

## **EXHIBIT #3a**

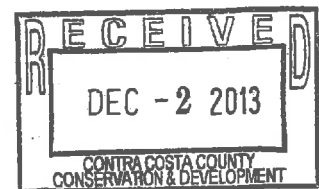
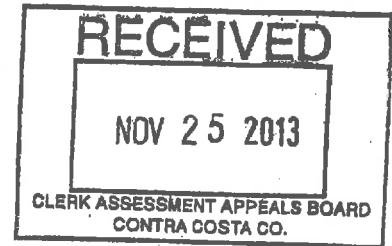
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November 22, 2013

Via Hand Delivery

Tiffany Lennear  
Clerk of the Board  
Lashun Cross  
Principle Planner  
Contra Costa County  
651 Pine Street  
Room 106  
Martinez, CA 94553



Re: Phillips 66 Propane Recovery Project

Dear Ms. Lennear and Ms. Cross:

Rodeo Citizens Association ("RCA") hereby appeals from the November 19, 2013 decision of the Contra Costa County Planning Commission's Approval of the Phillips 66 Propane Recovery Project ("the Project") and certification of the environmental impact report ("EIR") prepared in connection with the Project. The grounds for this appeal are:

1. The County's approval violates the California Environmental Quality Act ("CEQA") for the following non-inclusive list of reasons:
  - The EIR fails to adequately define the Project;
  - The EIR fails to adequately evaluate the significant impacts of the Project, including but not limited to its air quality, biological, safety, health, and climate impacts;
  - The EIR fails to evaluate cumulative impacts;
  - The EIR fails to evaluate mitigation measures and alternatives and the County failed to adopt adequate mitigation or feasible alternatives;

- The County failed to adequately respond to comments on the EIR;
- The County failed to recirculate the EIR; and
- The County's findings, including its statement of overriding considerations is not supported by substantial evidence.

2. The County cannot make the findings for approval required by its code section. In particular, the County cannot find that the Project will not be a detriment to public health, safety, or welfare or that it will not cause a nuisance in the surrounding community.

The grounds for RCA's appeal are further supported by its November 18, 2013 letter to the Planning Commission, the Fox Report submitted with that letter, and the comments of Communities for a Better Environment. RCA reserves the right to submit additional evidence in support of its appeal to the Board of Supervisors.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk