicle or piece of equipment by leasing or short-term rental, and the project proponent and its contractor has attempted in good faith and due diligence to lease the vehicle or equipment that would comply with this policy, but that vehicle or equipment is not available for lease or short-term rental within 200 miles of the project site, and the Contractor has submitted documentation to Tesoro showing that the requirements of this Exception provision apply; or

- 2) The contractor has been awarded funding by SCAQMD or another agency that would provide some or all of the cost to retrofit, repower, or purchase a piece of equipment or vehicle, but the funding has not yet been provided due to circumstances beyond the contractor's control, and the contractor has attempted in good faith and due diligence to lease or short-term rent the equipment or vehicle that would comply with this policy, but that equipment or vehicle is not available for lease or short-term rental within 200 miles of the project site, and the contractor has submitted documentation to Tesoro showing that the requirements of this Exception provision apply; or
- 3) The contractor has ordered for purchase, a piece of equipment or vehicle to be used on the construction project in compliance with this policy at least 60 days before that equipment or vehicle is needed at the project site, but that equipment or vehicle has not yet arrived due to circumstances beyond the contractor's control, and the contractor has attempted in good faith and due diligence to lease or short-term rent a piece of equipment or vehicle to meet the requirements of this policy, but that equipment or vehicle is not available for lease or short-term rental within 200 miles of the project, and the contractor has submitted documentation to Tesoro showing that the requirements of this Exception provision apply; or
- 4) Construction-related diesel equipment or vehicles will be used on Tesoro construction project site for fewer than 10 calendar days per calendar year. The contractor shall not consecutively use different equipment or vehicles that perform the same or a substantially similar function in an attempt to use this Exception to circumvent the intent of this policy.

In any of the mitigation measures and Exceptions described above, the contractor shall provide the next cleanest piece of equipment or vehicle as provided by the step down schedules in Table 4 for Off-Road Equipment and Table 5 for On-Road Equipment.

**Table 4. Off-Road Compliance Step Down Schedule\***

<b>Compliance Alternative</b>	<b>Engine Standard</b>	<b>CARB-Verified DECS (VDECS)</b>
1	Tier 4	N/A
2	Tier 3	Level 3
3	Tier 2	Level 3
4	Tier 1	Level 3
5	Tier 2	Level 2
6	Tier 2	Level 1
7	Tier 2	Uncontrolled
8	Tier 1	Level 2
Equipment less than Tier 1, Level 2 shall not be permitted.		

Note: DECS=diesel emissions control device system

**Table 5. On-Road Compliance Step Down Schedule\***

<b>Compliance Alternative</b>	<b>Engine Model Year</b>	<b>CARB-Verified DECS (VDECS)</b>
1	2010	N/A
2	2007	N/A
3	2004	Level 3
4	1998	Level 3
5	2004	Uncontrolled
6	1998	Uncontrolled
Equipment with a model year earlier than Model Year 1998 shall not be permitted.		

\*How to use Table 4 and Table 5: For example, if Compliance Alternative #3 is required by this policy but a Contractor cannot obtain an off-road vehicle that meets the Tier 2 engine standard that is equipped with a Level 3 DECS (Compliance Alternative #3 in Table 4) and meets one of the above exceptions, then the Contractor shall use a vehicle that meets the next compliance alternative (Compliance Alternative #4) which is a Tier 1 engine standard equipped with a Level 3 DECS. Should the Contractor not be able to supply a vehicle with a Tier 1 engine equipped with a Level 3 DECS in accordance with Compliance Alternative #4 and has satisfied the requirements of one of the above exceptions as to the Contractor's ability to obtain a vehicle meeting Compliance Alternative #4, the Contractor shall then supply a vehicle meeting the next compliance alternative (Compliance Alternative #5), and so on. If the Contractor is proposing an exemption for on-road equipment, the step down schedule in Table 5 should be used. A Contractor must demonstrate that it has satisfied one of the exceptions listed in the selected Compliance Alternative Number before it can use a subsequent Compliance Alternative. The goal is to ensure that the Contractor has exercised due diligence in supplying the cleanest fleet available.

Other Mitigation Measures

During the course of construction, process units with combustion sources will be shutdown to accomplish the project modifications. Therefore, varying temporary emission reductions will occur. Emission reductions will vary depending on the number of units that are shutdown concurrently. Therefore, while the reductions are quantifiable, the emission reductions do not directly offset peak construction emissions and will not be accumulated and counted as mitigation emissions reductions. Table 6 shows the ranges of emission reductions from not operating refinery equipment that are expected to occur during the construction period. Unit shutdowns will vary during the construction period, with a wide range of emission reductions, but as previously indicated, will not be counted as mitigated construction emission reductions. Calculations for deriving the emission effects from equipment shutdowns during construction can be found in Appendix B-1.

Other mitigation measures were considered but were rejected because they would not further mitigate the potential significant impacts. Please refer to Table 2 for SCAQMD’s analysis of mitigation measures suggested by the public and public agencies.

**TABLE 6**  
**Emission Reductions from Unit Shutdowns**  
**During Construction**  
**(lb/day)**

Pollutant	Range of Emissions Reduction
CO	50 – 432
NOx	42 – 240
SOx	5 – 255
VOC	19 – 102
PM10	14 – 100

Best Management Practices

In addition to equipment requirements, the Best Management Practices (BMPs) listed below are to be included in the Construction Management Program and imposed on all construction projects performed on Tesoro properties and rights-of-way.

BMPs shall include, at a minimum:

- 1) Maintain equipment according to manufacturers' specifications;
- 2) Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of five minutes when not in use, except as provided in the exceptions to the applicable CARB regulations regarding idling for off-road and on-road equipment;

- 3) Maintain a buffer zone that is a minimum of 1,000 feet between truck traffic and sensitive receptors, where feasible;
- 4) Prohibit parking on public streets.
- 5) Prepare haul routes that conform to local requirements to minimize traversing through congested streets or near sensitive receptor areas;
- 6) Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable;
- 7) Use electric power in lieu of diesel power where available; and
- 8) Traffic speeds on all unpaved roads to be 15 mph or less.

### Stationary Source Mitigation

Once direct construction mitigation is implemented, the duration of significant NO<sub>x</sub> emissions will be reduced from the first 30 months to the first 24 months of construction. In addition to mitigation measures directly reducing emissions from construction equipment, Tesoro examined possible operational mitigation measures to further mitigate NO<sub>x</sub> emissions during construction of the proposed project. The identified feasible operational mitigation is the early implementation of NO<sub>x</sub> reduction projects that are planned for future regulatory compliance. Tesoro has determined that it can upgrade or change the catalyst in three SCRs currently operating as emission controls for NO<sub>x</sub>, to obtain some of the emission reductions needed to implement the recently adopted RECLAIM NO<sub>x</sub> amendments. The catalyst change-outs and subsequent NO<sub>x</sub> reductions were not scheduled to be implemented until the first quarter of 2020 or later, but will be implemented per the schedule in Mitigation Measure A-9. While costly, these change-outs were scheduled because they could be implemented without causing any additional major facility shutdowns or outages (which could cause additional emissions). These change-outs would not require additional approvals and would not require major construction and, thus, not add to the already significant construction emissions from the proposed project. Tesoro shall comply with the following mitigation measure:

- A-9 Tesoro will implement the following early SCR catalyst change-outs to improve NO<sub>x</sub> reduction according to the schedule in Table 7.

**TABLE 7**  
**SCR Catalyst Replacement Schedule**

Location	Unit	Completion Date
Carson Operations	Hydrogen Plant #2	Prior to start of construction
Wilmington Operations	HGU-2	Six months following project approval
Carson Operations	Cogen GTG Unit 91 or other GTG Unit with equivalent or greater NOx emission reductions	Nine months following project approval

The stationary source mitigation combined with the construction mitigation measures reduces the duration of significant NOx emissions to the first 20 months of construction. Implementation of the SCR catalyst change-outs identified in Mitigation Measure A-9 is expected to reduce NOx emissions from the units listed above from 40,000 to 49,000 lbs/yr compared to recent (2015) levels, once all three change-outs have been completed.

