

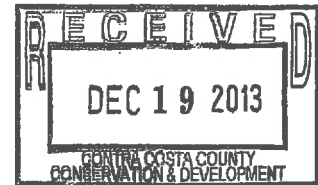
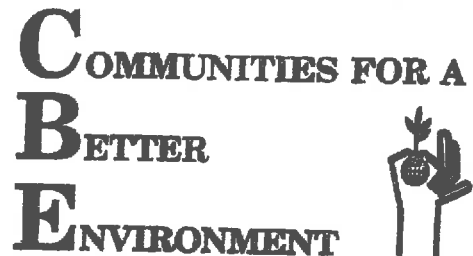
## **EXHIBIT #4d**

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12 December 2013

Clerk of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street, Room 106  
Martinez, CA 94553

Attention: Tiffany Lennear (Tiffany.Lennear@cob.cccounty.us)



**Appeal of Environmental Impact Report and Land Use Permit Filed 2 Dec 2013:**

**Phillips 66 Company Propane Recovery Project, Environmental Impact Report (EIR) and Land Use Permit, EIR SCH #2012072046, County File LP12-2073;**

**Communities for a Better Environment (CBE) Supplemental Evidence—A**

Dear Clerk of the Board,

In support of our appeal, CBE respectfully submits the 3 December 2013 comment of the Governor's Office of Planning and Research (OPR) entitled "WesPac Pittsburg Energy Infrastructure Project, Tar Sands." This new evidence is appended hereto as Attachment 1.

OPR is California's comprehensive state planning agency. The WesPac proposal would be located in Contra Costa County and transfer oils received by train and boat to nearby refineries via means including a pipeline connected to the Rodeo facility.<sup>1</sup> It is thus a potential new source of San Francisco Refinery (SFR) oil feedstock.<sup>2</sup> This new feedstock source "may impact planning for greenhouse gas emission reduction and infrastructure" as OPR correctly notes. Feedstock and products are key process variables that are fundamentally interrelated. Propane and butane (LPG) are among the products of processing oil feedstock. Therefore, the OPR comment is relevant to environmental review of the Phillips 66 SFR "Propane Recovery Project" at Rodeo.

Refinery oil feedstock quality has been reported publicly by individual facilities and can, in any case, be estimated for individual facilities by independent experts—and thus by competing oil companies—using public data.<sup>3</sup>

<sup>1</sup> WesPac RDEIR SCH #2011072053. See Executive Summary and Section 2.0.

<sup>2</sup> Other new sources of oil, e.g., the Phillips 66 SFR Rodeo wharf throughput and Santa Maria rail expansions, are documented and addressed elsewhere in CBE's and others' comments.

<sup>3</sup> See table submitted to CalEPA on 16 October 2013; appended hereto as Attachment 2.

CBE seeks an adequate environmental review that, among other things, resolves the EIR's failure to include information on the sources, types, or quality of Rodeo facility oil feedstock now, or after implementation of the proposed project.<sup>4</sup> Failing to include this information, the EIR fails to answer even the most straightforward questions about whether tar sands oils could be a new feedstock, what changes in oil feedstock are anticipated, potential environmental impacts of those changes, and how those impacts will be addressed. Attachment 1 clearly states OPR's authoritative opinion that these questions "should be answered in the course of review" under the state's Environmental Quality Act. This new evidence further strongly supports CBE's appeal.

Respectfully Submitted,



Roger Lin  
Staff Attorney

Attachments: 1. Comments of Ken Alex, Director, State of California Governor's Office of Planning and Research, to Kristin Pollot, Associate Planner, City of Pittsburg Planning Department, *Re: WesPac Pittsburg Energy Infrastructure Project, Tar Sands*; 3 December 2013.

2. Table submitted to CalEPA on 16 October 2013 supporting Refinery Action Collaborative recommendations on the Governor's Interagency Working Group draft report.

Copy: Ken Alex, Director, Governor's Office of Planning and Research  
Lashun Cross, Principal Planner, Department of Conservation and Development  
Diane Bailey, Senior Scientist, Natural Resources Defense Council  
Laurel L. Impett, AICP, Urban Planner, Shute, Mihaly & Weinberger LLP  
Interested Organizations and Individuals

<sup>4</sup> The EIR admits it does not include this information, arguing against disclosure. Its argument, that LPG production has no relationship to feedstock, fails on four independent grounds: (1) It suffers from the logical fallacy that products are unrelated to feedstock. (2) It is improperly based on a conclusory statement supported by no evidence or data. (3) It is contradicted by substantial evidence that baseline feedstock processing makes insufficient LPG to implement the project. (4) It ignores capacity to make more LPG from lower quality oils, e.g., tar sands "dilbits," via concurrent SFR wharf, rail, and process throughput expansions. See comments, expert reports, and appeals of CBE, Rodeo Citizens Association, for supporting evidence and details of these points.



