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October 29, 2020

Via Email and U.S. Mail

Matthew Arms
Director of Environmental Planning
Port of Long Beach
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Jennifer Blanchard
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Port of Long Beach
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Re: Request for Outstanding Documents Referenced in the Initial Study/Negative Declaration for the World Oil Tank Installation Project (SCH2020100119)

Dear Mr. Arms and Ms. Blanchard:

On behalf of **Safe Fuel and Energy Resources California ("SAFER CA")**, we respectfully request that the Port of Long Beach ("Port") provide the remaining documents referenced in the Initial Study/Negative Declaration ("IS/ND") prepared for the World Oil Tank Installation Project, proposed by Ribost Terminal LLC dba World Oil Terminals ("Applicant"). This request is made pursuant to Public Resources Code section 21092(b)(1) and CEQA Guidelines section 15072(g)(4), which require that "all documents referenced" or "incorporated by reference" in a proposed negative declaration be "available for review."¹

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Given the closure of the Port's Administrative Building in response to COVID-19, the public does not have access to "the address where copies of the . . . negative declaration, and all documents referenced in the . . . negative declaration" are available for public review as required by CEQA.² SAFER CA and other

¹ See Pub. Res. Code § 21092, subd. (b)(1) ("all documents referenced in the . . . negative declaration" must be "available for review"); 15 C.C.R. § 15072, subd. (g)(4) ("documents incorporated by reference in the proposed negative declaration" must be "available for review").

² Pub. Res. Code § 21092, subd. (b)(1); see Notice of Intent to Adopt and Availability of An Initial Study/Negative Declaration (Oct. 7, 2020), p. 1 ("To slow the community spread of the Coronavirus

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members of the public must therefore rely entirely on the Port's electronic disclosure of these public records.

On October 9, 2020, SAFER CA submitted a letter to the Port ("IS/ND References Request"), requesting "**immediate access** to any and all documents referenced, relied upon, and incorporated by reference" in the IS/ND ("References Request").³ This References Request, along with a general request for records related to the Project under the Public Records Act ("PRA") were assigned request numbers C008842-100920 and C008958-102020. We subsequently sought to clarify specific documents within the scope of our References Request in a non-exhaustive list.⁴ A partial set of documents responsive to our References Request was produced on October 20, 2020, but multiple reference documents have not been provided.⁵ The documents that are still missing include:

- Certificates for Emissions Reduction Credits ("ERC") approved by South Coast Air Quality Management District to address VOC emissions from the tanks (IS/ND, pp. 4-9–4-10 & Table 4.3-2, footnote 1)
 - Specifically, ERC Certificate #AQ015118 which is cited in November 20, 2019 correspondence between SCAQMD and Applicant that was provided to us by the City of Long Beach
- Native format modeling input and output files and unlocked Excel spreadsheets supporting the health risk calculations conducted by SCAQMD for the Project's operational VOC and TAC emissions (IS/ND, p. 4-12.)

Without access to these critical IS/ND reference documents during the public comment period on the IS/ND, SAFER CA and other members of the public are precluded from having the meaningful opportunity to comment on the IS/ND that is required by CEQA. Without having access to these and other documents, SAFER CA and other members of the public are unable to fully evaluate the accuracy of the Port's air quality and health risk analyses and conclusions.

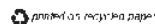
(COVID-19), the Port of Long Beach Administrative Building is currently closed to the public; therefore printed, hard copies of the IS/ND are not readily available to the general public at this time.⁶)

³ **Exhibit A:** Letter from Adams Broadwell Joseph & Cardozo to Port re Requests for Immediate Access to Documents Referenced in the Initial Study/Negative Declaration – World Oil Tank Installation Project (Oct. 9, 2020) ("References Request").

⁴ **Exhibit B:** Email Correspondence from October 14–20, 2020 re Port Record Requests C008842-100920, C008958-102020.

⁵ *Id.*

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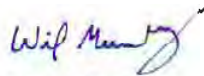
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cont.

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Although we appreciate the Port's decision to extend the comment deadline to November 20, 2020, we still require the materials listed above immediately to enable SAFER CA to review them and address them in our comments. Please make the remaining reference documents available to Paul Encinas at pencinas@adamsbroadwell.com.

Please feel free to email me at wmumby@adamsbroadwell.com with any questions. Thank you for your prompt attention and response.

Sincerely,




William Mumby

WM:acp
Attachments

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