## 6.2 AIR QUALITY MITIGATION, MONITORING, AND REPORTING

**Implementing Party:** The Executive Officer finds that air quality Mitigation Measures A-1 through A-9 will be implemented by Tesoro.

**Monitoring Agency:** These mitigation measures are fully enforceable through a legally binding instrument, Attachment 2 for the Tesoro Refining and Marketing Company LLC Los Angeles Refinery Integration and Compliance Project – Declaration of Certification, signed by the General Manager of the Refinery and the Executive Officer. The SCAQMD through its discretionary authority to issue and enforce permits for the proposed project will ensure compliance with these mitigation measures. Mitigation monitoring and reporting will be accomplished as follows:

### **MMA-1: MAINTAIN A CONSTRUCTION MANAGEMENT PROGRAM**

Tesoro shall design and implement a Construction Management Program that shall, at a minimum, incorporate the following mitigation measures and BMPs. The Construction Management Program shall be documented and available for review by SCAQMD staff.

#### **BMPs**

- 1) Maintain equipment according to manufacturers' specifications;
- 2) Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of five minutes when not in use, except as provided in the exceptions

to the applicable CARB regulations regarding idling for off-road and on-road equipment;

- 3) Maintain a buffer zone that is a minimum of 1,000 feet between truck traffic and sensitive receptors, where feasible;
- 4) Prohibit parking on public streets;
- 5) Prepare haul routes that conform to local requirements to minimize traversing through congested streets or near sensitive receptor areas;
- 6) Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable;
- 7) Use electric power in lieu of diesel power where available; and,
- 8) Traffic speeds on all unpaved roads to be 15 mph or less.

**MMA-2: PROHIBIT VEHICLES FROM IDLING LONGER THAN FIVE MINUTES**

Tesoro will notify all contractors that vehicles will be limited to no longer than five minutes of idling time. This requirement will be included in the construction contracts.

During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-3 as specified in Table 8 (located at the end of this document).

**MMA-3: ON-ROAD HEAVY-DUTY DIESEL TRUCKS OR EQUIPMENT WITH A GROSS VEHICLE WEIGHT RATING (GVWR) OF 19,500 POUNDS OR GREATER SHALL COMPLY WITH EPA 2007 ON-ROAD EMISSION STANDARDS FOR PM AND NO<sub>x</sub>**

Tesoro and its contractors shall use on-road heavy-duty diesel trucks or equipment with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater that comply with EPA 2007 on-road emission standards for PM and NO<sub>x</sub> (0.01 gram per brake horsepower - hour (g/bhp-hr) and at least 0.2 g/bhp-hr, respectively) unless subject to an exception.

During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-3 as specified in Table 8.



**MMA-4: PROHIBIT CONSTRUCTION EQUIPMENT FROM IDLING LONGER THAN FIVE MINUTES**

Tesoro will notify all contractors that construction equipment will be limited to no longer than five minutes of idling time unless subject to an exception. This requirement will be included in the construction contracts.

During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-4 as specified in Table 8.

**MMA-5 USE ELECTRIC WELDERS INSTEAD OF GAS OR DIESEL WELDERS AND ELECTRIC POWER TOOLS IN PORTIONS OF THE REFINERY WHERE ELECTRICITY IS AVAILABLE**

Tesoro and the construction contractors will conduct a survey, prior to the start of construction, of the proposed project area to assess whether the existing infrastructure can provide access to electricity, as available, within the Refinery. Construction areas within the Refinery where electricity is not available will be identified on a site plan as part of the Construction Management Program. The use of gasoline or diesel welders shall be prohibited in areas of the Refinery that are shown to have access to electricity. Tesoro will assess the number of electrical welding receptacles available and will indicate whether diesel generators or welders are required for the proposed project. Electric power tools shall be used where allowed by safety regulations and where electricity is available. Tesoro shall include in all construction contracts the requirement that diesel welders are only allowed to operate in the portions of the Refinery as identified on the site plan as not being accessible to electric power. If gasoline or diesel welders are actually used, Tesoro shall maintain welder records that indicate the location, date(s), and fuel type of welders utilized. During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-5 as specified in Table 8.

**MMA-6: USE ONSITE ELECTRICITY RATHER THAN TEMPORARY POWER GENERATORS IN AREAS OF THE REFINERY WHERE ELECTRICITY IS AVAILABLE**

The use of temporary power generators shall be prohibited in areas of the Refinery that have existing infrastructure to provide access to electricity. Construction areas within the Refinery where electricity is not available will be identified on a site plan as part of the Construction Management Program. The use of temporary power generators outside of these identified areas shall be prohibited. Tesoro shall include in all construction contracts the requirement that the use of temporary power generators is prohibited in certain portions of the Refinery as identified on the site plan. Tesoro shall maintain records that indicate the location where the generators are operated, if at all, date(s) and fuel type used. During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable

compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-6 as specified in Table 8.

**MMA-7: USE CONSTRUCTION EQUIPMENT MEETING EPA CERTIFIED TIER 4 OFF-ROAD EMISSIONS STANDARDS DURING CONSTRUCTION OF THE PROPOSED PROJECT**

All off-road diesel-powered construction equipment rated greater than 50 hp shall use equipment that meets Tier 4 off-road emission standards at a minimum unless subject to an exception. Any emissions control device used by the Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. The project proponent shall provide documentation in the Construction Management Program as information becomes available that equipment rated greater than 50 hp equipped with Tier 4 engines are not available.

A copy of each unit's certified tier specification, control technology documentation, and CARB or SCAQMD operating permit shall be provided by the construction contractor at the time of mobilization of each applicable unit of equipment. During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-7 as specified in Table 8.

**MMA-8 SUSPEND ALL CONSTRUCTION ACTIVITIES THAT GENERATE AIR EMISSIONS DURING FIRST STAGE SMOG ALERTS**

If and when any first stage smog alert or greater occurs, Tesoro will record the date and time of each alert, will suspend all construction activities that generate emissions, and record the date and time when the use of construction equipment and construction activities are suspended. During construction of the proposed project and for two years following completion of construction Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-8 as specified in Table 8.

**MMA-9 ACCELERATE THE SCHEDULE TO PERFORM SCR CATALYST CHANGE-OUTS ON THREE UNITS TO IMPROVE NO<sub>x</sub> REDUCTION**

Tesoro will implement the following early SCR catalyst change-outs to improve NO<sub>x</sub> reduction according to the schedule in Table 7.

During construction of the proposed project and for two years following completion of construction Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure A-9 as specified in Table 8.

### **6.3 HAZARDS IMPACTS AND MITIGATION MEASURES**

The analysis in the FEIR concluded that potentially significant “worst-case” off-site operational hazard impacts associated with the proposed modifications to the Naphtha Isomerization Unit, the proposed new crude tanks, SARP, and Interconnecting Pipelines could cause off-site impacts

from accidental releases of regulated substances and from major fires. The following mitigation measure is intended to ensure that all applicable plans and Pre-Startup Reviews are completed for all proposed project components prior to the commencement of operations associated with new and modified project components, regardless of whether or not they are required to be included in the Process Safety Management (PSM) review:

HHM-1: To ensure all proposed project components are evaluated and early compliance with regulatory requirements are met, implementation of this mitigation measure shall be completed prior to the commencement of operations associated with new and modified project components. The applicant shall demonstrate to the Los Angeles City and County Fire Departments compliance with applicable hazardous material rules and regulations, to include, at minimum, an Emergency Action Plan as required by the Fire Department addressing spill, fire, and explosion hazards and relative risk of upset to adjacent land uses; PSM requirements under 40 CFR Part 1910, Section 119, and Title 8, CCR, Section 5189; and Article 2, Chapter 6.95 of the California Health and Safety Code that require facilities that handle listed regulated substances to develop RMPs to prevent accidental releases of these substances.

#### **6.4 HAZARDS MITIGATION, MONITORING, AND REPORTING**

**Implementing Party:** The Executive Officer finds that hazards mitigation measures HHM-1 will be implemented by Tesoro.

