

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1860
FAX: (650) 589-5062

rkoss@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

DANIEL L. CARDOZO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
LAURA E. HORTON
MARC D. JOSEPH
RACHAEL E. KOSS
JAMIE L. MAULDIN
MEGHAN A. QUINN
ADAM J. REGELE
ELLEN L. TRESMOTT

December 3, 2014

Via Email and U.S. Mail

John Kopchik
Director Department of Conservation and Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
Email: john.kopchik@dcd.cccounty.us

Tiffany Lennear
Chief Clerk of the Board
Contra Costa County
651 Pine Street, 1st Floor, Rm. 106
Martinez, CA 94553
Email: tlenn@cob.cccounty.us

Via Email Only

Lashun Cross, Principal Planner, lashun.cross@dcd.cccounty.us

Re: Follow-up to Request for Extension of the Comment Deadline for Phillips 66 Propane Recovery Project Recirculated Draft Environmental Impact Report (County File #LP12-2073 and SCH #2012072046)

Dear Mr. Kopchik, Ms. Lennear and Ms. Cross:

We are writing on behalf of **Safe Fuel and Energy Resources California ("SAFER California")** to follow up on our request for an extension of the December 5, 2014 comment deadline for the Recirculated Draft Environmental Impact Report ("RDEIR") prepared for the Phillips 66 Propane Recovery Project. As we explained in our December 1, 2014 letter, the California Environmental Quality Act ("CEQA") requires that all documents referenced or relied upon in an environmental review

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document be made available to the public for the entire comment period.¹ Once materials are properly made available, CEQA requires a minimum of 45 days for public review and comment.²

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Our letter listed several documents which were not provided to us in response to our October 28, 2014 request for immediate access to all documents referenced or relied upon in the RDEIR. I spoke with Ms. Cross yesterday, who guided me to two of the document sets we requested, which were mislabeled on the CD that the County provided to us, including: (1) Phillips 66, 2014, Data Response #8, July 29, 2014; and (2) Phillips 66, 2012, Ambient Monitoring Data for 2009 through 2011. Not only were the files mislabeled, but unfortunately, the second document set (ambient monitoring data for 2009 through 2011) is not in a readable format and we cannot open the documents. Please provide the data in a usable format.

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Further, as I told Ms. Cross yesterday, the County also failed to provide other documents referenced or relied upon in the RDEIR, including the supporting data for Table 4.1-4 and Table 4.1-5. While the RDEIR lists sources for these tables, those sources do not contain the underlying data necessary to verify the figures and conclusions in the RDEIR. For example, Table 4.1-4 (heater baseline emissions) cites BAAQMD, 2012b as the reference source. However, BAAQMD, 2012b, which is the Initial Study for the Marine Terminal Offload Revision Project, does not contain the underlying data for the heater baseline emissions necessary to verify Table 4.1-4 (i.e., the heat rate and NOx CEMS data in a useable Excel spreadsheet).³ Also, Table 4.1-5 (rail baseline emissions) cites Appendix B for the calculations used to estimate rail emissions associated with baseline butane shipments. Appendix B includes a table called Baseline Annual Rail Emissions from Butane Transport (see p. B-2), which cites Phillips 66, 2014d as the reference source. However, Phillips 66, 2014d contains the same information as Appendix B and neither Phillips 66, 2014d nor Appendix B provide the underlying data to verify Table 4.1-5 (i.e., the amount of butane recovered and shipped by rail from the refinery (barrels per each baseline year)).

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¹ See Pub. Resources Code, § 21092(b)(1); 14 Cal. Code Reg., § 15073.

² Pub. Resources Code, § 21091(a).

³ I received an email from Ms. Cross this morning stating that Appendix C to BAAQMD, 2012b contains the data to support Table 4.1-4. However, Appendix C is not included in the BAAQMD, 2012d document that the County provided to us. If Appendix C does, in fact, include the heat rate and NOx CEMS data to support Table 4.1-4, please provide it to us in a useable Excel spreadsheet.
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Finally, the County failed to provide the underlying data related to Phillips 66 Marine Terminal III to support Tables 4.1-13 and Table 4.1-14 of the RDEIR. In response to my conversation with Ms. Cross yesterday regarding this information, she sent me Phillips 66's application to BAAQMD for the Marine Terminal III project. However, the application contains no emissions data or calculations.

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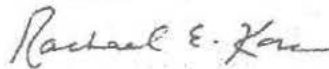
The County still has not made all documents referenced or relied on in the RDEIR available for public review during the entire public review period, as required by CEQA. As I stressed in my previous letter and during my conversations with Ms. Cross, without access to all documents referenced or relied on in the RDEIR, the public cannot meaningfully review the RDEIR's analyses, conclusions and mitigation measures related to the Project's air quality, greenhouse gas emissions and public health impacts. Therefore, we reiterate our request that the comment deadline be extended 45 days from the date that all documents referenced or relied on in the RDEIR are made available for public review.

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Thank you for your attention to this matter. Please feel free to contact me at (650) 589-1660 to discuss further.

Sincerely,



Rachael E. Koss

REK:clv