EDMOND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALLEN  
DIRECTOR

December 3, 2013

Kristin Pollot, Associate Planner  
City of Pittsburg, Planning Department  
65 Civic Avenue  
Pittsburg, CA 94565  
[kpollot@ci.pittsburg.ca.us](mailto:kpollot@ci.pittsburg.ca.us)

Re: WesPac Pittsburg Energy Infrastructure Project, Tar Sands

Dear Ms. Pollot:

The public comment period for the Recirculated Draft Environmental Impact Report for the WesPac Pittsburg Energy Infrastructure Project closed on September 13, 2013. We apologize for missing that deadline, but ask that this letter be included in the record before the City Council at the time the WesPac project comes before the Council.

The Governor's Office of Planning and Research (OPR) is California's comprehensive state planning agency and serves the Governor and his Cabinet as staff for long-range planning and research. The RDEIR includes the following information:

1. WesPac proposes to modernize and reactivate the existing oil storage and transfer facilities located at the NRG Energy, Inc. Pittsburg Generating Station. The proposed Terminal "would be designed to receive crude oil and partially refined crude oil from trains, marine vessels, and pipelines, store oil in existing or new storage tanks, and then transfer oil to nearby refineries."
2. The total annual throughput for the Terminal would be approximately 88.3 million barrels of crude oil or partially refined crude oil per year.

The WesPac project may impact planning for greenhouse gas emission reduction and infrastructure and is therefore of interest to OPR. As a result, we pose three straight-forward questions that we believe should be answered in the course of review of the project:

1. Can the WesPac project receive, store, or transfer crude oil or partially refined crude oil from tar sands?
2. What are the anticipated sources of crude oil or partially refined crude oil that WesPac will receive, store, or transfer?
3. If the anticipated sources of crude change, who makes that decision, and if the crude mix change results in increased environmental impacts, how will those impacts be addressed?

Kristin Pollot, Associate Planner  
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Many thanks for your consideration of these issues.

Sincerely,

--S--

Ken Alex  
Director

Cc Members of the Pittsburg City Council

Refinery crude feed quality has been reported publicly by individual facilities and can, in any case, be estimated for individual facilities by independent experts and competing oil companies using public data—examples:

Reporting for	Every plant	Richmond	Santa Maria	Each in BA <sup>4</sup>	Each in BA <sup>5</sup>
Reported for:	Import slate	Total slate	Total slate	Total slate	Total slate
Parameters reported:	Density, sulfur, and volume	Density, sulfur, and volume	Density, sulfur, and volume	Density, sulfur, and volume	Selenium, volume, [and See note <sup>5</sup> ]
Oils reported:	By country	By name	By field	By country, stream or name	
Averaging:	Monthly	Annual	Annual	Annual	Annual
Data source:	EIA <sup>1</sup>	Chevron <sup>2</sup>	Phillips 66 <sup>3</sup>	UCS, CBE <sup>4</sup>	CBE <sup>5</sup>

**Table by CBE (9/25/13). Data referenced and notes:**

<sup>1</sup> Reports by each individual U.S. plant from U.S. Energy Information Administration, various dates to present. *Company Level Imports* (<http://www.eia.gov/petroleum/imports/companylevel>).

<sup>2</sup> EIR SCH#2005072117. See City of Richmond Planning Department; 10 April 2008 Planning Commission Agenda Report Attachment 6. Response to CBE comment and Lead Agency information request by Robert Chamberlin, Chevron. April 2008.

<sup>3</sup> EIR SCH #20081010111. See *Phillips 66 Santa Maria Refinery Throughput Increase Project Final Environmental Impact Report*; pp. 2-5 through 2-10. October 2012.

<sup>4</sup> Estimates for each individual San Francisco Bay Area refinery including Chevron-Richmond (1994–2012) and Phillips-Rodeo, Shell-Martinez, Tesoro-Avon, and Valero-Benicia (2008). See UCS, 2011. *Oil refinery CO<sub>2</sub> performance measurement*. Technical analysis prepared for the Union of Concerned Scientists by Communities for a Better Environment. See esp. Table 2-7. ([www.ucsusa.org/assets/documents/global\\_warming/oil-refinery-CO2-performance.pdf](http://www.ucsusa.org/assets/documents/global_warming/oil-refinery-CO2-performance.pdf)); and CBE, 2013. *Documentation of sulfur in crude refined at Richmond, California*. Memorandum to Daniel Horowitz, Managing Director, U.S. Chemical Safety Board, from Greg Karras, Senior Scientist, Communities for a Better Environment. 9 April 2013.

<sup>5</sup> Estimates for each individual San Francisco Bay Area refinery. See CBE, 1994. *Dirty Crude: The first oil industry-wide analysis of selenium discharge trends impacting San Francisco Bay*; CBE Report No. 94–1. See also Chevron, 1992. *Response to the RWQCB request for information regarding the WSPA selenium proposal*; Cal. Reg. Water Quality Control Board, San Francisco Bay Region. [Oil density/sulfur notes; reported crude density and sulfur content was used as secondary supporting data for this report's analysis focused on and reporting on selenium (Se).]