**Monitoring Agency:** This mitigation measure is fully enforceable through a legally binding instrument, Attachment 2 for the Tesoro Refining and Marketing Company LLC Los Angeles Refinery Integration and Compliance Project – Declaration of Certification, signed by the General Manager of the Refinery and the Executive Officer. The SCAQMD through its discretionary authority to issue and enforce permits for the proposed project will ensure compliance with these mitigation measures. Mitigation monitoring and reporting will be accomplished as follows:

#### **MMHHM-1: COMPLY EARLY WITH APPLICABLE HAZARDOUS MATERIALS RULES AND REGULATIONS**

Prior to the commencement of operations associated with new and modified project components, Tesoro shall demonstrate to the Los Angeles City and County Fire Departments compliance with applicable hazardous material rules and regulations, to include, at minimum, an Emergency Action Plan as required by the Fire Department addressing spill, fire, and explosion hazards and relative risk of upset to adjacent land uses; PSM requirements under 40 CFR Part 1910, Section 119, and Title 8, CCR, Section 5189; and Article 2, Chapter 6.95 of the California Health and Safety Code that require facilities that handle listed regulated substances to develop RMPs to prevent accidental releases of these substances.

During construction of the proposed project and for two years following completion of construction or as required by regulation, if longer, Tesoro shall keep records onsite of applicable compliance to demonstrate the steps taken to assure compliance with Mitigation Measure HHM-

1, including correspondence with the Los Angeles City and County Fire Departments regarding hazards and hazardous materials management related to the proposed project as specified in Table 8.

## **6.5 TRANSPORTATION AND TRAFFIC IMPACTS AND MITIGATION MEASURES**

The analysis in the FEIR concluded that construction of the proposed project may cause a significant adverse impact to traffic at the Wilmington Avenue/I-405 Freeway southbound on- and off-ramp intersection during the morning peak hour. The following mitigation measure is imposed to reduce impacts from traffic during construction to less than significant levels. The timing of implementing this transportation and traffic mitigation measure would be ongoing during construction of the proposed project and includes the following control measure:

TT-1: The applicant will be required to implement a traffic management plan to address significant adverse construction traffic impacts generated by the proposed project prior to the completion of the improvements at the Interstate 405/Wilmington Avenue Southbound Ramps intersection. The traffic plan will require that project workers be advised of the construction schedule and potential restrictions and closures associated with the Interstate 405/Wilmington Ave. Interchange project and will be required to avoid the Interstate 405/Wilmington Avenue Southbound Ramps intersection during morning peak travel periods by traveling either outside of the morning peak travel time or along alternative routes. Additionally, construction workers shall be encouraged to participate in ridesharing to lessen the number of vehicles transiting to the Refinery. The protocols for the dissemination of information to proposed project workers and potential alternative schedules or routing during construction activities for the proposed project will be provided in the traffic management plan. The requirement to avoid the Interstate 405/Wilmington Avenue Southbound Ramps intersection will be provided as a notification to construction contractors.

## **6.6 TRANSPORTATION AND TRAFFIC MITIGATION, MONITORING, AND REPORTING**

**Implementing Party:** The Executive Officer finds that hazards Mitigation Measure TT-1 will be implemented by Tesoro.

**Monitoring Agency:** This mitigation measure is fully enforceable through a legally binding instrument, Attachment 2 for the Tesoro Refining and Marketing Company LLC Los Angeles Refinery Integration and Compliance Project – Declaration of Certification, signed by the General Manager of the Refinery and the Executive Officer. The SCAQMD through its discretionary authority to issue and enforce permits for the proposed project will ensure compliance with these mitigation measures. Mitigation monitoring and reporting will be accomplished as follows:

**MMTT-1: RESTRICT CONSTRUCTION WORKERS FROM USING THE WILMINGTON AVENUE/I-405 SOUTHBOUND FREEWAY RAMPS TO ACCESS THE REFINERY DURING THE MORNING PEAK HOUR**

To ensure the project construction employees comply with the requirement to avoid the Wilmington Avenue/I-405 Southbound Ramps during the morning peak hour, Tesoro will implement the following:

- Notify contractors of the required routes that avoid the Wilmington Avenue/I-405 Southbound ramps;
- Post signs in the construction worker parking area reminding them of the requirement; and,
- Remind construction worker of the requirement during daily briefings.

During construction of the proposed project and for two years following completion of construction, Tesoro shall keep records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with Mitigation Measure TT-1, including notifications, descriptions of signs and their locations used to remind workers of the required travel route, records of visual audits of construction workers arrival direction to the Refinery, and actions taken if workers fail to adhere to the requirements, as specified in Table 8.

## **7.0 CONCLUSION**

During the construction of the proposed project and for two years following completion of construction, Tesoro will maintain records onsite of applicable compliance activities to demonstrate the steps taken to assure compliance with imposed mitigation measures as specified above and in Table 8. All construction logs and other records shall be made available to SCAQMD staff upon request. SCAQMD staff and Tesoro will evaluate the effectiveness of this monitoring program during the construction period.

**Table 8 – Mitigation, Monitoring, and Reporting Plan for Tesoro Los Angeles Refinery Integration and Compliance Project**

<b>Mitigation Measure/Implementation Requirement</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Monitoring Action</b>	<b>1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase</b>
A-1/ Tesoro will design and implement a Construction Management Program that shall, at a minimum, incorporate the mitigation measures and BMPs.	Tesoro	Prepare the Construction Management Program and maintain records documenting implementation.	1. SCAQMD 2. SCAQMD 3. During construction
A-2/ Tesoro will notify all contractors that vehicles will be limited to no longer than five minutes of idling time. This requirement will be included in the construction contracts.	Tesoro	Prepare standard notification letter that explains idling limitation during deliveries, provide copy to all vendors. Post signs on-site, and maintain records documenting implementation.	1. SCAQMD 2. SCAQMD 3. At time purchase order is issued and daily during construction
A-3/ All on-road heavy-duty diesel trucks or equipment with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with EPA 2007 on-road emission standards for PM and NOx (0.01 gram per brake horsepower - hour (g/bhp-hr) and at least 0.2 g/bhp-hr, respectively).	Tesoro	Maintain records of all diesel-fueled on-road vehicles with GVWR of 19,500 pounds or greater that show engine manufacturer, EPA Tier, engine manufacture date, date on site, and applicable exception, if any.	1. SCAQMD 2. SCAQMD 3. Daily during construction

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**Table 8 – Mitigation, Monitoring, and Reporting Plan for Tesoro Los Angeles Refinery Integration and Compliance Project  
(Continued)**

<b>Mitigation Measure/Implementation Requirement</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Monitoring Action</b>	<b>1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase</b>
A-4/ Prohibit construction equipment from idling longer than five minutes at the Refinery as contract conditions with construction companies and by posting signs on-site, except as provided in the exceptions in the applicable CARB regulations regarding idling.	Tesoro	Prepare standard notification letter that explains idling limitation during construction, remind contractors during shift meetings and provide copy to all contractors. Post signs on-site.	1. SCAQMD 2. SCAQMD 3. Prior to start of construction and daily during construction
A-5/ Use electric welders and power tools during construction activities where existing infrastructure to provide access to electricity is available.	Tesoro	Prepare a site plan that identifies the construction areas within the Refinery, where electricity is not available and non-electric (gasoline or diesel) welders are permissible. Identify areas within the Refinery where safety prohibits the use of electric power tools. Maintain records of use of non-electric welders including location, date, duration of use, and fuel type.	1. SCAQMD 2. SCAQMD 3. During construction
A-6/ Use onsite electricity rather than temporary power generators where existing infrastructure to provide access to electricity is available.	Tesoro	Maintain records of diesel and gasoline generators used during construction that specify the locations, date(s), and fuel type of generators utilized.	1. SCAQMD 2. SCAQMD 3. Daily during construction

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**Table 8 – Mitigation, Monitoring, and Reporting Plan for Tesoro Los Angeles Refinery Integration and Compliance Project  
(Continued)**

<b>Mitigation Measure/Implementation Requirement</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Monitoring Action</b>	<b>1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase</b>
<p>A-7/ All off-road diesel-powered construction equipment rated greater than 50 hp shall use equipment that meets Tier 4 off-road emission standards at a minimum unless subject to an exception. Any emissions control device used by the Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. The project proponent shall provide documentation in the Construction Management Program as information becomes available that equipment rated greater than 50 hp equipped with Tier 4 engines are not available.</p>	<p>Tesoro</p>	<p>Maintain records of all diesel-fueled construction equipment with engines rated at more than 50 hp including 1) equipment description; 2) equipment ID; 3) dates operated on-site; 4) engine hp rating; 5) engine tier certification; 6) description of control technologies and CARB certification; and, 7) justification for use of equipment with less than Tier 4 engines, if Tier 4 engines are not available.</p>	<p>1. SCAQMD 2. SCAQMD 3. Daily during construction</p>

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**Table 8 – Mitigation, Monitoring, and Reporting Plan for Tesoro Los Angeles Refinery Integration and Compliance Project  
(Continued)**

<b>Mitigation Measure/Implementation Requirement</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Monitoring Action</b>	<b>1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase</b>
A-8/ Suspend use of construction equipment during first stage smog alert or greater.	Tesoro	Maintain records of date and time of each first stage smog alert or greater and document suspension of work.	1. SCAQMD 2. SCAQMD 3. Daily during construction
A-9/ Tesoro will implement early SCR catalyst change-outs to improve NOx reductions as follows: 1) Carson Operations Hydrogen Plant #2 prior to start of construction; 2) Wilmington Operations HGU-2 six months following project approval; and, 3) Carson Operations Cogen GTG Unit 91, or other GTG Unit with equivalent or greater NOx emission reductions, nine months following project approval	Tesoro	Maintain records showing the catalyst change-outs date of occurrence.	1. SCAQMD 2. SCAQMD 3. Prior to construction, six months following project approval, and nine months following project approval

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**Table 8 – Mitigation, Monitoring, and Reporting Plan for Tesoro Los Angeles Refinery Integration and Compliance Project  
(Continued)**

<b>Mitigation Measure/Implementation Requirement</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Monitoring Action</b>	<b>1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase</b>
<p>HHM-1/ To ensure all proposed project components are evaluated and early compliance with regulatory requirements are met, implementation of this mitigation measure shall be completed prior to the commencement of operations associated with new and modified project components. Comply with applicable hazardous material rules and regulations, to include, at minimum, an Emergency Action Plan addressing spill, fire, and explosion hazards and relative risk of upset to adjacent land uses; PSM requirements under 40 CFR Part 1910, Section 119, and Title 8, CCR, Section 5189; and Article 2, Chapter 6.95 of the California Health and Safety Code that require facilities that handle listed regulated substances to develop RMPs to prevent accidental releases of these substances.</p>	<p>Tesoro</p>	<p>Maintain records documenting revised plans have been submitted to the appropriate administering agency.</p>	<ol style="list-style-type: none"> <li>1. Los Angeles County Fire Department for Carson Operations. Los Angeles City Fire Department for Wilmington Operations</li> <li>2. SCAQMD</li> <li>3. Prior to operation of equipment</li> </ol>

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**Table 8 – Mitigation, Monitoring, and Reporting Plan for Tesoro Los Angeles Refinery Integration and Compliance Project (Concluded)**

<b>Mitigation Measure/Implementation Requirement</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Monitoring Action</b>	<b>1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase</b>
TT-1/ Restrict construction workers from using the Wilmington Avenue/I-405 southbound freeway ramps to access the Refinery during the morning peak hour	Tesoro	Maintain documentation demonstrating:  1) Notification to contractors of required adherence to the required routes that avoid the Wilmington Avenue/I-405 southbound freeway ramps.  2) Posting of signs in the construction worker parking area reminding them of the requirement.  3) Reminders to construction workers of the requirement during daily briefings for contractors arriving during the morning peak commute hour.	1. SCAQMD 2. SCAQMD 3. 1) At issuance of purchase orders or contracts; 2) during construction; 3) daily during construction

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